



POLICIES AND PROCEDURES MANUAL

Updated April 2025

Table of Contents

INTRODUCTION.....	6
MANUAL SCOPE OF COVERAGE	7
OBJECTIVES OF THIS MANUAL	7
DEFINITION OF TERMS.....	7
AMENDEMENTS AND REVISIONS.....	9
Section I ORGANIZATION AND PARAMETERS.....	11
1.01 EMPLOYEE RELATION PHILOSOPHY	11
1.02 HANDBOOK PARAMETERS	11
1.03 ORGANIZATION	12
1.04 POSTERS	12
1.05 MANAGEMENT RIGHTS.....	13
1.06 BULLETIN BOARDS.....	14
1.07 SCOPE OF COVERAGE.....	15
1.08 OBJECTIVES	15
1.09 UNIONS AND COLLECTIVE BARGAINING AGREEMENTS	16
1.10 QUESTIONS, SUGGESTIONS, AND IDEAS.....	16
Section II GENERAL POLICIES	17
2.00 OVERVIEW.....	17
2.01 ETHICS POLICY	17
2.01(b) ETHICS.....	19
2.01(c) ETHICS: CHARTER OF THE CITY OF STOW, OHIO - SECTION 21.01	21
2.02 EQUAL EMPLOYMENT OPPORTUNITY	22
2.03 DRUG FREE WORKPLACE POLICY	23
2.04 NO SMOKING OR VAPING	30
2.05 FAIR LABOR STANDARDS ACT (FLSA) POLICY	30
2.06 SEXUAL HARASSMENT AND HARASSMENT POLICY	33
2.07 AMERICANS WITH DISABILITIES ACT EMPLOYMENT	36
2.08 PREGNANCY ACCOMMODATION POLICY	40
2.09 LACTATION ACCOMMODATION POLICY (BREAKS FOR NURSING MOTHERS)	41
2.10 RELIGIOUS ACCOMMODATION POLICY	41
2.11 PUBLIC RECORDS RETENTION & DISPOSAL.....	42
2.12 PUBLIC RECORDS POLICY	45

2.13 INTERNET, E-MAIL, AND ONLINE SERVICES USE	47
2.14 PASSWORDS.....	51
2.15 ARTIFICIAL INTELLIGENCE USE POLICY.....	53
2.16 WORKPLACE VIOLENCE PREVENTION.....	57
2.17 WEAPONS AND/OR DANGEROUS ORDINANCE	59
2.18 WORKPLACE SEARCHES	60
2.19 WHISTLEBLOWER PROTECTIONS	61
2.20 REPORTING FRAUD	65
2.21 SEXUAL ABUSE AND MOLESTATION PREVENTION POLICY	66
2.22 INFECTIOUS DISEASE CONTROL POLICY.....	68
2.23 MOTOR VEHICLE DRIVING RECORD POLICY.....	70
Section III NEW EMPLOYEES	73
3.00 NEW EMPLOYEE CHAPTER INTRODUCTION.....	73
3.01 APPLICATION AND HIRING PROCESS	73
3.02 TRAINING AND EDUCATION REIMBURSEMENT	77
3.03 IMMIGRATION LAW COMPLIANCE (I-9).....	78
3.04 CITY INCOME IS NOT COVERED BY SOCIAL SECURITY.....	79
3.05 NEW EMPLOYEE ORIENTATION	80
3.06 NEW HIRE REPORTING AND CHILD SUPPORT	80
3.07 PRIOR PUBLIC SERVICE.....	81
3.08 EMPLOYEE ID CARDS.....	82
3.09 PROBATIONARY PERIOD	82
Section IV EMPLOYEE STATUS, COMPENSATION, & WORK SCHEDULE.....	85
4.01 EMPLOYEE CATEGORIES.....	85
4.02 HOURS OF WORK: NON-EXEMPT EMPLOYEES	88
4.03 HOURS OF WORK: EXEMPT EMPLOYEES.....	90
4.04 WORK WEEK, PAY PLAN, AND PAY DAY	91
4.05 OVERTIME	92
4.06 COMPENSATORY TIME.....	93
4.07 FLEXTIME.....	95
4.08 REMOTE WORK POLICY.....	96
4.09 EMERGENCY CONTACT	99
4.10 RECORDING WORK TIME	99
4.11 CALL-IN PAY.....	100

4.12 REPORT OFF	100
4.13 TARDINESS OR LEAVING EARLY.....	101
4.14 MEAL PERIODS AND BREAKS.....	101
4.15 CHANGE IN PERSONAL INFORMATION	103
4.16 COMPENSATION	103
4.17 PAYROLL DEDUCTIONS.....	103
4.18 GARNISHMENTS.....	104
4.19 PAY ADVANCES	105
4.20 PERFORMANCE EVALUATIONS	105
4.21 EMPLOYEE RECORDS POLICY	106
4.22 TERMINATION OF EMPLOYMENT	109
Section V EMPLOYEE GUIDELINES AND EXPECTATIONS.....	111
5.01 DEPARTMENT	111
5.02 OUTSIDE EMPLOYMENT.....	112
5.03 POLITICAL ACTIVITY.....	115
5.04 CITY TELEPHONE USE	117
5.06 CITY VEHICLE USE.....	118
5.07 EQUIPMENT AND TOOLS.....	120
5.08 FITNESS FOR DUTY	121
5.09 WORK SPACES, LUNCH ROOMS, AND PARKING	123
5.10 EMPLOYEE APPOINTMENTS AND VISITORS.....	123
5.11 WORK ASSIGNMENTS AND ON CALL	124
5.12 SELF-DISCLOSURE OF CRIMINAL CONVICTIONS AND OPEN AND/OR PENDING CHARGES	124
5.13 SOLICITATION AND DISTRIBUTION	126
5.14 EMPLOYEE ID.....	126
Section VI WORK RULES AND DISCIPLINE	128
6.01 STANDARDS FOR DISCIPLINE.....	128
6.02 WORK RULES: GROSS MISCONDUCT.....	129
6.03 WORK RULES: SERIOUS OR GROSS MISCONDUCT	130
6.05 WORK RULES: MISCONDUCT	133
6.06 WORK RULES	137
Section VII LEAVES AND LEAVES OF ABSENCE.....	140
7.00 FAMILY AND MEDICAL LEAVE	140
7.01 SICK LEAVE	148

7.02 SICK LEAVE UPON SEPARATION FROM EMPLOYMENT	151
7.03 SICK LEAVE DONATION POLICY	152
7.04 BEREAVEMENT LEAVE	155
7.05 JURY DUTY AND WITNESS LEAVE	156
7.06 MILITARY LEAVE	157
7.07 UNPAID LEAVE OF ABSENCE	160
7.08 VOLUNTARY FURLOUGH LEAVE PROGRAM	161
7.9 ADMINISTRATIVE LEAVE WITH PAY	165
7.10 VOTING LEAVE.....	167
Section VIII BENEFITS	168
8.01 HOLIDAYS	168
8.02 VACATION	170
8.03 MEDICAL INSURANCE PLAN	173
8.04 COBRA	173
8.05 LIFE INSURANCE & ACCIDENTAL DEATH AND DISMEMBERMENT.....	175
8.06 EMPLOYEE ASSISTANCE PROGRAM	175
8.08 TRAVEL POLICY.....	176
8.08 REQUIREMENTS FOR OWNER’S LIABILITY INSURANCE (ORC 4509.51)	186
8.09 RETIREMENT PLANS	186
8.10 DEFERRED COMPENSATION.....	187
8.11 UNEMPLOYMENT COMPENSATION	188
8.12 MEDICARE	188
8.13 UNIFORM ALLOWANCE.....	188
Section VIII CIVIL SERVICE COMMISSION, LAY-OFFS, AND TERMINATION OF EMPLOYMENT ...	189
9.00 CIVIL SERVICE AND EMPLOYEE SEPARATION.....	189
9.01 CIVIL SERVICE COMMISSION	189
9.02 LAYOFFS AND ABOLISHMENTS.....	190
9.03 REDUCTIONS, SUSPENSIONS, AND REMOVALS	194
9.02 LAYOFFS AND ABOLISHMENTS.....	195
9.04 APPEALS TO THE CIVIL SERVICE COMMISSION	195
9.05 RESIGNATION	197
9.06 REINSTATEMENT	200
9.07 DEATH OF AN EMPLOYEE.....	201
9.08 VOLUNTARY DISABILITY SEPARATION.....	202

9.09 INVOLUNTARY DISABILITY SEPARATION	206
APPENDIX (Forms Library).....	212

INTRODUCTION

This Manual contains the policies and procedures set forth by the City of Stow's (heretofore called the "City") Human Resources Department. It shall serve as a reference and working guide for supervisory and management personnel in the day-to-day administration of the City's Human Resources programs for non-bargaining employees. Employees who are members of a union should reference their respective collective bargaining agreement regarding the administration of personnel policies and procedures that are specific to their position with the City.

All of the statements found herein are broad internal guidelines which the City may, from time to time, change, at the discretion of department heads with the approval of the Mayor. The City's Human Resources Department will ensure that such policies are consistent with the applicable law and do not conflict with the policies set forth in this Manual.

It is important that as changes occur to this manual (i.e. additions, deletions, and revisions), that all manuals be kept up-to-date. All such changes must be dated, issued to all manual holders and communicated to all affected employees.

Each and every department head is responsible for endeavoring to administer the City's policies in a consistent and impartial manner. If confusion over a policy statement exists, managers should contact the Human Resources Director for clarification. The Human Resources Director is vested with the authority to interpret and effectively administer these policy guidelines.

This policy manual is a guide to be utilized by management to ensure uniformity and non-discriminatory application of the conditions of employment. In the event there is a conflict between matters expressed in this manual and any other applicable laws or documents, the applicable law or full text of the written document will prevail.

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

Nothing in this manual should be construed as creating a contract between the City of Stow and any employee or a guarantee of employment for any specific duration. While it is hoped that the city's employment relationships with our employees will be long term, either the employee or the city may terminate the employment relationship of unclassified and probationary employees at any time, with or without cause or notice. Further, no manager or representative of the City has the authority to enter into an agreement guaranteeing employment for any specific duration. Further, no agreement entered into by the Human Resources Director shall be enforceable, unless it is in writing and duly signed by the employee and all appropriate authorities.

MANUAL SCOPE OF COVERAGE

These policies apply to all classified employees, as defined in the manual (See Classified and Unclassified Employment Section) and shall also be applied to unclassified employees -except in those instances when the Ohio Revised Code (ORC) or the City Charter specifically permit dissimilar treatment for unclassified employees (e.g., layoff, appeals, progressive discipline, political activity, etc.). Notwithstanding the above, unclassified employees serve at the pleasure of the Appointing Authority and may be terminated from employment at any time and for any reason.

The provisions of this Manual are not intended to replace the rules and regulations contained in the Police Department or Fire Department Operations Manuals, nor the terms of the various City collective bargaining agreements. Therefore, where the provisions of this manual conflict with such departmental operations manual(s) or the terms of one of the City's labor agreements, the terms of such operations manual(s) or labor agreement(s) shall have precedence. However, in the event a departmental operations manual(s) or labor agreement(s) is silent on a topic that is the subject of a policy contained herein, such policy shall have full force and effect for employees who are covered by the terms of such operations manual(s) or labor agreement(s).

OBJECTIVES OF THIS MANUAL

Management in the City of Stow realizes that a personnel system that recruits and retains competent, dependable City personnel is indispensable to effective City Government.

The policies and procedures contained in the manual are designed to:

1. Promote high morale among City employees by fostering good working relationships and by providing uniform personnel policies, opportunities for advancement and consideration of employee needs and desires.
2. Maintain recruitment and promotion practices that will enhance the attractiveness of a City career and encourage each employee to give his or her best effort to the City and the public.
3. Provide courteous and dependable service to the public.
4. Provide fair and equal opportunity for qualified persons to enter and progress through City service, in a manner based on merit and fitness as determined through fair and practical personnel management methods.
5. Conduct all operations in an ethical and legal manner, so as to promote a reputation as an efficient, progressive body in the community and state.

DEFINITION OF TERMS

Unless otherwise indicated in these policies, the following definitions apply:

ABSENTEEISM -The practice of a worker failing to report for work for a period of one (1) or more days, or failure to report within the prescribed time when he or she has been scheduled for work. Misuse or abuse of sick leave regulations can be considered absenteeism.

ABSENT WITHOUT LEAVE -Failure to report for work without proper authorization or to be absent from work.

APPOINTING AUTHORITY -The Mayor, and other elected officials of the City of Stow who may be authorized by law to make appointments to positions.

CLASSIFICATIONS -A group of positions that involve similar duties and responsibilities, require similar qualifications and which are properly designated by a common descriptive title, indicating the general nature of the work. A class may include only one (1) position in certain circumstances.

CITY -The City of Stow, Ohio

COMPENSATORY TIME (COMP. TIME) – Time off work granted to some employees in lieu of paying actual cash for overtime hours worked.

CONTRACT EMPLOYEE – Any employee who works for the City of Stow with a contract for employment.

DAY -See "WORK DAY".

DEPARTMENT -A City organizational unit directed and controlled by a Director or Chief.

EXCUSED ABSENCE -Being absent from work with the approval of the Appointing Authority or designee (e.g., vacation, holiday, compensatory time, unpaid leave of absence).

EXEMPT EMPLOYEE -An employee who is not covered by the provisions of the Fair Labor Standards Act (FLSA). In general, exempt employees include all those in supervisory or management capacities with the City. See Ordinance 2023-081 and any revisions thereof, for complete listing.

FULL TIME – an employee who works forty (40) hours per week on a regularly scheduled basis or the standard full-time workweek as designated by the City.

INSTRUCTION AND CAUTIONING (VERBAL WARNING) -The discussion a supervisor holds with an employee in which the supervisor disciplines the employee for his or her conduct and impresses upon him or her the need for improvement. This method of discipline can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notification of the date, time, and reason for instruction and cautioning should be kept in the employee's personnel file by the Appointing Authority, in the event the conduct of the employee does not improve and subsequent disciplinary action is required. A copy should also be forwarded to the Human Resources Office for inclusion in the Personnel File of the employee.

INSUBORDINATION -State of being unwilling to perform tasks required of an employee; refusal to obey an order issued by an authorized or appropriate member of management.

INTERN – An employee who is a student at an educational institution and employed by the City in cooperation with such educational institution to provide training to the student employee.

MALFEASANCE -The commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful.

MISFEASANCE -The improper performance of some act which a person may lawfully do.

NON-EXEMPT EMPLOYEE -An employee who is covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). In general, a non-exempt employee is one who is paid by the City on an hourly, rather than a salaried basis.

PART TIME/PERMANENT PART TIME – An employee who works not more than 1,560 hours per year.

SEASONAL – An employee who works on a program, or who works as a recurring but temporary basis annually (e.g., school crossing guard, referee, etc.). A seasonal employee may be appointed on a full time or part time intermittent basis.

SICK LEAVE ABUSE - The use of sick leave for any purpose other than as provided by applicable law or, where appropriate, a collective bargaining agreement. Examples include, but are not limited to: Calling in sick when the employee is able to work; Reporting illness in the immediate family when such illness does not exist; Reporting off sick to participate in some other activity or to take care of personal business; Setting a pattern or reporting off sick on certain days of the week or following regular days off, over an extended period of time; or failure to follow the rules and regulations regarding the use of sick leave and reporting procedures.

SUSPENSION - Relieving an employee from duty, with or without pay and for a short period of time (i.e., 1 to 15 days), as a disciplinary measure aimed at improving the employee's performance or conduct. A suspension is usually issued after verbal and written warnings, or appropriate training, have failed to improve the employee's performance or conduct or in the instance of a Group II Violation as outlined in the Discipline and Penalties section of this Manual.

WORK DAY - A normal work day for full-time office and administrative employees is Monday through Friday from 8:00 AM until 4:30 PM. Part-time and seasonal employees should report to work as directed by their Appointing Authority or supervisor(s). Those employees scheduled to work weekends or during the hours after 5:00 PM and before 8:00 AM should follow the schedules set forth by their Appointing Authority or supervisor(s). Union employees should reference their respective collective bargaining agreements for their normal work day hours.

WRITTEN WARNING - This is the written record of disciplinary action, usually issued after instruction and cautioning has failed to improve an employee's performance or conduct.

AMENDMENTS AND REVISIONS

This policy has been created to establish City guidelines that will ensure that this Manual will be kept current, reflecting changes in legislation affecting Human Resources programs.

Procedures and practices in the field of Human Resources are subject to modifications and further development in light of experience. Therefore, changes of intent in interpretation and administration will occur periodically. Rules found within this Manual may be amended or revised at the request of any Appointing Authority with the amendments or revisions reviewed by the City's Legal Department for their conformity with applicable law and subsequent approval of City Council. All such changes recorded in the form of a policy or procedural statement will be issued routinely to Manual holders.

It is the responsibility of every member of management to ensure that the Manual is kept current and that policies are understood by all employees and consistently interpreted and administered.

Section I ORGANIZATION AND PARAMETERS

1.01 EMPLOYEE RELATION PHILOSOPHY

The City of Stow is committed to providing the best possible climate for maximum development for all employees. Our practice is to treat each employee as an individual. We seek to develop a spirit of teamwork; individuals working together to attain a common goal.

In order to maintain an atmosphere where these goals can be accomplished, we strive to provide a comfortable and progressive workplace. Most importantly, we have a workplace where communication is open and problems can be discussed and resolved in a mutually respectful atmosphere. We take into account individual circumstances and the individual employee.

We believe firmly that with direct communication, we can continue to resolve any difficulties that may arise and develop a mutually beneficial relationship.

1.02 HANDBOOK PARAMETERS

A. Management Guidelines

The policies outlined in this Employee Handbook should be regarded as management guidelines only; which in a developing organization will require changes from time to time.

B. Revisions or Changes

The City of Stow must exercise its authority in the best interests of the citizens we, as employees, serve. Therefore, the City of Stow has sole discretion and reserves the right to add to, delete, modify, change or amend the policies and/or work rules set forth herein, or develop new policies as the need occurs.

C. City Reserves Rights

The City retains the right to make decisions involving employment as needed.

D. Current Version Supersedes

This Employee Handbook supersedes and replaces all prior handbooks, policies, procedures and practices of the City of Stow.

E. Source Documents Control

This Employee Handbook describes the current benefit plans maintained by the City. Refer to actual plan documents and summary plan descriptions if you have specific questions regarding any benefit plan. Those documents are controlling.

F. No Contract Formed/Nor Continuation Guaranteed

The Employee Handbook and other plan documents are not contractual in nature and do not guarantee any continuation of benefits.

G. Ordinances Control

Every effort has been made to assure that all provisions contained in this Employee Handbook are the same as those in ordinances duly enacted by Stow City Council. Every effort will be made, as ordinances are adopted and/or changed, to amend this Employee Handbook to continue to assure that all provisions of this Employee Handbook are the same as ordinance(s). However, in the event that there are discrepancies between any

ordinance (including the payroll ordinance) and any provision of this Employee Handbook, the provisions of the ordinance (including the payroll ordinance) are controlling.

1.03 ORGANIZATION

- A. This Employee Handbook is organized in a way that individual policies can be added or amended without having to reissue the entire Employee Handbook.
- B. All policies are numbered and titled on the corresponding page.
- C. As new policies are added, or current policies amended, they will be identified with the approval or revision date.
- D. New policies shall be added to the Employee Handbook at the section and in the location the number indicates.
- E. Amended policies, with the most recent date, shall replace and supersede any prior dated policies and shall be placed at the section and in the location the number indicates.
- F. New or amended policies will be accompanied with an updated Index; which will reflect the approved date of all current policies next to the respective policy number.

1.04 POSTERS

There are a number of posters that are required to be posted for the benefit of employees and applicants for employment.

They are posted in the following City locations:

- 1. City Hall Mail Room (1st floor)
- 2. Municipal Court Lunch Room (1st floor)
- 3. Service Complex North Hallway
- 4. Safety Building Administrative Wing
- 6. Fox Den Golf Course (Furnace Room)
- 7. Fire Station #2 (Hudson Dr.) (Employee Lounge)
- 8. Fire Station #3 (Fishcreek Rd.) (Front Hall - Main Entrance)

The current posters and their versions are as follows:

POSTER:	REQUIRED BY:
Equal Employment Opportunity	Federal
Fair Labor Standards Act	Federal
Family and Medical Leave Act of 1993	Federal

Uniformed Services Employment/Reemployment Act	Federal
Fair Employment Practices Law	State of Ohio
Minimum Wage Laws	State of Ohio
Minor Labor Laws	State of Ohio
Public Employment Risk Reduction (PERRP)	State of Ohio
Workers' Compensation	State of Ohio

1.05 MANAGEMENT RIGHTS

A. Management in the City of Stow has and maintains the right and the authority to:

1. Administer the business of each Appointing Authority's office;
2. Operate and manage its affairs and employees which are explicitly or implicitly conferred on the City by constitution, statute, or other source of law;
3. Promulgate work rules, policies, and regulations;
4. Exercise the prerogatives of Management, including, but not limited to, the right to:
 - a. Determine matters of inherent managerial policy which include, but are not limited to, areas of discretion or policy such as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, and organizational structure;
 - b. Determine each department's goals, objectives, programs and services, and to utilize personnel in a manner designed to effectively and efficiently meet these purposes;
 - c. Manage, direct, supervise, evaluate, hire, or terminate employees, including but not limited to, the right to select, schedule, hours of work, promote, transfer, assign, evaluate, layoff, recall, reprimand, suspend, demote, discharge or discipline for cause, retain, and to maintain discipline among employees;
 - d. Maintain and improve the efficiency and effectiveness of governmental operations;
 - e. Determine the overall methods, processes, means, or personnel by which governmental operations are to be conducted, including, but not limited to, determining adequacy, size, and composition of the work force; the necessity to schedule overtime and the amount required thereof, each department's organizational structure, when a job vacancy exists, the duties to be included in all job classifications, the standards of quality and performance to be maintained, and the right to lay off employees due to lack of work, lack of funds, or job abolishment;
 - f. To establish, consolidate, expand, or transfer work processes or facilities; or to consolidate, merge, or transfer its property, processes, or work to any other political subdivision or entity; or effect or change in any respect the

legal status, management, or responsibility of such property, facilities, processes, or work.

- g. Determine the adequacy of the work force;
- h. Determine the overall mission of the employer as a unit of government;
- i. Effectively manage the work force;
- j. Take actions to carry out the mission of the public employer as a governmental unit;
- k. Determine each department's budget and uses thereof;
- l. Manage and determine the location, type and number of physical facilities, equipment, programs and the work to be performed;
- m. Maintain the security of records and other pertinent information.

B. The City shall retain the forgoing rights and authority without regard to the frequency of exercise of any right or authority.

C. If there are discrepancies between any Collective Bargaining Agreement and any foregoing provision, the Collective Bargaining Agreement is controlling and shall prevail.

1.06 BULLETIN BOARDS

Information of interest and importance to you is regularly posted on City maintained bulletin boards. We suggest that you look at them regularly to keep up with what is happening. These bulletin boards are for administrative use only, and unauthorized employees may not post or remove any information from them.

A. Department Bulletin Boards

All materials appearing on a Department bulletin board will be posted by the appropriate Appointing Authority, Department Director, or Chief, or designee. All City notices, State or Federal required notices, and required legal notices shall be posted on the bulletin board. Information of a general interest to employees may be posted by the appropriate Appointing Authority or designee, provided the material to be posted does not contain:

- 1. Personal attacks upon any employee or public official;
- 2. Scandalous or derogatory attacks upon any employee, public official, or governmental unit/agency; or
- 3. Attacks on and/or unfavorable comments regarding a candidate for public office.
- 4. Any other political materials.

Employees wishing to have materials posted on the bulletin board shall submit a written request to their Department Head, or their designated representatives, for approval. The request shall include: name(s) or person(s) or group(s) making the request, a copy of the material to be posted and the period of time the material is to be posted.

Information posted on a City bulletin board shall be removed after the approved posting period. Materials posted without prior approval will be removed from the bulletin boards.

No materials of any kind may be posted anywhere other than the department bulletin boards, except with the express written consent of the Mayor.

Any employee found to be in violation of this policy shall be subject to disciplinary action as outlined in this Employee Handbook.

B. Official Civil Service Bulletin Boards

Official Civil Service bulletin boards shall contain only information that is pertinent to civil service functions (i.e. job postings, testing dates/times, promotional announcements, etc.). Only the Civil Service Commission or its designee may post material on official Civil Service bulletin boards.

C. Union Bulletin Boards

Unions have the right to post information on their own respective bulletin boards. See your respective collective bargaining agreement(s) for rules governing union bulletin boards.

1.07 SCOPE OF COVERAGE

- A. These policies shall apply to all employees, as defined in this Employee Handbook – except in those instances when the Ohio Revised Code (ORC) or the City Charter specifically permits dissimilar treatment for specific employees (i.e. unclassified employees for layoff, appeals, progressive discipline, political activity, etc.).
- B. Unclassified employees serve at the pleasure of the Appointing Authority and may be terminated from employment at any time.
- C. The provisions of this Employee Handbook are not intended to replace the rules and regulations contained in the Police or Fire Department Operations Manuals, nor the terms of the various City collective bargaining agreements. Therefore, where the provisions of this Employee Handbook conflict with such departmental operations manual(s) or the terms of one of the City’s labor agreements, the terms of such operations manual(s) or labor agreement(s) shall have precedence. However, in the event a departmental operations manual(s) or labor agreement(s) is silent on a topic that is the subject of a policy contained herein, such policy shall have full force and effect for employees who are covered by the terms of such operations manual(s) or labor agreement(s).

1.08 OBJECTIVES

The City of Stow realizes that a personnel system that recruits and retains competent, dependable City personnel is indispensable to effective City Government.

The policies and procedures contained in this Employee Handbook are designed to:

- B. Promote high morale among City employees by fostering good working relationships and by providing uniform personnel policies, opportunities for advancement and consideration of employee needs and desires.
- C. Maintain recruitment and promotion practices that will enhance the attractiveness of a City career and encourage each employee to give his or her best effort to the City and the public.
- D. Provide courteous and dependable service to the public.

- E. Provide fair and equal opportunity for qualified persons to enter and progress through City service, in a manner based on merit and fitness as determined through fair and practical personnel management methods.
- F. Conduct all operations in an ethical and legal manner, so as to promote a reputation as an efficient, progressive body in the community and state.

1.09 UNIONS AND COLLECTIVE BARGAINING AGREEMENTS

A. GENERAL STATEMENT

The City of Stow employs both bargaining and non-bargaining unit employees. Those employees who are either members of a union and/or covered by a Collective Bargaining Agreement should reference their respective negotiated contract (collective bargaining agreement) for specific personnel policies and procedures that apply to their own bargaining unit first.

B. UNIONS

The following is the list of unions that are currently represented in the City:

1. International Association of Firefighters (IAFF) Local 1662
2. American Federation of State, County, and Municipal Employees (AFSCME) Council 8, Local 2809
3. Ohio Patrolman's Benevolent Association (OPBA): Patrolmen's Unit
4. Ohio Patrolman's Benevolent Association (OPBA): Sergeant's and Lieutenant's Unit

Employees who are either members of a union and/or covered by a Collective Bargaining Agreement listed above shall follow the guidelines set forth in each of their respective Collective Bargaining Agreements with the City.

C. COLLECTIVE BARGAINING AGREEMENTS TAKE PRECEDENCE

The provisions of this Employee Handbook are not intended to replace the rules and regulations, nor the terms of the various City collective bargaining agreements. Therefore, whenever the provisions of this Employee Handbook conflict with the terms of one of the City's labor agreements, the terms of such labor agreement shall have precedence.

D. EMPLOYEE HANDBOOK CONTROLS WHERE COLLECTIVE BARGAINING AGREEMENT IS SILENT

This Employee Handbook was created primarily for non-bargaining City employees. However, there are a number of instances when a union collective bargaining agreement does not address a particular subject matter that is found herein, or defers to general City policy. In the event that a labor agreement is silent on a topic that is the subject of a policy contained herein, such policy shall have full force and effect for employees who are covered by the terms of such labor agreement.

1.10 QUESTIONS, SUGGESTIONS, AND IDEAS

The City of Stow encourages you to bring your questions, suggestions and ideas to our attention. Careful consideration will be given to each of these in our continuing effort to improve operations.

A. Questions

If you have a question, you should present it to your supervisor or department head so the question can be answered by examination and discussion of the facts. It is our hope that they will be able to satisfactorily resolve most matters. If you still have questions after meeting with your supervisor or department head or you would like further clarification on the matter, you may request a meeting with the human resource administrator.

B. Suggestions and Ideas

We are always interested in your constructive ideas and suggestions for improving our operations. City employees have offered many useful suggestions on how to improve services, streamline operations and reduce costs. Many of these suggestions have been excellent and have been implemented. Your suggestions and comments on any subject are important to us so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure. Your suggestions can also be submitted in writing to your supervisor or department head. After your suggestion is investigated, you will be notified whether or not it is feasible to implement. Management believes that suggestions indicate initiative on the part of an employee and we encourage your participation.

Section II GENERAL POLICIES

2.00 OVERVIEW

Our policies and procedures are established to:

- Ensure compliance with relevant laws and regulations.
- Promote fairness and equity in all employment practices.
- Protect the rights and responsibilities of both employees and the City of Stow.
- Support a safe and healthy work environment.
- Provide a framework for resolving issues and managing workplace dynamics.

It is crucial for all employees to familiarize themselves with these policies and adhere to them consistently. Understanding and following these guidelines is key to maintaining a positive workplace culture.

2.01 [ETHICS POLICY](#)

Policy Statement

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

General Standards of Ethical Conduct

City of Stow officials and employees must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Chapters 102. and 2921. of the Ohio Revised

Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. (A copy of these laws is provided by the City of Stow, and receipt acknowledged, as required in R.C. 102.09(D).) Officials and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

A general summary of the restraints upon the conduct of all officials and employees includes, but is not limited to, those listed below. No official or employee shall:

- Solicit or accept anything of value from anyone doing business with the City of Stow;
- Solicit or accept employment from anyone doing business with the City of Stow, unless the official or employee completely withdraws from City of Stow activity regarding the party offering employment, and the City of Stow approves the withdrawal;
- Use his or her public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship;
- Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City of Stow, unless the official or employee qualifies for the exception, and files the statement, described in R.C. 102.04(D);
- Hold or benefit from a contract with, authorized by, or approved by, the City of Stow, (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met);
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of an City of Stow contract (including employment or personal services) in which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;
- Solicit or accept honoraria (see R.C. 102.01(H) and 102.03(H));
- During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the City of Stow;
- Use or disclose confidential information protected by law, unless appropriately authorized; or
- Use, or authorize the use of, his or her title, the name "City of Stow," or "the City of Stow's acronym," or the City of Stow's logo in a manner that suggests impropriety, favoritism, or bias by the City of Stow or the official or employee;

For purposes of this policy:

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

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

Financial Disclosure

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

Ethics Education

Providing ethics education and information is an inherent part of good ethics governance. The Ethics Commission is available to provide educational seminars and informational materials. The Commission can be contacted at (614) 466-7090.

Assistance

The Ethics Commission is available to provide advice and assistance regarding the application of the Ethics Law and related statutes. The Commission can be contacted at (614) 466-7090. The Commission’s web site address is: www.ethics.ohio.gov. City of Stow counsel is available to answer questions involving this policy.

Penalties

Failure of any City of Stow official or employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes, will result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

Changes

This policy may be changed only by [stipulated official or majority vote of the legislative authority of the City of Stow].

2.01(b) ETHICS

525.10 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT

- A. No public official shall knowingly do any of the following:
 1. During the public official’s term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission or board of which the public official was a member at the time of authorization unless the contract was let by competitive bidding, to the lowest and best bidder;
 2. Have an interest in the profits or benefits of a public contract entered into by or for the use of the Municipality or governmental agency or instrumentality with which the public official is connected;
 3. Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law, and that involves more than one hundred fifty dollars (\$150.00).

- B. In the absence of bribery or a purpose to defraud, a public official, member of a public official's family or any of a public official's business associates shall not be considered as having an interest in a public contract if all of the following apply:
1. The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
 2. The shares owned or controlled by that person do not exceed five percent (5%) of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five percent (5%) of the total indebtedness of the corporation or other organization;
 3. That person, prior to the time the public contract is entered into, files with the Municipality or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
- C. This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates, has an interest, when all of the following apply:
- The subject of the public contract is necessary supplies or services for the Municipality or governmental agency or instrumentality involved;
 - The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the Municipality or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the Municipality or governmental agency or instrumentality involved;
 - The treatment accorded the Municipality or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
 - The entire transaction is conducted at arm's length, with full knowledge by the Municipality or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family or business associate, and the public official takes no part in the deliberations or decisions of the Municipality or governmental agency or instrumentality with respect to the public contract.
- D. Subsection (a)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.
- E. Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of this section is a misdemeanor of the first degree.

- F. It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with Ohio R.C. 309.06 and 2921.421, or for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with Ohio R.C. 733.621 and 2921.421.
- G. Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.
- H. As used in this section:
 - 1. "Public contract" means any of the following:
 - a. The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the State, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the State, any of its political subdivisions, or any agency or instrumentality of either.
 - b. A contract for the design, construction, alteration, repair or maintenance of any public property.
 - 2. "Chief legal officer" has the same meaning as in Ohio R.C. 733.621. (ORC 2921.42)
- I. No officer or board member, nor a corporation in which a public officer or board member owns more than five percent (5%) of the voting stock, nor any member of the immediate family (spouse and children) shall be eligible to bid on items that he/she had approved for auction.
- J. There will be no work done on any piece of equipment or vehicle sold at auction by any City employee once it is declared surplus or the sale is completed, unless specifically approved before the auction by the Board of Control.
- K. Whoever violates this section is guilty of a misdemeanor of the first degree.

2.01(c) ETHICS: CHARTER OF THE CITY OF STOW, OHIO - SECTION 21.01

PERSONAL INTEREST

No officer or employee of this Municipality shall directly or indirectly, solicit, contract for, receive, or be interested in, any gift, profit or emolument, from or on account of, any contract, job, work, or service with, or for the Municipality, other than his/her compensation and expenses as fixed by Council.

2.02 EQUAL EMPLOYMENT OPPORTUNITY

A. General Policy Statement

The City of Stow is an Equal Opportunity Employer, and maintains a policy of Equal Employment Opportunity for all employees and applicants. The City of Stow does not discriminate in employment or the provision of services on the basis of race, color, religion, gender (sex), national origin and ancestry, age, disability, sex (wages), military status, genetic information, pregnancy, or any other characteristic protected by federal or state law. This extends to, but is not limited to, the hiring, evaluation, promotion, transfer, tenure, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, demotion, lay-off, discipline, suspension, and discharge, or any other matter related directly or indirectly to employment.

B. Correction of Unlawful Practices

The City of Stow is committed to preventing and/or correcting any unlawful discrimination in its employment policies, procedures, practices, operations, or in the provision of services.

C. No Retaliation Tolerated

The City of Stow is committed to maintaining a work environment that is free from retaliation. The City of Stow will take appropriate action against any employee who retaliates against another person/employee for participating in the EEO process, including but not limited to filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing an unlawful employment practice. Employees and/or applicants shall not be subjected to retaliation in the form of harassment, intimidation, threats, coercion in filing a complaint, opposing an unlawful practice or action, testifying or participating in an internal investigation or any other lawful action concerning Equal Employment Opportunity.

D. Reasonable Accommodations

The City of Stow will make reasonable accommodations for qualified individuals with a known disability, unless doing so results in an undue hardship on City of Stow business operations.

E. Internal Complaints

If an employee and/or an applicant believes in good faith that they have been discriminated against unlawfully or in violation of this policy, they must advise (and/or file a complaint with) their supervisor, Appointing Authority, the Director of Law, or for complaints originating in the Law Department, the Director of Public Service.

F. External Complaints

An employee and/or applicant also has the right to file a complaint or discuss the matter with the Ohio Civil Rights Commission and/or the Federal Equal Employment Opportunity Commission. Complaints must be filed within the specific time frames established by each entity. Please refer to the Federal EEO Poster and/or the State of Ohio OCRC Poster, placed in various conspicuous locations throughout City of Stow facilities.

G. Internal Complaint Investigation

The City of Stow shall investigate a complaint of alleged discrimination promptly and timely, in a fair and impartial manner. Allegations will be investigated even if no formal complaint is filed or the complaining individual refuses to cooperate in an investigation.

H. Confidentiality

A record of the complaint and the findings will become a part of the complaint investigation record. Except for written documentation of disciplinary action, the file/record will be maintained separately from the employees' personnel files. It is understood that any person electing to utilize this procedure will be treated courteously. The procedure shall maintain confidentiality to the fullest extent possible.

I. Suspension

If appropriate, an alleged offender may be suspended from work pending the outcome of the investigation. Any suspension imposed shall be with pay unless an appropriate hearing is held prior to the suspension. For employees represented by a labor union, any enforcement must be implemented in accordance with the terms of the applicable collective bargaining agreement.

J. Discipline/Discharge for Violation

Any employee who is found, after an investigation, to have engaged in conduct that violates the terms of this policy, and/or any local, state, federal law, or any other applicable rule or order relating to Equal Opportunity, will be subject to discipline, up to and including discharge. For employees represented by a labor union, any discipline must be implemented in accordance with the terms of applicable Collective Bargaining Agreement.

K. False Complaints

Employees knowingly filing a false complaint will be subject to disciplinary action up to and including termination. If, after a thorough investigation, an employee is found to have corroborated with or intentionally falsified a charge of sexual harassment or harassment, the employee will be subject to disciplinary action, up to and including termination.

2.03 DRUG FREE WORKPLACE POLICY

OVERVIEW

The City of Stow has a vital interest in ensuring a safe, healthy and efficient working environment for our employees, their co-workers and the general public we serve. The unlawful or improper presence or use of controlled substances or alcohol in the workplace presents a danger to everyone. For these reasons, the City of Stow is committed to maintaining an effective, efficient and safe drug free work environment at all City facilities and work sites in order to safeguard City personnel, property, equipment, and the people we serve.

The following policy establishes the standards, rules, procedures and disciplinary guidelines the City will use, as a condition of employment and continued employment with the City, in order to enforce this policy and to promote a drug free work environment.

A. Employment Conditioned Upon Compliance with Drug Free Policy

1. The City of Stow will not hire anyone who is known to currently abuse alcohol and/or other controlled substances.
2. Continued employment with the City of Stow is conditioned upon your full compliance with this Drug Free Policy.

B. Report Fit for Duty

Employees, including supervisors, are required to report to work in a fit condition to perform their duties. Employees shall not illegally be under the influence of alcohol and/or controlled substances while on duty.

C. Use of Drugs or Alcohol in the Workplace

The City of Stow strictly prohibits the use of alcohol or controlled substances by employees in the workplace. Employees are prohibited from:

1. Reporting to work or working while using illegal or unauthorized drugs.
2. Reporting to work or working when the employee uses any drugs, except when the use is pursuant to a doctor's orders and the doctor advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her job duties.
3. Reporting to work or working while reporting for duty or remaining on duty while under the influence of alcohol.
4. Consuming/using illegal drugs or any other drugs, except when the use is pursuant to a doctor's orders and the doctor advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her job duties.
5. Consuming/using alcohol at the workplace during working hours, including meal and break periods.

D. Unlawful Manufacture, Distribution, Dispensing, Possession, or Use of Alcohol or a Controlled Substance

Employees are prohibited, while on duty, on or off the workplace, from possessing, using, purchasing, transferring, unlawfully manufacturing, distributing, or dispensing illegal controlled substances, abusing alcohol, or abusing prescription drugs in any way that is illegal.

E. Inspection of Premises

The City reserves the right to take any and all appropriate and lawful actions necessary to enforce this substance abuse policy including, but not limited to, the inspection of City issued lockers, desks or other suspected areas of concealment.

F. Employee Assistance Program

The City of Stow offers an Employee Assistance Program (EAP) that refers employees or their families to appropriate substance abuse rehabilitation programs. Employees with

substance abuse problems are encouraged to voluntarily contact the EAP and enroll in a certified rehabilitation program. Voluntary contact of the EAP, or enrollment in a substance abuse program, will not adversely affect employment. However, continued conduct, including but not limited to, unacceptable job performance, attendance, and/or behavioral problems, will result in disciplinary action, up to and including termination.

G. Submission to Rehabilitation Program

Any employee who comes forward prior to a complaint or investigation of use of alcohol and/or illegal drugs while at work may be permitted in lieu of termination, at the City's sole discretion, to participate in and successfully complete an appropriate treatment, counseling, or rehabilitation program as recommended by a substance abuse professional as a condition of continued employment.

H. Testing

1. *Post-Offer Employment Pre-duty Testing:* Drug tests (not including alcohol) are required for all final applicants for positions covered by Federal DOT testing requirements (i.e., CDL holders whose job duties will require them to drive Commercial Motor Vehicles for the City) and/or safety sensitive positions. Persons entering these positions from outside City government and current City employees who do not perform safety-sensitive functions (as defined in 49 CFR Part 382) who are transferring into these positions, must be tested.
2. *Reasonable Suspicion Testing:* Employees may be tested for drugs and/or alcohol when there is a reasonable suspicion that they are using or have used illegal drugs and/or alcohol. "Reasonable suspicion" testing shall be conducted when there is reasonable suspicion to believe that an employee, when appearing for duty or on the job, is under the influence of, or their job performance is impaired by alcohol or other drugs. This reasonable suspicion must be based upon objective facts or specific circumstances found to exist that present a reasonable basis to believe that a covered employee is under the influence of, or is using or abusing alcohol or drugs. Specific, objective facts and reasonable inferences, drawn in light of experience and training, may be based on, but are not limited to, any of the following:
 - Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;
 - A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents;
 - The identification of a covered employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance;

- A report on the use of alcohol or a controlled substance provided by a reliable and credible source;
- Repeated flagrant violations of the safety or work rules of the City that are determined by the covered employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.

A City of Stow "Reasonable Suspicion Testing" form shall be prepared each time a person is suspected of drug or alcohol use. An employee ordered to undergo drug or alcohol testing due to reasonable suspicion must ALWAYS be transported and accompanied by a member of management to and from the collection/alcohol site until the completion of all required testing or instructed otherwise by competent medical personnel at the testing site.

3. *Specific Task Random Testing:* Employees (i.e. lifeguards, day camp workers, traffic flaggers, etc.) who, as part of their job, are responsible for the safety and/or care of children under 17 years of age or younger or are involved in directing traffic or operating mowing and trimming equipment in public rights-of-way or in the presence of the public, whether union or non-bargaining, will be subject to random testing on the basis of "special needs".
4. *Post-Treatment Random Testing:* Employees who are directed for random follow-up testing as directed by an EAP or Substance Abuse Professional (SAP).
5. *Post-Accident Testing:* Employees must be tested for alcohol and controlled substances (amphetamines, cocaine, marijuana, opiates and phencyclidine (PCP) (49 C.F.R. Section 40.85) following an accident while on duty for the City if:
 - a. A fatality occurs, or
 - b. While driving a City vehicle the employee is involved in an accident and is cited for moving violation of any kind, or
 - c. Any involved vehicle requires towing from the scene, or
 - d. Any personnel involved requires medical treatment away from the scene of the incident, or
 - e. Injury occurs that requires medical treatment beyond first aid and/or lost time, or
 - f. Damage to property exceeds \$1,000.00.

If it is clear that the employee did not contribute to the cause of the accident, the employee will be exempted from drug and alcohol testing, unless the employee otherwise is subjected to reasonable suspicion testing.

Employees must immediately notify their appointing authority, or designee, about the accident (if medically able to do so), remain available for testing, and not consume any alcohol for eight (8) hours after the accident, or until an alcohol test has been administered, whichever comes first (49 C.F.R. Section 382.209). Post-accident alcohol testing must be performed within two (2) hours following the accident. If this is not done management must document why it was not done. If an alcohol test is not administered within eight (8) hours following the accident, the City shall cease

attempts to administer an alcohol test and shall document why the test was not done (49 C.F.R. Section 382.303(d)(1)). Post-accident drug testing must be performed as soon as possible after the accident but shall not be done more than 32 hours after the accident. If the drug test was not done within the 32 hour time limit, management must document why it was not done (49 C.F.R. Section 382.303(d)(2)).

In the event a post-accident test is necessary, the City is not required to use one of the City's designated collection providers, but instead may use federal, state, county, or local authorities to conduct such tests, provided the test giver has independent authorization to conduct such tests, the test process conforms to the Omnibus Transportation Employee Safety Act of 1991 and the test results can be obtained by the employer.

The City must take all necessary steps to perform the required post-accident testing of the employee. If the employee is seriously injured following the accident, the employee must provide the necessary authorization to allow the City to obtain hospital reports and other documentation that would indicate whether controlled substances contributed to the accident (49 C.F.R. Section 382.303).

An employee ordered to undergo a post-accident test must ALWAYS be transported and accompanied by a member of management to the collection/alcohol site until the completion of all required testing or instructed otherwise by competent medical personnel at the testing site. However, in cases where the employee is seriously injured and is transported to a medical facility by a rescue unit, a member of management need not accompany the injured employee to the medical facility.

6. *Return-to-Duty and Follow-up Testing:* Any employee with a positive alcohol or drug test will be required to complete a return-to-duty drug and/or alcohol test with a negative test result as a condition for returning to work. Unless the collective bargaining agreement provides otherwise, the employee, after successfully completing the return-to-duty test (meaning an alcohol test under 0.02 BAC or a negative controlled substance test), will be subject to a minimum of six (6) unannounced follow-up tests during the twelve (12) months following the employee's return to work. The covered employee will be responsible for paying for those six (6) follow-up tests. Any additional tests beyond six (6) during the first twelve (12) months after the covered employee returns to duty shall be at the City's cost.

Follow-up testing may continue for up to sixty (60) months after the employee returns to work, if ordered by the EAP or Substance Abuse Professional (SAP). The covered employee will be responsible for paying for up to six (6) follow-up tests each subsequent year for the period up to sixty (60) months after the covered employee returns to duty.

I. Refusal to be Tested

Testing is fundamental to assuring a drug free work environment. Refusal to be tested when requested by a City supervisor or law enforcement official includes the following conduct:

1. Saying “no” and refusing to take a required test;
2. Failing to provide adequate breath for alcohol testing without a valid medical explanation;
3. Failing to provide adequate urine for drug testing without a valid medical explanation;
4. Engaging in conduct that clearly obstructs the testing process (i.e., attempting to manipulate the drug/alcohol testing process through adulteration or substitution of the specimen); or
5. Failing to remain available for testing following an accident involving a city vehicle. In such event, disciplinary action will be in accordance with this policy.

J. Consequences to Employees Refusing to Submit to Testing or Providing False Information in Connection with Testing

- An applicant who refuses a post-offer employment/pre-duty test will not be hired.
- An employee who refuses a return-to-duty test will not be returned to duty.
- An employee who refuses a post-accident, random, reasonable suspicion or follow-up test will be treated as if they had a positive result.
- An employee who refuses a post-accident, random, reasonable suspicion or follow-up test will be subject to discipline for insubordination.
- An employee who provides false information or attempts to falsify test results shall be removed from duty immediately and subject to discipline up to and including termination.

K. Discipline

An employee in violation of the City’s Drug-Free Workplace Policy is subject to disciplinary action up to and including termination, and/or the disciplinary provisions of any applicable collective bargaining agreements, and/or City ordinances, policies, and procedures, as well as subject to criminal prosecution.

Any employee who violates this policy and who is subject to termination may be permitted, in lieu of termination and at the City’s sole discretion, to participate in and successfully complete an appropriate treatment, counseling or rehabilitation program as recommended by a substance abuse professional as a condition of continued employment. The City of Stow is unlikely to consider this option if an employee is already under investigation.

L. Evaluation by a Substance Abuse Professional (SAP)

Any employee who is not discharged as a result of a positive alcohol test or a positive drug test result shall undergo evaluation by a Substance Abuse Professional (SAP) and will be required, as a condition of continued employment, to successfully participate in any counseling or treatment program as recommended by the SAP.

In the event that an employee is required by an SAP to participate in any counseling or treatment program, the covered employee’s health insurance coverage with the City may be used and sick leave may be used for counseling or treatment, pursuant to the terms of individual collective bargaining agreements and City ordinances.

Upon successful completion of the counseling or treatment program that was recommended by the SAP, the covered employee shall submit to a return-to-duty drug and/or alcohol test. The result of the return-to-duty test(s) must be below 0.02 for alcohol or have a negative

result if testing for controlled substances. A return-to-duty drug test that is positive or a return-to-duty alcohol test above .02 BAC may serve as grounds for immediate discharge. The employee shall also be subject to unannounced follow-up testing.

M. Confidentiality

Confidentiality about alcohol and/or drug test results will be maintained to the extent provided by law.

N. Work Assignment After Treatment

Once an employee successfully completes rehabilitation, they shall be returned to their regular work assignment granted that the employee has been medically recertified as qualified for performing the essential duties that their position requires.

O. Right of Appeal

The employee has the right to challenge the results of the drug and alcohol tests. Any discipline imposed shall be in accordance with the procedures outlined within the City's rules and regulations and applicable collective bargaining agreements.

P. Non Discrimination

Consistent with its fair employment policy, the City maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their drug or alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others. The City will attempt to assist its employees through referrals to rehabilitation, appropriate leaves of absence and other measures consistent with the City's policies and applicable federal, state or local laws.

Q. Suspected Criminal Conduct

Any suspected criminal conduct involving a controlled substance in the workplace or any location where employees conduct official business will be reported to the Stow Police Department or other appropriate law enforcement officials.

R. Notification

Pursuant to the Drug-Free Workplace Act, employees are required to notify their Appointing authority within five (5) days after they are convicted of violating a criminal drug statute while at the workplace. Criminal drug statutes are defined as any Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance. A violation involving alcohol is not reportable under this law. A conviction means a finding of guilt, no contest (including a plea of *nolo contendere*) or the imposition of a sentence by a judge or jury in any court. Any employee who fails to report such a conviction will be subject to immediate termination and/or the discipline provisions of the various City collective bargaining agreements, and City ordinances, rules, policies and procedures.

Employees should inform their Department Head, Appointing Authority, or Human Resources if they believe a co-worker is consuming/using illegal drugs or alcohol at work.

S. Federal Regulations Prevail

To the extent that this policy is inconsistent with or conflicts with the provisions or requirements of new or updated Federal regulations, such regulations shall control.

T. Collective Bargaining Agreement Prevails

In the event a drug and alcohol policy is negotiated into a Collective Bargaining Agreement or Memorandum of Understanding and is in conflict with any of this policy, that Agreement or Memorandum will prevail and be controlling where differences exist.

2.04 NO SMOKING OR VAPING

As the City of Stow is committed to providing a safe and healthy environment for employees and visitors to City facilities, the following policies regarding smoking and vaping are in place.

- A. Pursuant to Ohio Revised Code Section 3794.02, smoking is prohibited in City of Stow facilities or in the areas directly or indirectly under the control of the City of Stow immediately adjacent to locations of ingress or egress to City of Stow facilities.
- B. In addition, smoking is prohibited within 50 feet of any City of Stow facility.
- C. Pursuant to Ohio Revised Code Section 3794.06, all ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited by this policy.
- D. Smoking and vaping are also prohibited in any vehicles or equipment owned by the City of Stow.
- E. Smoking and vaping in compliance with the foregoing is permitted during the employee's morning break, lunch, and afternoon break. No additional breaks for smoking or vaping shall be allowed.
- F. Since the employee must leave their assigned work area to smoke or vape, the employee must notify their supervisor prior to leaving.
- G. An employee who is found to have violated any of the forgoing prohibitions shall be subject to discipline.
- H. This policy applies equally to all City of Stow employees as well as guests and visitors.
- I. The City of Stow encourages employees who wish to quit smoking or vaping to access smoking cessation programs and materials through the City's Employee Assistance Program (EAP).

2.05 FAIR LABOR STANDARDS ACT (FLSA) POLICY

The City of Stow abides by the applicable provisions of the Fair Labor Standards Act (FLSA).

FLSA EXEMPT EMPLOYEES

It is the policy of the City of Stow to determine compensation issues in accordance with the Fair Labor Standards Act (FLSA) regulations, whenever applicable. Pursuant to the FLSA, certain employees may be exempt from or eligible for overtime compensation. The provisions of this section are designed to apply to employees who are not otherwise eligible for overtime compensation.

A. Deductions in Pay for Exempt Employees

Under FLSA, employees who are exempt from overtime compensation generally may not have their pay reduced for variations in the quality or quantity of work performed. Employees who feel their pay has been improperly reduced should report their concern to the Finance Department or Human Resources Department.

Under certain circumstances, the City of Stow may make reductions in pay of employees who are exempt from FLSA overtime. Listed below is a non-exhaustive list of some of the more common deductions that are permissible in accordance with FLSA:

1. When an employee has exhausted personal, vacation, and/or sick leave and is absent from work.
2. Penalties imposed by infractions of safety rules of major significance.
3. Unpaid disciplinary suspensions of one or more full days for serious workplace conduct violations in accordance with the City of Stow work rules and disciplinary policy.
4. Deductions for unpaid leave taken in accordance with a certified absence under the Family and Medical Leave Act (FMLA).

B. FLSA Exempt Employee Complaint Procedure

The City of Stow and its employees are committed to administering a compensation program in compliance with the requirements of the FLSA. Thus, when an employee believes that an improper deduction in pay has been made, the employee must promptly report their concern pursuant to the following complaint procedure.

1. Employees who believe their pay has been improperly reduced should immediately contact their supervisor, department head, Finance Department, or Human Resources Department and formally report their concern pursuant to this complaint procedure.
2. The employee will be asked, in writing, using the guidance above and/or FLSA provisions, the specific circumstances of the pay deduction and whether it has occurred on other occasions.
3. The immediate supervisor, department head, Finance Department, or Human Resources Department will then investigate the claim by reviewing pay records, and, possibly, by also interviewing other employees and/or supervisors, as well as the payroll representatives handling the employee's pay, to determine the nature and scope of the employee's complaint.
4. **If**, pursuant to this review, a compensation deduction is found to have been made in error, the City of Stow will reimburse the employee as expeditiously as possible (but in no case longer than two pay periods from the identification of the problem).

5. **If** a compensation error is found, the immediate supervisor, department head, Finance Department, or Human Resources will further determine if this was an isolated incident or a pattern of conduct that requires further action on the part of the City of Stow.
6. **If** warranted, the City of Stow may make retroactive corrections to assure that compensation deductions are completed in compliance with the FLSA.
7. The resolution of the situation will be documented (including confirmation on the part of the employee that the situation has been resolved) and placed in the employee's records.
8. Following the identification of a problem, the City of Stow will establish a practice to regularly audit employee pay records to ensure no further issues of a similar nature arise.
9. Employees who utilize this complaint procedure shall not be retaliated against for making use of this policy.
10. Employees with questions concerning this policy are encouraged to contact the Finance Department or Human Resources Department.

C. FLSA Non-Exempt Employees

Generally, non-exempt employee must be paid at least one and one-half (1½) times their regular rate of pay for all hours worked over forty (40) in a workweek.

Concurrently, non-exempt employees may have their pay reduced for variations in the quality and/or quantity of their work.

Non-exempt employees are paid for the full eight (8) hour period that they are working, so one-half (1/2) of lunch periods and all breaks are paid by the City of Stow. As such, a non-exempt employee may be asked to perform work during their break and/or lunch period without additional compensation. This will not be abused by the City of Stow.

1. FLSA Non-Exempt Employee Complaint Procedure

The City of Stow and its employees are committed to administering a compensation program in compliance with the requirements of the FLSA. Thus, when an employee believes that an improper payment for hours worked in excess of forty (40) in a workweek has been made, the employee must promptly report their concern pursuant to the following complaint procedure.

- a. Employees who believe they have been improperly paid should immediately contact their Department Head and/or Payroll Officer and formally report their concern pursuant to this complaint procedure.
- b. The employee will be asked, in writing, using the guidance above and/or FLSA provisions, the specific circumstances of the under payment and whether it has occurred on other occasions.
- c. The Department Head and/or Payroll Officer will then investigate the claim by reviewing pay records, and, possibly, by also interviewing other employees

- and/or supervisors, as well as the payroll representatives handling the employees pay, to determine the nature and scope of the employee's complaint.
- d. **If**, pursuant to this review, a compensation error is found to have been made, the City of Stow will reimburse the employee as expeditiously as possible (but in no case longer than two pay periods from the identification of the problem).
 - e. **If** a compensation error is found, the Finance Department will further determine if this was an isolated incident or a pattern of conduct that requires further action on the part of the City of Stow.
 - f. **If** warranted, the City of Stow may make retroactive corrections to assure that compensation deductions are completed in compliance with the FLSA.
 - g. The resolution of the situation will be documented (including confirmation on the part of the employee that the situation has been resolved) and placed in the employee's records.
 - h. Following the identification of a problem, the City of Stow will establish a practice to regularly audit employee pay records to ensure no further issues of a similar nature arise.
 - i. Employees who utilize this complaint procedure shall not be retaliated against for making use of this policy.
 - j. Employees with questions concerning this policy are encouraged to contact the Finance Department or Human Resources Department.

2.06 [SEXUAL HARASSMENT AND HARASSMENT POLICY](#)

A. STATEMENT OF PURPOSE

It is the policy of the City of Stow that all employees should be able to work in an environment free from all forms of harassment. It is the policy of the City of Stow not to tolerate verbal or physical conduct which harasses, disrupts, or interferes with another employee's work performance or which creates an intimidating, hostile, or offensive environment. Harassment, as defined by this policy, is against the law. Harassment based on sex, race, color, religion, national origin, ancestry, marital status, age, mental or physical disability, military status, or any other basis will not be permitted whether it is by a supervisor, co-worker, customer, vendor, or consultant. Any complaints will be investigated promptly.

The City of Stow is committed to promoting a productive work environment in which every employee is treated with respect. The purpose of this policy is to prevent harassment of employees based on sex, race, color, religion, national origin, marital status, age, mental or physical disability, military status, or any other basis by supervisors, co-workers, customers, vendors, or consultants.

If an employee believes he or she is being subjected to any of the prohibited forms of harassment or believes he or she is being discriminated against because other employees are receiving favored treatment in exchange for sexual favors, he or she must bring this to the attention of the City of Stow. The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers their discontent with the appropriate City of Stow representative. Consequently, in order for the City of Stow to deal with the problem of harassment if it occurs, employees must report such offensive

conduct or situations. There will be no intimidation, threats, coercion, discrimination or retaliation against an employee who files a bona fide report of harassment.

B. SEXUAL HARASSMENT - DEFINITION

Harassment on the basis of sex is a violation of Title VII of the 1964 Civil Rights Act and state law. Unwelcome sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision(s) affecting an individual; or
3. Such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

To reiterate, sexual harassment is the attempt to control, influence, or affect the career, salary, or job of an individual by sexual coercion. Sexual harassment may also be conduct which creates a hostile or offensive work environment or unreasonably interferes with an individual's ability to perform their job.

C. HARASSMENT - DEFINITION

Harassment is defined as offensive or intimidating conduct of a verbal or physical nature, which has the purpose or effect of unreasonably interfering with an employee's working conditions or performance, creates a hostile, intimidating, or offensive work environment or otherwise adversely affects employment opportunities.

D. EXAMPLES:

The following specific conduct is prohibited, but is not intended to an exhaustive list of prohibited conduct:

1. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties, or any other condition of employment;
2. Unwelcome sexual flirtations, advances, contact, or propositions;
3. Verbal or written abuse of a sexual nature;
4. Graphic verbal comments about an individual's body;
5. Sexual comments or jokes of a provocative or suggestive nature;
6. Sexually degrading words used to describe an individual;
7. Sexually oriented jokes or innuendos intended for and/or directed to another employee;
8. The display in the workplace of sexually suggestive objects, pictures, or cartoons;
9. Jokes, derogatory expressions or comments involving race, color, religion, gender, national origin, marital status, age, mental or physical disability, or military status;
10. The display of degrading graphics, cartoons, or objects involving race, color, religion, gender, national origin, marital status, age, mental or physical disability, or military status;

11. Basing an employment decision such as hiring, promotion, retention, or compensation on whether an employee or applicant submits to sexual advances.

E. REPORTING

Any employee who believes he or she has been the subject of sexual harassment or harassment or a witness to sexual harassment or harassment should respond to the alleged act immediately in a fair, serious, and progressive manner.

1. STEPS TO TAKE/ HOW TO REPORT

- a. It is strongly advised (but not required) to be sure that the person who is sexually harassing or harassing you knows that you do not welcome that person's advances/comments/actions. Put them on notice. **TELL THEM TO STOP!**
- b. Inform your Department Head, or the Human Resources Department, or the Law Department of the alleged sexual harassment or harassment.
- c. **DOCUMENT!** Attempt to write down each offensive advance/comment/action. Be as specific as possible, including time, date, and location. Note the names of any co-workers or any others who may have witnessed or overheard the alleged harassment.

2. SUPERVISOR'S RESPONSIBILITIES

Supervisors are required to inform the Human Resources Department and the Law Department immediately of each complaint of sexual harassment or other harassment, even when an employee states they do not want an investigation.

F. INVESTIGATION

Allegations of sexual harassment or harassment will be investigated even if no formal complaint is filed or the complaining individual refuses to cooperate in an investigation. The investigation will be done in a timely, fair, and impartial manner.

G. CONFIDENTIALITY

A record of the complaint and the findings will become a part of the complaint investigation record. Except for written documentation of disciplinary action, the file/record will be maintained separately from the employees' personnel files. It is understood that any person electing to utilize this procedure will be treated courteously. The procedure shall maintain confidentiality to the fullest extent possible.

H. SUSPENSION

If appropriate, an alleged offender may be suspended from work pending the outcome of the investigation.

I. DISCIPLINE/DISCHARGE FOR VIOLATION

Any employee who is found, after an investigation and due process, to have engaged in sexual harassment or harassment pursuant to the terms of this policy, local, state, and/or federal law or any other applicable rule or order, will be subject to discipline, up to and including discharge.

J. NO RETALIATION FOR FILING A COMPLAINT

The registering or filing of a complaint, or being a witness, will in no way be used or held against an employee, nor will it have an adverse impact on the employee's employment status. It is unlawful for the employer to retaliate against you because you filed a complaint or because you aided in an investigation. If you believe retaliation has occurred, inform your Department Head, or the Human Resources Department, or the Law Department.

K. APPEAL

If a complaint is not resolved in a timely or satisfactory manner, an employee may choose to contact their Appointing Authority, the Director of Law, for complaints originating in the Law Department, the Director or Deputy Director of Public Service.

2.07 AMERICANS WITH DISABILITIES ACT EMPLOYMENT

A. General Policy Statement

The City of Stow is committed to the fair and equal employment of individuals with disabilities. It is the City's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the City. In accordance with the Americans with Disabilities Act (ADA) as amended, reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

B. Summary of Americans With Disabilities Law Requirements

The Americans With Disabilities Act (ADA) gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age and religion. The ADA:

- Requires that the City provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others.
- Prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities and other privileges of employment and restricts questions that can be asked about an applicant's disability before a job offer is made.
- Requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

C. Essential Position Functions

For each position, the position description will typically identify essential position functions. The Human Resources Department will generally review position descriptions on a periodic basis to evaluate position functions designated as essential. If there are any questions about the position requirements, they should be directed to a supervisor or Department Head and the Human Resources Director. Regular attendance is an essential function of virtually all jobs, and an individual who cannot attend work regularly may not qualify as "able to perform the essential functions of the position."

D. "Reasonable Accommodation"

The City will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. Many individuals with disabilities can apply for and perform the essential functions of their jobs without any reasonable accommodations. However, there are situations in which a workplace barrier may interfere.

A “reasonable accommodation” is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the position the employee is hired to perform.

There are three (3) types of reasonable accommodations that may be considered:

1. Changes to the position application process so that a qualified applicant with a disability will receive equal consideration for the position opportunity;
2. Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the position;
3. Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

Reasonable accommodation may include, but are not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, or reassignment to a vacant position.
- Acquiring or modifying equipment or devices Adjusting or modifying examinations, training materials, or policies.
- Providing readers or interpreters.

E. Requesting a Reasonable Accommodation

An employee with a disability is responsible for:

- Notifying and requesting the need for an accommodation from their supervisor, the department head, or the Human Resources Department via the [ADA Reasonable Accommodation Request form](#).
- Providing medical documentation regarding the disability when requested.
- Working with the City to arrive at a reasonable accommodation.

When appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals. Once the medical documentation is received, the Human Resources Department will analyze the facts to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the position.

The City may ask you for your input or the type of accommodation you believe may be necessary, or the functional limitations caused by your disability. Based on this interactive process, reasonable accommodation will be selected that is most appropriate for both the City and the individual employee. While an individual’s preference will be considered, the City is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the City’s operations.

A request for reasonable accommodation may be denied if it would create an undue hardship for the City. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the City's overall financial resources, the financial resources of the particular facility at which the accommodation is to be made, the number of employees at the facility, the total number of employees of the City, and the type of operation.

Decisions as to whether an accommodation is reasonable shall be made on a case-by-case basis.

F. Undue Hardship

The City is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the City of Stow's "business". The City is not required to lower quality or production standards to make an accommodation, nor is the City obligated to provide personal use items such as glasses or hearing aids.

G. Safety

All employees are expected to comply with all safety procedures. The City will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A "direct threat" means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat will be made by the Human Resources Director and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that they may submit additional information and/or challenge the determination that they pose a direct threat.

H. Complaint Procedure

It is the policy of the City to prohibit any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested reasonable accommodation. If an employee feels that they have been subject to such treatment or has witnessed such treatment, the situation should be reported using the same complaint process contained in *2.06 SEXUAL HARASSMENT AND HARASSMENT POLICY, Section (E) REPORTING*. Any employee found to have engaged in retaliation against an employee for making a request for reasonable accommodation under this policy, registering a complaint under this procedure, or for assisting in investigation of any registered complaint will be subject to immediate disciplinary action up to and including discharge.

I. Definitions

1. "Person with a disability" means a person with a disability who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual; or,
- Has a record or history of such impairment; or,
- Is "regarded" as having such impairment.

2. **“Major life activities”** include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working, sitting, standing, lifting, and mental and emotional processes such as thinking, concentrating, and interacting with others.
3. **“Qualified Person” or “qualified person with a disability”** means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position the employee is hired to perform. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position the individual holds or desires and must be able to perform the essential functions of the position, with or without a reasonable accommodation.
4. **“Substantially limits”** means an impairment is substantially limiting if it prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity. The determination of whether an impairment substantially limits a major life activity depends on the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment. An impairment substantially limits an individual's ability to work if it prevents or significantly restricts the individual from performing a class of jobs or a broad range of jobs in various classes. Although very short-term, temporary restrictions generally are not substantially limiting, impairment does not have to be permanent to rise to the level of a disability. Temporary impairments that take significantly longer than normal to heal, long-term impairments, or potentially long-term impairments of indefinite duration may be disabilities if they are severe. Chronic or episodic disorders that are substantially limiting when active or have a high likelihood of recurrence in substantially limiting forms may be disabilities. An individual who has two or more impairments that are not substantially limiting by themselves but that together substantially limit one or more major life activities has a disability.
5. **“Record or history”** means an individual has a record of a substantially limiting impairment if the individual:
 - Has a history of a substantially limiting impairment, or
 - Has been misclassified as having a substantially limiting impairment.
6. **“Regarded”** means an individual is regarded as having a substantially limiting impairment if the individual:
 - Has an impairment that does not substantially limit major life activities but is treated by a covered entity as constituting such limitation;
 - Has an impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
 - Has no impairment but is treated by a covered entity as having a substantially limiting impairment.

An individual is regarded as having an impairment that substantially limits the major life activity of working if the individual is treated as having an impairment that disqualifies or significantly restricts the individual from working in a class of jobs or a broad range of jobs in various classes.

7. **“Undue hardship”** is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources and the nature and structure of its operation.

J. Confidentiality

The procedure shall maintain confidentiality to the fullest extent possible as required by law.

2.08 PREGNANCY ACCOMMODATION POLICY

In accordance with the federal Pregnant Workers Fairness Act, the City of Stow will provide a reasonable accommodation for a qualified applicant or employee's known temporary limitations on the individual's ability to perform the essential functions of the individual's job, based on a physical or mental condition, related to the individual's pregnancy, childbirth, or related medical condition.

Applicants and employees must make known the temporary limitations (physical or mental condition) that are related to the individual's pregnancy, childbirth, or related medical conditions. It is not necessary for the employee's condition to meet the definition of disability as set out in the federal Americans with Disabilities Act (ADA) to receive a reasonable accommodation under this policy. The information about the condition must be provided confidentially to Human Resources.

Reasonable accommodations will be provided to individuals who are not able to perform the essential functions of the person's position:

1. if the inability to perform an essential function is for a temporary period;
2. the essential function can be performed in the near future; and
3. there is an available reasonable accommodation.

All requests for an accommodation are to be directed to Human Resources, at which time the City of Stow's HR team will engage in an interactive process with the pregnant individual to determine a proper accommodation. If the federal EEOC has issued regulations and/or a guidance providing examples of reasonable accommodations, the City of Stow will look to the EEOC's examples in assessing a request for a reasonable accommodation. The City of Stow will not require employees to take paid or unpaid leave, if another reasonable accommodation can be provided.

An accommodation will be provided unless it creates an undue hardship. The City of Stow will not retaliate against an individual who requests or receives an accommodation under this policy. If the employee's pregnancy, childbirth, or related medical condition meets the definition of a protected disability under the ADA then the employee is free to request a reasonable accommodation under the City of Stow's ADA Accommodation policy. Please contact Human Resources if you have any questions about this policy.

2.09 [LACTATION ACCOMMODATION POLICY \(BREAKS FOR NURSING MOTHERS\)](#)

The City of Stow follows the federal requirements (under the Fair Labor Standards Act) to provide reasonable break time for nursing employees. This policy applies to all nursing employees. For questions, please contact Human Resources.

- If an hourly non-exempt employee's regular work break(s) do not provide sufficient time, then an hourly non-exempt employee will be provided additional unpaid reasonable break times to express breast milk for the employee's nursing child for the first year of the child's life. These break periods will be given each time the employee has need to express breast milk. These unpaid breaks must be recorded on the time recording system (BS&A, Right Stuff, or whatever timekeeping methods are used within each department).
- Eligible salary exempt employees are also provided reasonable time to express breast milk.
- The City of Stow will also make an appropriate space available to an employee, when needed, to comply with this policy. If an employee does not have access to an appropriate (private space shielded from view- other than a bathroom) in their work area and are in need of assistance to locate a space, please contact your supervisor. Supervisors must seek input from Human Resources to ensure compliance with this policy.
- Employees are expected to provide an atmosphere of support for breastfeeding employees.

2.10 [RELIGIOUS ACCOMMODATION POLICY](#)

It is the policy of The City of Stow to offer equal employment opportunity to all persons, regardless of their religious beliefs and practices, or lack thereof, in compliance with all federal, state, and local laws.

The City of Stow respects the religious beliefs, observances, and practices of all employees and embraces religious diversity. The City of Stow will make good faith efforts to reasonably accommodate an employee's sincerely held religious belief, unless such an accommodation creates an undue hardship for The City of Stow.

An employee who's sincerely held religious beliefs (or non-beliefs), observances, or practices conflicts with their job, work schedule, with The City of Stow's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must make a written request for the accommodation to Human Resources. The written request must include the type of religious conflict that exists and the employee's suggested accommodation. The request must contain sufficient information for the request to be properly evaluated and a determination made as to whether The City of Stow must make a religious accommodation as social, political, economic philosophies, and personal preferences generally speaking (and unless as provided under applicable law), are not "religious" beliefs or practices which must be accommodated. An accommodation may be a change in job, using paid leave or leave without pay, providing a specific time and/or place to pray, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment. Religious accommodation requests are considered on a case-by-case basis.

Human Resources, the supervisor, if applicable, and the employee will meet to discuss the request. Human Resources (who may consult with other appropriate managers and/or the

appointing authority) will determine the nature and scope of the accommodation to be made, after consideration of the particular circumstances, the type of conflict and suggested accommodation, including any hardship to The City of Stow and considering any work-related matters that are permitted to be assessed.

The employee will be informed of the decision on the accommodation to be provided and if no accommodation is able to be made that will be explained to the employee. If the employee accepts the proposed religious accommodation, the decision will be implemented. If the employee rejects the proposed accommodation, the employee will be provided with an opportunity to further discuss this situation with Human Resources to ensure Human Resources had all the available information when making the decision. The employee will be informed of the final decision.

Any supervisor or Department Director who becomes aware of any situation that may require The City of Stow to consider a religious accommodation must immediately notify Human Resources. Any employee who has questions concerning the application of this policy, including the denial of a requested accommodation, must raise it with Human Resources.

An employee who is not requesting a religious accommodation but who has a concern about a matter involving religion in the workplace must bring those matters to the City of Stow's attention. There will be no retaliation against an employee who requests a religious accommodation.

2.11 PUBLIC RECORDS RETENTION & DISPOSAL

It is the policy and intention of the City of Stow to fully comply with the provisions of the Ohio Revised Code and the rules and regulations adopted by the City of Stow Records Commission that provide for the retention and disposal of public records generated and/or kept by the City of Stow. As public servants, we as employees hold the public records in trust for the public.

A. City of Stow Records Commission

1. The City of Stow Records Commission is composed of the Mayor or the Mayor's appointed representative (who serves as the chairperson), the Finance Director, the Law Director, and a citizen appointed by the Mayor.
2. The Commission shall appoint a secretary, who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission.
3. The Commission may employ an archivist or records manager to serve under its direction.
4. The Commission shall meet at least once every six months and upon call of the chairperson.

B. Rules for Retention and Disposal of Public Records

The functions of the commission shall be to:

1. Provide rules for retention and disposal of records of the municipal corporation;
2. To review applications for one-time disposal of obsolete records;

3. To review schedules of records retention and disposition submitted by municipal offices.

The Commission at any time may review any schedule it has previously approved and, for good cause shown, may revise that schedule.

C. Schedule of Records Retention and Disposal Defined

A schedule of records retention and disposal is a listing of records generated and/or kept by the City of Stow and the corresponding period that the record must be kept before it may be disposed of which has been approved by the City of Stow Records Commission.

D. Public Records Not Listed on a Retention and Disposal Schedule

Any records that are generated and/or kept by the City of Stow that are not listed on a retention and destruction schedule must be retained until a one-time records disposal is submitted to and approved by the City of Stow Records Commission or until the records are placed on a records retention and disposal schedule which has been approved by the City of Stow Records Commission and the period has lapsed.

E. Disposal or Destruction of Public Records

1. The City of Stow Records Commission may dispose of records pursuant to the procedure outlined in this section.
2. When the City of Stow Records Commission has approved any application for a one-time disposal of obsolete records or any schedule of records retention and disposition, the commission shall send that application or schedule to the Ohio Historical Society for its review.
3. The Ohio Historical Society shall review the application or schedule within a period of not more than sixty days after its receipt of it.
4. Upon completion of its review, the Ohio Historical Society shall forward the application for one-time disposal of obsolete records or the schedule of records retention and disposition to the auditor of state for the auditor's approval or disapproval.
5. The auditor of state shall approve or disapprove the application or schedule within a period of not more than sixty days after receipt of it.
6. Before public records are to be disposed of, the City of Stow Records Commission shall inform the Ohio Historical Society of the disposal through the submission of a certificate of records disposal and shall give the society the opportunity for a period of fifteen business days to select for its custody those public records that it considers to be of continuing historical value.

NO PUBLIC RECORD MAY BE DESTROYED WITHOUT GOING THROUGH THE APPROPRIATE DISPOSAL PROCESS ESTABLISHED BY THE CITY OF STOW RECORDS COMMISSION and/or AN ESTABLISHED RECORDS RETENTION AND DESTRUCTION SCHEDULE and/or THE CITY OF STOW PUBLIC RECORDS POLICY.

F. Maintenance of Public Records Generated and/or Maintained by the City of Stow

To facilitate broader access to public records, public records should be organized and maintained in a manner that they can be made available for inspection or copying. It is the responsibility of each Department to accomplish this task.

G. “Public Records Custodial Officers”

The City of Stow designates the Supervisor, Police Records and the Supervisor, Communications Division as the “Public Records Custodial Officers” within the City of Stow. For any internal office questions regarding retention and/or disposal of public records generated by and/or maintained by the City of Stow, employees should contact the “Public Records Custodial Officers”. In the event that the “Public Records Custodial Officers” are not available, then the question should be forwarded to either the Assistant Law Director or the Law Director.

“Public Records Custodial Officer” shall:

1. Meet with the employees and answer their question(s), if they know the answer.
2. If they do not know the answer, consult with the Ohio Historical Society LGR Program.
3. Coordinate creation of new Retention and Destruction Schedules for public records generated and/or maintained by the City of Stow.
4. Monitor current Retention and Destruction Schedules for public records generated and/or maintained by the City of Stow.
5. Coordinate revisions to existing Retention and Destruction Schedules for public records generated and/or maintained by the City of Stow.
6. Coordinate a one-time disposal and/or the disposal and destruction of public records in accordance with existing records Retention and Destruction Schedules for public records generated and/or maintained by the City of Stow.

H. Public Records Defined

1. **“Public records” are defined by Ohio Revised Code Section 149.43(A)(1) as “records kept by any public office...”** Kept by a public office has been further defined as the type of item/record typically and actually retained by the office in the ordinary course of its business in order to carry out its duties and functions.
2. Ohio Revised Code Section 149.011(G) further defines “Records” to include any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.
3. Finally, pursuant to Ohio Revised Code Section 149.40, the definition of a public record can be further refined, as that statute requires records be created only when they “are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the ...” office. Those records so generated are “public records”, unless they fall into a specific exclusion.

I. Exclusion as a Public Record

A list of records that are or may be generated and/or kept by the City of Stow that are excluded from the definition of public records and are not to be released to, view or copied by/for, the general public is defined in the Ohio Revised Code Section 149.43

2.12 PUBLIC RECORDS POLICY

(A) General Policy

It is the belief of the City of Stow that openness leads to a better informed citizenry, which, in turn, leads to better government and better public policy. Accordingly, it is the policy of the City of Stow to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed in their narrowest sense. Any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

(B) Public Records (Defined)

The City of Stow, in accordance with the Ohio Revised Code, defines records as including the following: any document - paper, electronic (including, but not limited to, e-mail), or other format - that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City of Stow are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

(C) Records Retention

It is the policy of the City of Stow that, as requested by Ohio Law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

(D) Policy Concerning Electronic Records

Documents in electronic mail format (e-mail) are records as defined by the Ohio Revised Code when their content relates to the conduct of public business of the City of Stow and are subject to disclosure. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules. Records in private e-mail accounts used to conduct public business are subject to disclosure and all employees or representatives of the City of Stow are instructed to retain their e-mails that relate to public business and copy them to their business e-mail accounts and/or the designated records custodian. For additional guidance on electronic records, please refer to the separate policy regarding electronic records (2.10 Internet, E-mail, & Online Services Policy)

(E) Records Custodians

Each department shall designate an employee who will be the Records Custodian for that department. The designated Records Custodian shall be the central point of contact for the department for all public records requests made to that department. A list of the department Records Custodians shall be maintained by the Law Department. The Records Custodian shall be responsible for the tracking and fulfilling of public records requests pursuant to this Policy. If a public records request is not fulfilled at the time it is made, the Records Custodian shall maintain a log of such requests. The log must include the following information:

- Date of the request;
- Name of the person or entity making the request (if provided);
- Type of records requested;
- The date the records are released and the manner in which they are provided;
- The legal authority for any redactions or items withheld; and,

- The name of the person fulfilling the request.

(F) Records Requests (General Provisions)

Each request for public records shall be evaluated for a response using the following guidelines: Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the Records Custodian will contact the requester for clarification and will assist the requester in revising the request by informing the requester of the manner in which the office keeps the records. The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record, except as required below.

An individual may be limited to ten (10) records requests per month that are to be forwarded by mail unless the request certifies in writing that the records will not be used for commercial purposes.

Public records will be available for inspection during regular business hours (8:00 am to 4:30 pm), with the exception of published holidays. Public records will be made available for inspection in a prompt manner. Copies of public records will be made available within a reasonable period of time. ("prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested).

Each request shall be evaluated, on an individual basis, regarding the estimated length of time required to gather and duplicate the records (see definitions of Routine and Non-Routine requests below).

(G) Routine Records Requests (Definition and Procedures)

Routine requests for records will be satisfied immediately (if it is feasible to do so). Routine requests include, but are not limited to, meeting minutes, budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty (20) pages of copies are requested, or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these will be made as quickly as the equipment allows. If more copies are requested, arrangements should be made with the requester regarding when the copies or computer files can be picked up or sent to the requester.

(H) Non-Routine Record Requests (Definition and Procedures)

In the case of "non-routine requests", such as those seeking a voluminous number of copies or requiring extensive research, an acknowledgment of the request shall be given, in a reasonable period of time, which will include the following: an estimated number of business days it will take to satisfy the request; an estimated cost if copies are requested; and, any items within the request that may be exempt from disclosure.

(I) Denials and Redactions

Any denial of public records requested will include an explanation, including the legal authority justifying the denial. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the remainder released. If there are redactions, each redaction will be accompanied by a supporting explanation, including the legal authority justifying the redaction.

(J) Costs for Copies of Public Records

Those seeking public records will be charged only the actual cost of making copies or furnishing compact discs. The charge for paper copies will be five cents (5¢) per each page; with the exception of procurement of copies of police and fire reports, which, as established

in Ordinance 2004-87, has the following fee schedule:

Pages 1-19: No Charge
20 pages or more: \$.05 per page

The charge for downloaded computer files to a compact disc will be \$1 per disc. There will be no charge for documents that are e-mailed.

***For more information or to request a record, contact the Stow Law Department at (330) 689-2869
Or send written inquiries/requests to: Stow Law Department, 3760 Darrow Road, Stow, Ohio 44224***

2.13 INTERNET, E-MAIL, AND ONLINE SERVICES USE

A. Purpose

The purpose of this policy is to ensure the proper use of City of Stow's internet, email and online services . It also aims to inform employees/users about the acceptable and unacceptable use of these systems. The City of Stow reserves the right to amend this policy at its discretion, and employees/users will be notified of any changes. Internet, email and/or online services users expressly waive any right of privacy in anything they create, store, send or receive on the City of Stow's computer system.

The City of Stow may monitor internet, email or online services usage without prior notification. If there is evidence of policy violations, the City reserves the right to take disciplinary action, including termination and/or legal action. This policy does not grant employees any contractual rights.

It is also the purpose and intention of the policy to assure that the City of Stow fully complies with the provisions of Ohio Revised Code to preserve and provide the ability for the general public to review and/or obtain copies of public records maintained by the City of Stow, retain said records, and ultimately provide for their proper disposal.

B. No Expectation of Privacy

Employees have no expectation of privacy in anything that they create, store, send or receive on the City's communications systems. This includes, but are not limited to, the City's email system, internet cell phones, and text messages. The City may monitor communications without prior notification if deemed necessary.

Employees are also reminded that access to and use of the Internet, including communication by e-mail, is not confidential. Internet access can and will be monitored. Web browsers leave traceable "footprints" to all sites visited.

If there is evidence that an employee is not adhering to the guidelines set out in this policy, the City of Stow reserves the right to take disciplinary action, including termination and/or legal action.

C. Requirements

The City of Stow's internet, email and online services are business communication tools and employees/users are obliged to use them responsibly, effectively, and lawfully. While email and/or online services may seem to be less formal than other written communication, the same laws apply.

Here are the rules to be strictly adhered to:

- Ownership: All email accounts maintained on the City's email systems are property of the City of Stow.
- **Privacy: Employees have no expectation of privacy in anything they create, store, send, or receive on the City's email system. The City may monitor emails without prior notification if deemed necessary.**
- Business use: The internet, email and online services are intended primarily for business purposes. Uses that interfere with business activities, involve solicitation, are associated with for-profit business activities or could potentially embarrass the City of Stow are strictly forbidden.
- Prohibited Activities: Employees shall not use the internet, email or online services for:
 - Operating a business for personal gain,
 - Sending chain letters or soliciting money for religious or political causes.
 - Transmitting or downloading material that is libelous, defamatory, offensive, obscene, pornographic, threatening, racist, racially or sexually harassing, or violates any other policy of the City of Stow.
 - Disseminating or printing copyrighted materials (including articles and software) in violation of copyright laws.
 - Providing access to confidential information.
 - Providing access to public information without following the City's rules and procedures for dissemination.
 - Using an account or signature line other than their own unless directed by their supervisor (e.g., a secretary screening e-mails).
 - Forging or attempting to forge email messages or disguising or attempting to disguise their identity when sending e-mails.

Data Protection: Employees shall take all reasonable precautions to prevent the inadvertent dissemination of anyone else's information via the internet, email or online services.

Usage Limits: Internet, email, and online services usage are subject to limitations as imposed by supervisors to prevent excessive or improper use.

Personal Use: While the internet, email and online services systems are meant for business use, the City of Stow allows reasonable personal usage that does not interfere with work or violates this or any other policy.

Prohibited Content: The sending of chain letters, junk mail, jokes and executables is prohibited.

Email Ownership and Retention: All messages distributed via the City of Stow's email system are the City of Stow's property.

Employees shall not delete an email message that has not met or exceeded the appropriate retention period as set forth by the City of Stow's Records Commission. When in doubt, do not delete!

A. Records Management and Email Retention

Email and/or online services are a means of transmitting messages or information. Like paper or microfilm, they are the medium through which this type of record is transmitted. The retention or disposition of email or online services messages must be related to the information they contain or the purpose they serve. The content, transactional information, and any attachments associated with emails or online services are considered a record if they meet the criteria of Ohio's public record laws, Ohio Revised Code section 149.01.1 (G). The content of email and online services messages can vary significantly, and therefore, this content must be evaluated to determine the length of time the email must be retained. For more information on scheduling and retaining email or online services messages consult with one of the "Public Records Custodial Officers".

In summary, emails and online services messages that are necessary for the adequate and proper documentation of the City's organization, functions, policies, decisions, procedures, and essential transactions of the City of Stow are public records and must be treated as such.

D. E-Mail Storage

The City of Stow utilizes Microsoft 365 for email services. Emails are stored securely in the cloud and are subject to Microsoft's data retention policies and practices.

- **Data Retention:** The City of Stow adheres to the retention policies established by Microsoft for its 365 platform. These policies ensure the appropriate storage and disposal of email data in accordance with relevant legal and regulatory requirements.
- **Employee Responsibility:** Employees are still responsible for ensuring that their email records are properly maintained and retained according to the City's Records Management Policy.

Deletion Guidelines: Do not delete an e-mail unless:

- (a) You have already printed off a paper copy (if necessary)
- (b) You are not the person in the City of Stow with the responsibility to retain it.
- (c) It is not a "public record". E-mails that do NOT document the organization, functions, policies, decisions, procedures, and essential transactions of the City of Stow are not public records, and do not have to be maintained. See following Sections 5 (d) and (e) of this provision.

Any e-mail that falls into the permanent retention category shall be printed off for retention immediately and then may be deleted.

5. E-mails that are not public records include:

- a) Personal correspondence (including but not limited to “let’s do lunch” or “can I get a ride home”) are not public records and can/should be deleted.
- b) Broadcast e-mail from outside sources, such as spam or list serve messages are not public records and can/should be deleted.

When in doubt, print off and retain an e-mail and/or ask guidance from one of the “Public Records Custodial Officers”.

E. Instant Messaging, Texting, and Social Media

The City of Stow recognizes that instant messaging, texting, and social media can be useful tools for communication and collaboration. However, these platforms are not suitable for conducting official City business due to their limitations providing a permanent record and ensuring an appropriate security and accountability.

Therefore, the following guidelines apply:

- **Internal Use:** Instant messaging, texting, and social media may be used for internal communication between City employees, but only for non-sensitive, informal, or time-sensitive exchanges that do not involve official City business.
- **Record Keeping:** Employees are responsible for ensuring that all official City business is conducted through appropriate channels that allow for proper recordkeeping, such as email or formal written communication.
- **Privacy:** Employees should be mindful of the potential for privacy breaches when using instant messaging, texting, and social media, especially when discussing sensitive topics or confidential information.
- **Professional Conduct:** All City employees are expected to adhere to the City's Code of Conduct and maintain professional behavior while using these platforms, even for informal communication.

F. Email Encryption

The City of Stow strongly encourages the use of email encryption for sensitive information. Encryption helps protect confidential data from unauthorized access and ensures the privacy and security of communication.

Guidelines for Email Encryption:

- **Available Tools:** The City provides approved email encryption tools that employees may use. Please contact the Information Technology Department for information on available tools and guidance on their implementation.
- **Supervisor Approval:** While encryption is encouraged for sensitive data, it's still important to consult with your supervisor before encrypting any email communication.
- **Key Management:** If you utilize personal encryption tools, ensure that you securely manage the encryption keys and are able to provide them to the Information Technology Department if necessary for access or security purposes.
- **Compliance:** All encryption practices must comply with the City's security policies and relevant legal and regulatory requirements.

G. Viruses

Computer viruses are a significant threat, capable of causing considerable damage to individual computers and entire networks. Even if an infected computer isn't readily identifiable, damage can still occur. Therefore, strict anti-virus precautions must be taken by all employees.

Guidelines to prevent virus infections:

- **Media Sharing:** Do not share personal USB drives, external hard drives, CDs, DVDs, or other similar media between City and other computers without prior approval of the Information Technology Department. A common avenue of infection is through media that has been used on personal computers. However, the use of City USB drives, external hard drives, CDs, DVDs, or similar media with other computers may occur and is not a violation of this policy, if it is necessary for official business.
- **Downloading Programs:** Do not download programs from the Internet or electronic bulletin boards without prior approval of the Information Technology Department.
- **Email Attachments:** Do not activate programs that have been attached to an email message.
- **Suspicious Emails:** Notify the Information Technology Department of any suspicious email that could contain a virus.
- **Antivirus Software:** Ensure that all City computers have up-to-date antivirus software installed and regularly updated.

If you have any questions or comments about this internet, email, and online services policy, please contact one of the "Public Records Custodial Officers". If you do not have any questions, the City of Stow presumes that you understand and are aware of the rules and guidelines in this policy and will adhere to them.

2.14 PASSWORDS

H. Overview

This policy is to establish guidelines for creating and managing strong passwords and applies to all City of Stow employees, contractors, and any other individuals who access city systems, networks, or data using password-protected accounts. This policy aims to minimize the risk of unauthorized access and data breaches by ensuring all employees, contractors, any other individuals to follow best practices for password creation, storage, and use.

I. Purpose

The purpose of this policy is to establish a standard for the secure use and protection of all work-related passwords. All City of Stow employees, contractors, and any other individuals with access to the City of Stow's network are mandated to adhere to the guidelines and to take the appropriate steps, to select and secure their password.

J. Scope

The scope of this policy includes all personnel who have or are responsible for an account (or any form of access that supports or requires a password) on any system that resides at any City of Stow facilities or has access to the City of Stow systems, networks, or data.

K. General

- All passwords must be changed every ninety (90) days;
- Must not be identical to the previous ten (10) Must not be displayed when entered.

L. Password Construction Requirements

- Must be a minimum length of eight (8) characters;
- Passwords should use at least three (3) of four (4) of the following types of characters:
 - Lowercase
 - Uppercase
 - Numbers
 - Special characters
- Must not be the same as the User ID;
- Must not be a proper name;
- Must not be displayed a dictionary word;

M. Protection Standards

All passwords are to be treated as sensitive, confidential City of Stow information.

- Passwords should never be written down;
- Passwords must not be shared with anyone, including coworkers;
- Passwords must not be transmitted in email messages or other forms of electronic communication;
- Passwords must not be revealed over the phone;
- Passwords may be stored only in password managers authorized by the Information Technology Department;

All passwords are to be treated as sensitive

Password less Authentication

The City of Stow recognizes the evolving landscape of authentication methods and the increased security benefits of password less authentication. The Information Technology Department is committed to implementing and supporting password less authentication options where feasible and applications as they become available.

Approved Methods:

The following password less authentication methods are approved for use within the City of Stow's systems, subject to availability and compatibility:

- **Passkey:** Uses a type of password less credential that is generated by the user's device for user authentication. (e.g., FIDO2 and WebAuthn)
- **Biometric Authentication:** Uses unique physical characteristics of an individual to verify your identity. (e.g., fingerprint, facial recognition)
- **Hardware Security Keys:** Physical devices that provide secure authentication. (e.g., YubiKey, Google Titan)
- **Push Notifications:** Sends a notification to a pre-registered device, such as a smartphone, when a login attempt occurs to registered devices.
- **One-Time Passcodes:** Using an authenticator app to generate a time-based, one-time passwords (TOTP).

Password less Authentication Standards

All password less authentication methods must meet or exceed the security level provided by traditional password-based authentication. Password less Authentication methods must support multi-factor authentication where required.

Two-Factor Authentication (2FA)

Where available, two-factor authentication (2FA) should be enabled for all accounts to provide an additional layer of security. Two-Factor Authentication is mandatory for all user accounts accessing Microsoft 365. Users are responsible for maintaining their 2FA methods. Loss of 2FA devices must be reported immediately to the Information Technology department.

Approved Methods:

- Authenticator apps
- Hardware security keys
- Push notifications to registered devices

Password Recovery

In the event of a forgotten password, users should follow the established password recovery procedures for the specific system or account, which may involve contacting the Information Technology department or using an automated password reset feature.

Reporting Suspicious Activity

If a user suspects that their password or account has been compromised, they must immediately report the incident to the Information Technology Manager.

N. Penalties

Any City of Stow employee, contractor, or vendor found to have violated this policy, may be subject to disciplinary action, potential temporary access restrictions, and up to termination of employment or contract at the discretion of their individual appointing authority.

Regular audits will be conducted by the Information Technology department to ensure compliance with this policy.

[2.15 ARTIFICIAL INTELLIGENCE USE POLICY](#)

Overview

The City of Stow is committed to full compliance with applicable laws related to the use of artificial intelligence in the State of Ohio. Additionally, the City of Stow is committed to the ethical use of artificial intelligence. This Artificial Intelligence Use Policy (“Policy”) outlines the City of Stow’s requirements with respect to the adoption of all forms of artificial intelligence by the City. Such artificial intelligence adoption includes use for business efficiencies, operations, and inclusion in the City of Stow's products and services.

This Policy is applicable to all City of Stow directors, officers, board members, employees, contractors, representatives, affiliates, agents, and any person or entity performing services for or on behalf of the City of Stow.

Principles

The intent of this Policy is to provide general guidance on the use of AI at the City of Stow so that the City of Stow can leverage the use of AI as a tool while ensuring it continues to meet legal obligations and act in an ethical manner. The use of AI at the City of Stow should never compromise the City of Stow's core values or introduce undue risk to the organization. Rather, the use of AI at the City of Stow should be focused on improving business efficiencies and enhancing the City of Stow's ability to fulfill its mission.

This Policy provides overarching guidance based on Ohio standards for the use of AI. City of Stow Representatives should be cognizant when using AI at the City that they think about the local impact of their decision to use AI, as the use of AI in some states may not be permitted in others.

This Policy is not intended to address every use of AI at the City of Stow. There are certain departments and functions in the City of Stow that may bear more consideration and potential risks. Before using any AI at the City of Stow—whether for personal business tasks such as writing an email or more complex business processes such as analyzing datasets - you should consult with your manager and seek guidance.

In addition, there are certain Embedded AI Tools used in existing approved City of Stow software that do not require additional approval for use. For example, the use of Microsoft Word in which Microsoft Word has embedded an AI tool to check spelling or grammar. The use of Embedded AI Tools in approved software at the City of Stow is permitted, provided those software tools are aligned with previous general business uses.

When third-party software, services, or contractors are utilized or employed, any AI usage by software used by these parties or services must be noted and evaluated carefully. Contracted services that utilize AI technology should be considered in the same light as individual AI usage. Consult with the Law Department about the inclusion of an AI-specific clause in any vendor or contractor agreements.

The following principles must be followed when considering using an AI system at the City of Stow:

- The use of an AI system should primarily focus on completing departmental goals as directed by department heads. Except for the use of an Embedded AI Tool in a software system approved for use at the City of Stow, any use of a new AI System at the City of Stow must be approved by the Information Technology Manager.
- Individuals using an AI system must have expertise in the subject matter for which the AI is used. AI is to be utilized as a tool and is not a substitute for expertise. For example, if using AI for coding, the individual deploying the AI must have expertise in coding.
- All AI-generated content (writing, datasets, graphs, pictures, etc.) must be thoroughly reviewed by an individual with expertise to evaluate such content for accuracy as well as general proofing and editing. AI-generated content should be viewed as a starting point, not the finished product. Like any content at the City of Stow, AI-generated content should conform to the look and feel of the City of Stow brand and voice.
- Any use of an AI system must have clear objectives for the AI use as a tool and business-accepted data sets from which the AI draws. If the data sets that the AI is using are not accurate, then the information AI provides will not be accurate.

- AI systems are trained on data that may contain inherent bias. Users of these systems are responsible for reviewing any AI-produced content for bias and correcting it as necessary.
- Non-public City of Stow information must never be put into an open AI system.
- Departments must document all AI systems they are utilizing and for what functions. Tracking the use of AI is not optional and is part of your job. Documentation of specific AI Embedded Tools in an approved existing software tool when using that tool as intended is not required. Discuss the process for tracking the use of AI systems with your department head.
- The use of an AI system must be documented to capture institutional knowledge. For example, if AI is used to create code and included in a larger section of code, there must be documentation as to which code section is AI-derived and who reviewed it.
- The use of an AI system must meet any terms of use or contractual limitations. Contractual restrictions or terms of use may restrict the City of Stow's use of an AI system that would otherwise be legally compliant and ethically sound. For example, an AI system's terms of use may require the use of certain disclaimers in certain use situations or prohibit the use of the AI system to do certain tasks. Departments should have all terms of use or contracts for AI systems reviewed by the Law Department to ensure compliance with contractual obligations in using an AI system.

Approval of an AI system does not eliminate the need for other internal approvals required at the City of Stow for the use of technology, such as a security review, privacy review, cost review and spend approval, legal review, human resources review, etc. An AI system should go through the same review and approval process as other software or services at the City of Stow

Prohibited Uses

There are certain uses of AI that are prohibited. Unless otherwise approved by the Information Technology Manager and respective department heads, employees are prohibited from using AI systems for any of the following activities at any time:

- Conducting political lobbying activities is prohibited. Lobbying is defined as any action aimed at influencing a Government, Government Official, or Government Entity for any reason.
- Using AI systems to identify or categorize students, candidates, employees, contractors, or other affiliated entities based on protected class status is prohibited.
- Entering trade secrets, confidential information, or personal data about any individual into an open AI system.
- Entering any sensitive information about an individual into any AI system. "Sensitive information" includes medical, financial, political affiliation, racial or ethnic origin, religious beliefs, gender, sexual orientation, disability status, or any other part of a person's life someone would want to keep private.

Using an AI system to obtain legal advice, including, but not limited to, creating policies for internal use or to provide to third parties.

Creating intellectual property that the City of Stow desires to register and/or holds significant value to the organization.

Ethical Guidelines

The City of Stow desires to act in an ethical manner when using AI. Accordingly, there may be uses of AI that are legally permissible, but which do not meet ethical requirements. Any use of an AI system in the City of Stow should conform to the following ethical guidelines:

Informed Consent: Prior to inputting personal information into a closed AI system, ensure that you have obtained informed consent from the individual(s) whose personal information will be inputted.

Integrity in Use: All users of AI systems should be honest about how AI helped in getting the work done. Even if using an AI system approved by the Information Technology Manager for approved use, you should ensure your manager or the department requesting a task for which you are using an AI system is aware of your use of the AI system. Do not pass off AI-generated work as done by you solely. Additionally, you should ask permission if you desire to use an AI system tool to complete a task.

Appropriate Content: Do not use city time or resources to generate content using an AI system that would be considered illegal, inappropriate, harmful to the City of Stow's brand or reputation, or disrespectful to others.

Unauthorized Use: Do not use city time or resources to generate content using an AI system for personal use without prior approval of the appropriate department leader.

General AI System Use Standards and Use Approval

Except for AI Embedded Tools in approved software, all uses of AI systems must be approved by the Information Technology Manager prior to use to ensure such AI system use meets the following principles:

Lawful: The use of AI systems must comply with all applicable laws and regulations, as well as any contractual obligations, limitations, or restrictions.

Ethical: The use of AI systems must adhere to ethical principles, be fair, and avoid bias.

Transparent: There must be clear objectives for the use of an AI system and documented oversight of such use, which is recorded and captured for institutional knowledge. Disclosures of the use of AI in any AI-assisted content generation must be made when required by law or contract, or when required by the City of Stow.

Necessary: The use of AI systems must be for a valid city purpose to improve the City of Stow's efficiencies and support the organization's mission. The use of AI is not a substitute for human critical thinking or expertise and should not require the City of Stow to incur an unnecessary expense without any true benefit.

Prior to submitting a request to the Information Technology Manager for the use of an AI system, a requester should first obtain the approval of his or her manager. In addition, in evaluating whether to make a request, the requester should ensure that the AI system use, if approved, would conform with the guidelines in this Policy, prior to submitting such request.

Training

All City of Stow employees who interact with AI systems must be trained on this Policy. Additionally, specific departments or functions at the City of Stow may require more specific training on the use of AI systems for their department or function when more high-risk.

Reporting Non-Compliance

City of Stow directors, managers, employees, and agents aware of any conduct that may violate this Policy have a responsibility to report it. Individuals are encouraged to make reports through normal reporting relationships beginning with their manager. All reports of suspected misconduct or non-compliance will be investigated by the Information Technology Manager, Law Department, Human Resources, or other appropriate parties. Unless acting in bad faith, City of Stow employees will not be subject to reprisals for reporting potential violations. If the City of Stow determines that an employee has failed to comply with this Policy after an investigation concludes, then the employee will be subject to disciplinary action, up to and including termination.

2.16 WORKPLACE VIOLENCE PREVENTION

The safety and security of employees and the general public are of vital importance to the City of Stow. Violence or threats of violence by an employee or anyone else against an employee, supervisor, a member of management, or the general public will not be tolerated. The City of Stow is committed to providing its employees with a work environment that is safe, secure, and free of harassment, threats, intimidation, and violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect a City of Stow employee or which occur on City of Stow property will not be tolerated.

A. Threats or Acts of Violence Defined

Threats or acts of violence include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the conditions of employment, or to create a hostile, abusive, or intimidating work environment for one or more employees. It also includes threats, threatening behavior, or acts of violence made by an employee or any other individual against another person's life, health, well-being, family or property.

B. Prohibited Workplace Violence

Prohibited workplace violence includes, but is not limited to:

1. All threats or acts of violence occurring on City property, regardless of the relationship between the City of Stow employee and the individual involved in the incident.
2. All threats or acts of violence involving an employee who is acting in the capacity of or as a representative of the City of Stow, regardless of location.
3. All threats or acts of violence involving an employee of the City of Stow if the threats or acts of violence affect a legitimate interest of the City of Stow.
4. Any threats or acts of violence resulting in the conviction of an employee or agent of the City of Stow, or of an individual performing services on the City's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the City.

C. Examples of Prohibited Conduct

These are specific examples of prohibited conduct that may be considered threats or acts of violence; which is not an exhaustive list:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or their family, friends, associates, or their property.
3. The intentional destruction of property owned, operated, or controlled by the City.
4. Making harassing or threatening telephone calls, sending harassing or threatening letters, or sending other forms of written or electronic communications.
5. Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, rule, or policy that would affect the business interests of the City of Stow.
6. The willful, malicious, and repeated following of another person (also known as “stalking”)
7. Making a credible threat with the intent to place the other person in reasonable fear for their safety. These prohibitions are in addition to those contained in the general work rules set forth in the Employee Handbook.

D. Warning Signs, Symptoms, and Risk Factors

The following are examples of warning signs, symptoms, and risk factors which may indicate an employee’s/person’s potential for workplace violence:

1. Dropping hints about a knowledge of firearms.
 2. Making intimidating statements like: “you know what happened at the post office” or “I’ll get even” or “You haven’t heard the last from me”
 3. Possessing reading material with themes of violence, revenge, and/or harassment.
 4. Keeping records of other employees the individual believes to have violated departmental policy.
 5. Physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast and/or profane speech.
 6. Acting out either verbally or physically.
 7. Disgruntled employee or ex-employee who is excessively bitter.
 8. Being a loner.
 9. Having a romantic obsession with a co-worker or employee who does not share that interest, or a past romantic relationship that has ended.
 10. History of interpersonal conflict.
 11. Intense anger, lack of empathy.
 12. Domestic problems, unstable/dysfunctional family.
 13. Brooding, depressed, strange behavior, “time bomb ready to go off”
- Supervisors should be alerted to and be made aware of any of these indicators. If an employee exhibits such behavior the employee should be monitored and such behavior should be documented.

E. Reporting Conduct

Employees are encouraged to report and participate in an investigation of any suspected or actual cases of workplace violence. Conduct in violation of this policy shall be promptly reported to your immediate supervisor, Department Head, or Appointing Authority. If you receive or overhear any threatening communications from an employee or outside third party, report it to your supervisor, Department Head, or Appointing Authority at once. Do not engage in either physical or verbal confrontation with a potentially violent individual. All reports of work-related threats will be investigated and documented. Your failure to report or fully cooperate in the City's investigation could result in discipline.

F. Confidentiality of Reports of Conduct

All reports of work-related threats will be kept confidential to the extent possible.

G. Immediate Threat of Imminent Violence

If you encounter an individual who is threatening immediate harm to an employee or visitor to our premises, contact an emergency agency (such as 911) immediately. Employees should also take the precautions necessary to assure their own safety and the safety of others.

H. Employee Support and Counseling Referrals

The City of Stow has an Employee Assistance Program available to its employees. Where a supervisor suspects that an employee has work-related or personal problems, the supervisor should recommend that the employee contact the City of Stow's EAP program. Please refer to that policy for additional information.

I. Consequences of Policy Violation

Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

2.17 WEAPONS AND/OR DANGEROUS ORDINANCE

A. General Statement of Policy

The City of Stow is committed to providing its employees with a work environment that is safe and secure. This commitment includes prohibiting employees from possessing or having under their control a weapon or other dangerous ordinance while conducting City business or while on City time, unless specifically authorized by the employee's appointing authority.

B. Definition of Weapon or Other Dangerous Ordinance

A weapon or other dangerous ordinance includes, but is not limited to: a firearm, a club, brass knuckles, any martial arts weapon, a stun gun, explosives, or a knife (other than a small folding pocket knife).

C. Prohibited Conduct

1. Employees shall not carry or store a weapon or other dangerous ordinance in a building or portion of a building owned or leased by the City. This prohibition includes parking areas.
2. Employees shall not carry or store a weapon or other dangerous ordinance in a motor vehicle owned or leased by the City.

3. Employees conducting City business or on City time, when they are off of City owned or leased property, shall not carry or store a weapon or other dangerous ordinance.

D. Concealed Carry Permit

Employees who have been issued a permit to carry a concealed weapon in the State of Ohio are not exempt from the above provisions.

E. Responsibility of Employees Who Carry or Possess a Weapon or Other Dangerous Ordinance

Employees who carry or possess a weapon MUST store said weapon, in accordance with the law, prior to entering an area in which a weapon is prohibited.

F. Persons to Whom the Policy Applies

The prohibition against unauthorized weapons applies to all contractors and all employees, including but not limited to, permanent employees, part-time employees, contract and temporary workers, consultants, college interns, student help, and anyone else conducting business on City property.

G. Police Department Excepted From Policy When

This section does not apply to the members of the Police Department, or other law enforcement agencies, or authorized court personnel, when in compliance with Police Department and/or Court rules and regulations.

H. Violation of Policy

Violations will be subject to legal action as appropriate. Violation of this policy by a City employee may lead to disciplinary action up to and including termination in accordance with the applicable law, this Policy, or collective bargaining agreement.

2.18 WORKPLACE SEARCHES

A. Right to Inspect Persons and Possessions

To protect the property and to ensure the safety of all employees, customers, and the City, the City reserves the right to conduct personal searches consistent with State and Federal laws, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes or any other possessions or articles carried to and from the City's property.

B. Right to Inspect Premises

The City reserves the right to search any employee's office, desk, files, locker equipment, or any other area or article on City premises. In this regard, it should be noted that all offices, desks, files, locker, equipment, etc. are the property of the City, and are issued for the use of employees only during their employment. Inspections may be conducted at any time at the discretion of the City.

C. Refusal to Cooperate in Inspection May Result in Access Being Prohibited

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may be prohibited from entering the premises.

D. Employee's Refusal to Cooperate in Inspection

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who, after the inspection, are believed to be in possession of stolen property or illegal drugs, will be subject to disciplinary action, up to and including discharge; if upon investigation they are found to be in violation of the City's security procedures or any other City rules and regulations.

2.19 WHISTLEBLOWER PROTECTIONS

Employees of the City of Stow are protected pursuant to Ohio's "whistleblower" provisions contained in Ohio Revised Code Section 4113.52.

The City of Stow encourages all of its employees, acting in good faith, to report suspected or actual wrongful conduct. The City is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an illegal order as defined in this Policy. City employees may not retaliate against an individual who has made a protected disclosure or who has refused to obey an illegal order. City employees may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate supervisor or other appropriate administrator or supervisor within the operating unit, or other appropriate City officials about matters within the scope of this Policy.

It is the intent of the City to take whatever action may be needed to prevent and correct activities that violate this Policy.

POLICY GUIDELINES

A. Intent of Policy

1. This Policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated City official or public body.

More specifically it:

- a. Encourages individuals to disclose wrongful conduct engaged in by others to the appropriate City official so that prompt, corrective action can be taken by the City;
 - b. Informs individuals of how allegations of wrongful conduct can be disclosed;
 - c. Protects individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self-report their own misconduct are not afforded protection by this Policy);
 - d. Provides individuals, who believe they have been subject to reprisal or false allegations, with a fair process to seek relief from these acts.
2. Any communication that proves to have been both unsubstantiated and made with malice or knowledge of its falsity is not protected by this Policy. This Policy is also intended to protect individuals against false allegations of wrongful misconduct.
 3. Nothing in this Policy is intended to interfere with legitimate employment decisions.

B. Specific Provisions of Ohio Revised Code

1. If an employee of the City of Stow becomes aware in the course of the employee's employment of a violation of Ohio Revised Code Chapter 3704 (Air Pollution Control), Ohio Revised Code Chapter 3734 (Solid and Hazardous Wastes), Ohio Revised Code Chapter 6109 (Safe Drinking Water), or Ohio Revised Code Chapter 6111 (Water Pollution Control) that is a criminal offense, the employee directly may notify, either verbally or in writing, any appropriate official or agency which has regulatory authority.
2. Unless the City of Stow employee's conduct fails to meet the test set forth in section 2 (C) of this provision (ORC Section 4113.52 (C)), the City of Stow shall not take any disciplinary or retaliatory action against an employee of the City of Stow who makes a report authorized by and in compliance with section 1 (ORC Section 4113.52 (A)(2)), or as a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information reported.

C. Federal, State, or City Charter, Ordinance, Policy, or Regulation

1. If an employee becomes aware, in the course of their employment with the City of Stow, of a violation of any Federal, State, or City ordinance, Policy, or regulation that the City of Stow has the authority to correct, **and** the employee reasonably believes that the violation is either:
 - a.) A criminal offense that is likely to cause an imminent risk to persons; or
 - b.) A hazard to public health or safety; or
 - c.) A felony

The employee shall verbally notify their Department Head, Appointing Authority, or the Law Director of the violation. The employee is also required to file a written report that provides sufficient detail to identify and describe the violation to their Department Head, Appointing Authority, or the Law Director.

2. If the City of Stow does not correct the violation or make a reasonable good faith effort to correct the violation within twenty-four (24) hours after the verbal notification or the receipt of the report (whichever is earlier), the employee **may** file a written report that provides sufficient detail to identify and describe the violation with:
 - a. The prosecuting authority of the City or County; or
 - b. A peace officer; or
 - c. The inspector general if the violation is within the inspector general's jurisdiction; or
 - d. The City of Stow Law Director
 - e. With any other appropriate public official or agency that has regulatory authority over the City of Stow.

3. **IF** an employee makes a report under this provision (i.e. ORC Section 4113.52 (A)(1)(a)), the City of Stow, within twenty-four (24) hours after verbal notification or the receipt of the report or by the close of business on the next regular business day following the day on which the verbal report was made or the written report was received (whichever is later), shall notify the employee in writing:
 - a. Any effort the City of Stow has made or is making to correct the alleged violation or hazard; or
 - b. Of the absence of the alleged violation or hazard.
4. Unless the City of Stow employee's conduct fails to meet the test set forth in Section E of this Policy (ORC Section 4113.52 (C)), the City of Stow shall not take any disciplinary or retaliatory action against an employee of the City of Stow who makes a report authorized by and in compliance with this Section (ORC Section 4113.52 (A)(1)(a)) or as a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information reported.

D. Violations by a Fellow Employee

1. If an employee of the City of Stow becomes aware, in the course of their employment, of a violation by a fellow employee of:
 - a. Any State or Federal statute; or
 - b. Any ordinance or regulation of a political subdivision; or
 - c. Any work rule or Policy of the City of Stow

AND the employee reasonably believes that the violation is either a:

- Criminal offence that is likely to cause an imminent risk of physical harm to persons; or
- A criminal offence that is a hazard to public health or safety; or
- A felony

The employee **shall** verbally notify their Department Head, Appointing Authority, or the Director of Law of the violation and shall subsequently file, with their Department Head, Appointing Authority, or the Director of Law, a written report that provides sufficient detail to identify and describe the violation.

2. The City of Stow **shall not** take any disciplinary or retaliatory action against an employee of the City of Stow for making any report authorized by and in compliance with section 3 (ORC Section 4113.52 (A)(3)) **IF**:
 - a. The employee has made a reasonable and good faith effort to determine the accuracy of any information so reported; or
 - b. As a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information so reported.

E. Disciplinary or Retaliatory Action

No individual who makes a protected disclosure will suffer harassment, retaliation, or adverse employment consequences. Any person who retaliates against any individual who makes a protected disclosure is subject to discipline up to and including discharge. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the City prior to seeking resolution outside the City.

Disciplinary or retaliatory action prohibited to be taken by the City of Stow in Sections of this Policy, includes, without limitation:

- a. Removing or suspending the employee from employment;
- b. Withholding from the employee salary increases or employee benefits to which the employee would otherwise be entitled;
- c. Transferring or reassigning the employee;
- d. Denying the employee a promotion that the employee would have otherwise received;
- e. Reducing the employee in pay or position.

F. Handling Retaliatory Action

If an individual in good faith believes they were retaliated against for reporting wrongful conduct, it is that individual's sole responsibility to report such retaliation with the State personnel board of review within thirty (30) days after receiving actual notice of the Appointing Authority's action.

G. Lack of Reasonable Belief and/or Good Faith Effort

IF an employee fails to make a reasonable and good faith effort to determine the accuracy of any information so reported, or if an employee fails to make an inquiry or take any other action to ensure the accuracy of any information so reported, the employee may be subject to disciplinary action by the City of Stow, including suspension or removal, for reporting information without a reasonable basis to do so.

H. Confidentiality

Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously in a written letter. Protected disclosures and investigatory records will be kept confidential **to the extent possible**, consistent with the need to conduct an adequate investigation, and in accordance with the Ohio Public Records Act.

I. Handling Protected Disclosures

The person receiving the protected disclosure will notify the disclosing individual (if their identity is known) and acknowledge receipt of the reported violation or suspected violation within ten (10) working days for most issues and within twenty-four (24) hours for alleged criminal or environmental violations. All reports will be promptly investigated within forty-five (45) calendar days and appropriate corrective action will be taken, if warranted, by the investigation.

J. Definitions

1. **Wrongful Conduct** – A serious violation of City Policy; a violation of applicable State and Federal laws; or the use of City property, resources, or authority for personal gain or other non-City related purpose except as provided under City Policy.
2. **Protected Disclosure** – Communication about actual or suspected wrongful conduct engaged in by a City employee, agent, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or City Policy. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct to:
 - a. The disclosing individual’s supervisor, either verbally or in writing; or
 - b. The disclosing individual’s Appointing Authority, either verbally or in writing; or
 - c. The appropriate governmental unit, law enforcement office or ethics commission after first providing a written communication about the wrongful conduct to the disclosing employee’s supervisor or Appointing Authority.

Individuals who wish to be protected by the Ohio Whistleblower Protection Act (O.R.C. 124.341) must provide a written report that provides sufficient detail to identify and describe the violation.

3. **Acting in Good Faith** – Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this Policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Policy.
4. **False Allegation** – Any employee who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including discharge.

2.20 REPORTING FRAUD

Ohio Revised Code (ORC) [§ 4113.52](#) requires all state officials and employees employed by or appointed to a state agency to report alleged fraud, theft in office, or the misuse or misappropriation of public money by a state official or employee to the inspector general. All other state employees and elected officials are to report suspected fraud, theft in office, or

misuse or misappropriation of public money to the Auditor of State's (AOS) fraud-reporting system under ORC [§ 117.103](#). In addition, ORC § 117.103 has been updated with new law requiring all public employees to register for training in the identification and prevention of fraud.

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

Auditor of State's Fraud Contact Information

Write a Letter:

Ohio State Auditor's Office
88 E. Broad St. PO #1140
Columbus, Ohio 43215

Call the Public Integrity Assurance Team:

1-866-Fraud-OH
1-866-372-8364

E-mail your Tip*:

fraudohio@ohioauditor.gov

Website: www.ohioauditor.gov

All newly hired employees are required to review the video found [here](#) and submit the Certificate of completion - [AOS Acknowledgement.pdf](#) to Human Resources within 30 days of the hire date.

*** PLEASE NOTE:** Under Ohio law, complaint forms or letters may at some time become "public records" subject to disclosure under the Ohio Public Records Act. Documents that are deemed to be public records are available to the public, including the media, upon request for review, copying, and release. Since the Internet is not secure, we urge you to send personal identifying information (for example, Social Security number, bank account numbers, or credit card numbers) by U.S. mail rather than via the Internet. When doing so, please reference the complaint number that will be assigned to you. Please be sure to send copies of supporting documents, not the originals.

2.21 SEXUAL ABUSE AND MOLESTATION PREVENTION POLICY

The City of Stow ("City") prohibits and does not tolerate sexual abuse or misconduct in the workplace or during any organization-related activity. The City provides procedures for employees, volunteers, or any other victims of sexual abuse or misconduct to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including termination of employment, as well as criminally prosecuted. No employee, volunteer, or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct. Because the City is dedicated to maintaining zero tolerance for abuse, it is imperative that every member of the organization actively participates in the prevention of abuse. In the event that anyone observes any suspicious

or inappropriate behaviors and/or policy violations, it is their personal responsibility to report their observations immediately.

A. Definitions and Examples

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all of the following persons: employees, volunteers or other third-parties.

Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – any sexual activity, involvement or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Any activity which is meant to arouse or gratify the sexual desires of either person.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone’s neck or shoulders and/or pulling against another’s body or clothes.
- Material such as pornographic or sexually explicit images, posters, calendars or objects.
- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.
- A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one’s work performance or ability to do the job or creates an intimidating, hostile or offensive environment.
- Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.

B. Reporting Procedure

Immediately report suspected sexual abuse or misconduct to your Supervisor, Department Director or the Chief of Staff. It is not required to directly confront the person who is the source of the report, question or complaint before notifying your Supervisor, Department Director or Chief of Staff. The City will take every reasonable measure to ensure that those named in complaint of misconduct, or who are too closely associated with those involved in the complaint, will not be part of the investigative team.

C. Anti-retaliation and False Allegations

The City prohibits retaliation made against any employee, volunteer, or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse or misconduct can have serious consequences for those who are wrongly accused. The City prohibits making false or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment and criminal prosecution.

D. Investigation and Follow-up

The City will take all allegations of sexual abuse or misconduct seriously and will promptly, thoroughly, and equitably investigate whether misconduct has taken place. The City may utilize an outside third-party to conduct an investigation of misconduct. The City will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective services agencies. The City will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation.

E. Reporting to Law Enforcement or Appropriate Child or Adult Protective Services

The City is committed to following State and Federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective service organizations. It is the policy of the City not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse as a condition before reporting the allegation to proper law enforcement authorities or protective services organizations.

F. Employee and Worker Screening and Selection

As part of its sexual abuse and misconduct prevention program, the City is committed to maintaining a diligent screening program for prospective and existing employees, volunteers and others that may have interacted with those employed by, associated with or serviced by the City. The City may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references. Staff with hiring authority will receive training on screening and selection.

2.22 INFECTIOUS DISEASE CONTROL POLICY

Infectious disease emergencies are circumstances caused by biological agents, including organisms such as bacteria, viruses or toxins with the potential for significant illness or death in the population. Infectious disease emergencies may include naturally occurring outbreaks (e.g., measles, mumps, meningococcal disease), emerging infectious diseases (e.g., SARS, avian influenza, COVID-19), and bioterrorism. The circumstances of infectious disease emergencies may vary by multiple factors, including type of biological agent, scale of exposure, mode of transmission and intentionality (bioterrorism), and many others. Public health measures to contain such outbreaks are especially important for diseases with high morbidity or mortality and limited medical prophylaxis and/or treatment.

The City of Stow will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of The City of Stow during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

The City of Stow is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

The City of Stow will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, breakrooms, conference rooms, door

handles and railings. A committee will be designated to monitor and coordinate events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety through infection control.

We ask all employees to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains the most obvious—frequent hand washing with warm, soapy water; covering your mouth whenever you sneeze or cough; and discarding used tissues in wastebaskets. We will also install alcohol-based hand sanitizers throughout the workplace and in common areas.

Unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of childcare should schools close and/or speak with supervisors about the potential to work from home temporarily or on an alternative work schedule.

Temperature Screening- All employees will have their temperature taken upon reporting to work. Employees should report to the Fire Department upon arrival at work and prior to entering any other areas of the City of Stow property.

Each employee will be screened privately using a touchless forehead/ temporal artery thermometer. The employee's temperature will be documented, and the record will be maintained as a private medical record. An employee who has a fever at or above 100 degrees Fahrenheit will be sent home.

Time spent waiting for the health screening should be recorded as time worked for nonexempt employees.

*Limiting Travel-*Check the “CDC’s Traveler’s Health Notices” [<https://wwwnc.cdc.gov/travel>] for the latest guidance and recommendations before you travel to other countries. Avoid travel to level 3 and 4 countries until the CDC has indicated that it is safe to do so.

Do not travel by airplane, bus, cruise ship, or other means with large numbers of people if you are experiencing symptoms of acute illness.

*Telecommuting-*Telework requests will be handled on a case-by-case basis. While not all positions will be eligible, all requests for temporary telecommuting should be submitted to your manager for consideration.

*Staying Home When Ill -*Many times, with the best of intentions, employees report to work even though they feel ill. We provide paid sick time and other benefits to compensate employees who are unable to work due to illness.

During an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing the following symptoms: fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills and fatigue and other illness that could spread the infectious disease. Currently, the Centers for Disease Control and Prevention recommends that people with an infectious illness such as the flu remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Employees who report to work ill will be sent home in accordance with these health guidelines.

For the COVID-19 virus, the protocol is to return to work when, for at least 24 hours, symptoms are improving overall. In addition, if a fever is part of the illness you can return to work once the fever is gone without the use of fever reducing medications.

Requests for Medical Information and/or Documentation-If you are out sick or show symptoms of being ill, it may become necessary to request information from you and/or your health care provider. In general, we would request medical information to confirm your need to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for you to return to work. As always, we expect and appreciate your cooperation if and when medical information is sought.

Confidentiality of Medical Information-Our policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law.

Social Distancing Guidelines for Workplace Infectious Disease Outbreaks-In the event of an infectious disease outbreak, The City of Stow may implement these social distancing guidelines to minimize the spread of the disease among the staff.

During the workday, employees are requested to:

1. Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, e-mail or instant messaging to conduct business as much as possible, even when participants are in the same building.
2. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room and sit at least one yard from each other if possible; avoid person-to-person contact such as shaking hands.
3. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.
4. Do not congregate in work rooms, pantries, copier rooms or other areas where people socialize.
5. Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).
6. Encourage members and others to request information and orders via phone and e-mail in order to minimize person-to-person contact. Have the orders, materials and information ready for fast pick-up or delivery.

2.23 MOTOR VEHICLE DRIVING RECORD POLICY

Objective

The City of Stow seeks to safeguard its employees and others when driving a motor vehicle is required while conducting city business.

Policy

Following a conditional offer of employment, a motor vehicle record check will be conducted on all final job candidates for whom driving a motor vehicle is an essential job function. Thereafter, random checks will be run annually for these employees. Motor vehicle record checks will also be conducted on employees who will be covered by company insurance to drive rental vehicles during business travel. The City of Stow's Human Resources Department will review motor vehicle records and decide as to drivers' status for applicants and employees according to the classification system listed below:

Satisfactory

The individual is eligible to drive while conducting city business. The individual's driving record indicates not more than one moving violation in the past 12 months.

Probationary

The individual is eligible to drive while conducting city business with the stipulation that the individual's motor vehicle record will be checked periodically over a period of probation. The individual's driving record indicates more than one moving violation in the past 12 months but no more than two moving violations in the past 24 months. Any violations during the probationary period may result in disciplinary action.

Unacceptable

The individual is not eligible for employment due to an unsatisfactory driving record. Examples of unacceptable infractions include but are not limited to:

- Suspended or revoked license.
- Three or more moving violations in the past 36 months.
- Any violations involving drugs, alcohol, controlled substances, etc., within the past 24 months.
- Leaving the scene of an accident within the past 24 months.
- Reckless driving within the past 24 months.
- At fault in an accident resulting in fatality or serious injury within the past five years.

Procedure for Existing Employees

Motor vehicle records will be checked at random annually for all current employees with driving responsibilities or those who use rental cars for business travel purposes. Any covered employee without a valid driver's license will not be allowed to operate a city vehicle or drive on the City of Stow's business. If driving is an essential job function and the employee cannot be reasonably accommodated, employment may be disciplined.

If an existing employee has a valid driver's license but the employee's driving record falls at or below probationary status criteria (defined above), the employee may be placed on probationary status and may be subject to the requirements of that status until the end of the probation. If a subsequent periodic motor vehicle record check reveals further violations, the City of Stow will review the specific circumstances and determine appropriate action.

Procedure for Job Applicants Following Conditional Offer of Employment

The City of Stow will check the motor vehicle records of any job applicant when driving is an

essential job function or when use of a City vehicle may be needed for business travel purposes. The applicant's job offer is contingent on eligibility under the city policy outlined above. The motor vehicle record check will include a review of all states listed on the individual's employment application and resume.

If the applicant does not have a valid driver's license or has a driving record that falls at or below the criteria listed under the unacceptable status (defined above), the applicant will not be hired for positions where driving is an essential job function. If the applicant's driving record meets the probationary status criteria, the individual will be placed into that status upon hire with further periodic review.

Section III NEW EMPLOYEES

3.00 NEW EMPLOYEE CHAPTER INTRODUCTION

Starting a new job is exciting, but at times it can be overwhelming. This Chapter of the Employee Handbook has been developed to help you get acquainted and answer many of your initial employment questions.

The remainder of the Employee Handbook explains our personnel policies and benefits, and the specific opportunities and responsibilities that exist for you within our City.

As an employee of the City of Stow, the importance of your contribution cannot be overstated. Our goal is to provide the finest-quality services to the general public and to do this efficiently and economically. By satisfying the general public's needs, we can assure their continued confidence in the City and its employees.

In an effort to be responsive to the needs of a growing organization, changes or additions to this handbook will be made when necessary. We will keep you informed when these changes are made.

You are an important part of this process, for your work directly influences our City's reputation.

3.01 APPLICATION AND HIRING PROCESS

A. Intent

The City of Stow seeks the best-qualified employees available, those who will be productive and hard-working and who will contribute to our mutual success.

B. Recruitment

Applicants may be recruited in a variety of manners, including advertisements, seeking applicants from other political subdivision's candidate lists, applications and/or resumes on file, referrals from non-profit agencies, and any other means that is effective in bringing qualified candidates into the hiring process.

C. Employment Application

Employment application forms exist for the purpose of identifying potential candidates for position openings with the City of Stow. Employment application forms shall be made readily available for any interested applicant who expresses their desire to apply for a position with the City of Stow. Employment application forms can be picked up at the Human Resources Office in City Hall or they can be downloaded from the City of Stow's website (www.stow.oh.us) on the Human Resources homepage. All application materials must be fully completed and any application fees associated with the position applied for must be included with the application materials for the candidate to be considered for the open position. All application materials are to be submitted to the Human Resources Office unless otherwise noted. It is important that applicants provide a telephone number to contact them in the event they proceed further into the hiring process.

D. Retention of Employment Applications

The City of Stow will keep applications and/or resumes of applicants on file for two (2) years.

E. Evaluation and Review of Applicants

In the event that an opening occurs, persons who apply for the opening, and/or persons who are qualified based upon the information contained in their application and/or resume on file, and/or by Civil Service testing, will be evaluated and reviewed. The Appointing Authority or designee shall evaluate all new hire applicants. Applicants may be subject to reference checks, interviews, medical examinations, background checks, performance tests, drug/alcohol tests, and/or other position-related screening procedures, as required. Any applicant may be required to provide any information and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information and examination are position related.

F. Interview of Applicants

Based upon the evaluation and review, and/or by Civil Service testing, a list of candidates will be established for interview.

The City of Stow complies with all applicable laws (including Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in the Workplace Act, the Pregnancy Discrimination Act of 1978, Vietnam Veterans Readjustment Act of 1974, the Civil Rights Act of 1991, and all other applicable federal, state and local laws) in its interviewing and selection process.

Pre-employment interviews will be conducted with selected job applicants if the application is complete, if the applicant followed the instructions on the application, and if the information on the application, along with appropriate references, indicates that the applicant is eligible for a position. Interviews will take place in the interviewer's office at a time set by the interviewer that is convenient for both the applicant and the interviewer.

G. Background Checks

The City of Stow believes that hiring qualified individuals to fill positions contributes to the overall success of the City. Reference and background checks serve as an important part of the selection process. This type of information is collected as a means of promoting a safer and more productive work environment for current and future City employees. Background checks also help the City obtain additional applicant-related information that helps determine the applicant's overall employability and future conduct/performance; ensuring the protection of the current employees, citizens, property and information of the City.

Background checks may include, but are not limited to, any of the following:

1. Verification of Submitted Application Information

The City may obtain references to confirm and supplement information in the resume or application. Additionally, the City may seek confirmation of background data (such as dates of employment, salary, position and duties, education and professional licenses) and competency with respect to certain job-related skills (such as attendance, dependability, judgment and initiative).

2. Past Employer Checks

The City may contact a candidate's previous employer(s). The candidate's current employer(s) will only be contacted after agreement from the candidate. The City will attempt to contact the candidate's former supervisor(s), but at the very least, the dates of employment and position(s) held shall be confirmed by the City. Reference checks provide the City an opportunity to obtain information from other sources about the candidate's work history, determine to what extent the work

experience of the candidate is related to City's needs and to identify position-related problem areas.

3. Criminal Records

Applicants are required to respond to questions regarding convictions and pending criminal charges, if applicable, on the City's application form, and may be required to provide a separate listing detailing the convictions and pending charges. In reviewing applicable convictions and pending charges, the City will consider the relationship between the conviction and the position, the nature of the conviction, the number of convictions, rehabilitation efforts and the applicant's fitness for the position. Applicants who have been convicted of a felony may be precluded from getting into state-funded retirement plans (i.e. the Ohio Public Employees Retirement System and the Police and Fire Pension Fund) (ORC 2929.192).

4. National Criminal Records & Caregiver Background Checks for Applicants Employees and Volunteers

Pursuant to O.R.C. 173.394, applicants or volunteers serving vulnerable populations, or who qualify as a "caregiver" under Ohio law may have a national criminal records check screening completed. The purpose of this criminal history check will be to determine if a prospective or current employee or volunteer has been convicted for a crime that affects their ability to provide for the safety and wellbeing of children, the elderly or individuals with disabilities. Fingerprints may be obtained by going to the City's Police Department.

5. Driving Records

A review of driving records is required for all City positions that require operation of a motor vehicle. Prior to an offer of employment or promotion to a position that requires driving, the City may review pertinent driving records against a specific set of screening criteria to evaluate whether the records are acceptable, questionable or unacceptable. In addition, the screening may also take into account how much experience is needed, and what types of vehicles and/or equipment the candidate used in the past. See Section 222, Motor Vehicle Driving Record Policy

H. Failure to Supply Information or Comply with Requests

Failure to supply information that is requested, and/or failure to sign release(s) allowing access to information deemed necessary to make an informed employment decision as to whether to hire or not, will result in the applicant not proceeding further in the hiring process. Individuals who submit an incomplete application are not applicants.

I. Falsification or Omission of Information

If an applicant for a position with the City of Stow misleads, provides false information, or omits any significant or substantive information to the City of Stow or its representatives at any point during the application, interview, and/or hiring process, the applicant should not expect to be hired.

Furthermore, if it is discovered, subsequent to an applicant being hired, that they have mislead, provided false information, or omitted any significant or substantive information to the City of Stow or its representatives at any point during the application, interview, and/or hiring process, that employee should expect that their employment will be terminated.

J. Disqualification from Hire An applicant shall be eliminated from consideration if he or she:

1. Does not meet the qualifications necessary for the performance of all of the essential functions and duties of the position involved; or
2. Has made a false statement(s) of material fact on the application form or supplements thereto; or
3. Has committed or attempted to commit a fraudulent act at any stage of the selection process; or
4. Is an alien not legally permitted to work; or
5. Fails to meet the standards established for any other reasonable and legal grounds relating to requirements of the position.

If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee will be terminated for dishonesty, incompetency, nonfeasance or malfeasance.

K. Post Offer Medical, Psychological, and/or Drug and Alcohol Testing

A medical examination, and/or psychological examination, and/or drug and alcohol testing to determine the applicant's ability to perform the essential functions of their job classification may be requested and/or required subsequent to an offer of employment. Said examination(s) and/or testing will be at no cost to the applicant/employee. The applicant/employee will be given a copy of the exam results, and complete access to results and interpretations.

It will be conveyed to the examiners prior to commencing any examination under this provision that: "The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

L. Post-Offer Verification of Employment Eligibility

The City is required by law to check identity and authorization for employment in the United States. The Bureau of Citizenship and Immigration Services (BCIS) provides the I-9 form for the City to utilize in documenting verification of employment eligibility. This must be verified by the examination of acceptable documents presented by the candidate for employment and completion of the I-9 form within three (3) business days of hire. The I-9 form will be completed by the employee and the appropriate City representative prior to commencing work. See the 3.03 Immigration (I-9) in this Employee Handbook for further clarification on this requirement.

M. Seasonal Employment and Interns

Applicants for seasonal employment and/or internships may follow a different hiring procedure.

N. All Information Supplied or Obtained is a Public Record

All information collected in the application/interview/hiring process that is used to make a decision as to whether or not to hire is a public record subject to disclosure.

3.02 TRAINING AND EDUCATION REIMBURSEMENT

BACKGROUND

For some entry level positions, newly hired employees must complete training and/or education in order to be able to perform the qualifications specified in that employee's job duties. Examples are entry level police officers attending OPOTA to become certified peace officers and firefighter/paramedics being trained and certified as firefighters and paramedics.

The City incurs significant expenses for this training in order for the employee to be able to perform the qualifications in that employee's job duties. Because it would be unfair and inequitable for the City to incur expenses for training and/or education then have the employee leave the employ of the City of Stow and use said training elsewhere, the City is adopting the following policy.

A. Training and Education Reimbursement Requirement Agreement

When the City of Stow incurs expenses for the training and/or education of an employee in order for the employee to meet the qualifications to perform the employee's job duties, the employee will be required to enter into a reimbursement agreement for "training costs."

B. Reimbursement of "Training Costs"

An employee will be required to reimburse the City of Stow for any "training costs" of an employee for the employee to meet the qualifications to perform the employee's job duties if the employee does not meet specific requirements.

1. If the employee withdraws or terminates training on their own volition prior to the conclusion of training, the employee must reimburse the full amount of "training costs."
2. If the employee does not remain employed by the City of Stow for three (3) years after the completion of the training and/or education because the employee voluntarily separates (i.e. resign or retire) or is discharged for cause from employment, the employee shall reimburse the City of Stow for "training costs" on a pro rata basis. The pro rata reimbursement shall be calculated at the rate of 1/1095 of the City's cost of training for each day of the unmet employee obligation. Any unpaid leave of absence of three (3) months or more shall not be counted towards completing the periods of City employment required under this agreement.

C. Advance Notice of Separation

If an employee voluntarily separates from the City before completing the period of service agreed, they are required to give the City written notice of at least ten (10) working days; during which time a determination concerning reimbursement will be made. If they fail to

give this advance notice, they will be required to pay the full amount of their “training costs.”

D. “Training costs” Defined

“Training costs” means all fees, such as the tuition and related fees, travel costs, and other special expenses (**EXCLUDING SALARY**) paid in connection with the employee’s training; including those costs paid to or on behalf of the Employee for said training.

E. Method for Obtaining Reimbursement

The normal method for obtaining reimbursement shall be withholding the amount from an employee’s final paycheck(s). Should a final check(s) be insufficient to cover the amount of the reimbursement, the employee shall pay the balance of the reimbursement within thirty (30) days of their last day worked for the City. If any amount of “training costs” remains unpaid after thirty (30) days from the last day the employee worked for the City, the City may utilize any and all lawful collection methods for repayment of “training costs,” including but not limited to:

- Attachment of wages; or
- Such other methods as are approved by law.

F. Statutory Reimbursement

Should an employee separate from employment and become reemployed, and should some provision of Federal, State or local law require their employer to reimburse the City for their “training costs”, the employee shall be obligated to complete all necessary documentation to process such reimbursement. If it can be established that there is a statutory provision requiring a new employer to reimburse the City, withholding from a final paycheck **may** be waived.

3.03 [IMMIGRATION LAW COMPLIANCE \(I-9\)](#)

PURPOSE

In accordance with the Immigration Reform and Control Act of 1986, the City of Stow only employs individuals who are entitled to work in the United States. The City of Stow does not discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting because of that individual’s national origin or citizenship status.

A. Offer of Employment Conditional

All offers of employment are conditioned on the individual providing acceptable documentation to prove their identity and ability to work in the United States in accordance with the Immigration Reform and Control Act of 1986.

B. I-9 Form

1. All new employees, citizens, and non-citizens hired after November 6, 1986, and working in the United States must complete Form I-9.

2. The instructions for the Form I-9 will be made available to all employees completing the Form.
3. All new employees, citizens, and non-citizens must provide acceptable documentation to prove their identity and ability to work in the United States in accordance with the Immigration Reform and Control Act of 1986, by completing and providing the necessary documentation required by the Form "I-9".
4. The requirement for new employees, and those employees rehired in more than one year, is to provide acceptable documentation to prove their identity and ability to work in the United States in accordance with the Immigration Reform and Control Act of 1986 will be required after an offer of employment has been made.
5. The Form I-9 must be completed no later than the time of hire, which is the actual beginning of employment.
6. Submission of the information required in Form I-9 is voluntary. However, an individual may not begin employment unless the Form I-9 is completed.

C. Information Gathered for the Form I-9

1. The information provided in/with the Form I-9 is for the City of Stow to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting, of aliens who are not authorized to work in the United States.
2. The information provided in/with the Form I-9 will be used by the City of Stow as a record of its basis for determining eligibility of an employee to work in the United States.
3. The Form I-9 will be kept by the City of Stow and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and the Office of Special Counsel for Immigration-Related Unfair Employment Practices.
4. Completed "I-9" forms shall NOT be placed in an employee's personnel file.

3.04 CITY INCOME IS NOT COVERED BY SOCIAL SECURITY

A. City of Stow Earnings not Covered by Social Security

Your earnings from this job are not covered under Social Security.

B. Federal Requirements

Section 419(c) of Public Law 108-203, the Social Security Protection Act of 2004, requires State and local government employers to provide a statement to employees hired on or after January 1, 2005, in jobs **not** covered by Social Security.

The Social Security Fairness Act (SSFA) of 2023 enacted on January 5, 2025, eliminated the reduction of Social Security benefits under the Windfall Elimination Provision and/or Government Pension Offset for individuals entitled to certain pensions from work not covered by Social Security, starting January 2024.

A copy of Form SSA-1945, *Statement Concerning Your Employment in a Job Not Covered by Social Security* will be given to each new employee before they begin employment. It explains to an employee that non-covered earnings will not be used to determine eligibility to or calculate the amount of potential future benefits.

Each new employee will be required to read and sign Form SSA-1945, *Statement Concerning Your Employment in a Job Not Covered by Social Security*.

After you sign Form SSA-1945, *Statement Concerning Your Employment in a Job Not Covered by Social Security*, a copy of the signed form will be submitted to the pension-paying agency

3.05 NEW EMPLOYEE ORIENTATION

A. Items Provided New Employees

The City of Stow shall provide each new full-time, regular employee with the following:

1. Copy of the job description and duties for the employee's position;
2. Access to the Employee Personnel and Procedures Manual;
3. Copy of the City's Benefits Guide;
4. Copies of work rules not contained in the Employee Handbook;

B. Employee Handbook

After reading the Employee Personnel and Procedures Manual, the new employee is required to sign the receipt page and all other acknowledgement pages, and return them to their HR.

C. Opportunity to Discuss Job Description and Job Duties

The employee shall be afforded the opportunity to discuss their job description, job duties, and personnel policies with their immediate supervisor during the probationary period. The department head is responsible for the operations of their department and is a good source of information about the City and the employee's new position.

D. Appointing Authority and/or Department Head Orientation Responsibilities

- Provide new employees with an orientation specific to their workplace.
- Provide on-the-job training needed for new employees to assume their responsibilities.

E. New Employee Responsibilities

- Participate in appropriate orientation processes.
- Seek information to enhance his or her orientation process.
- Complete and return appropriate personnel, and payroll forms.

F. Office of Human Resources Responsibilities

- Offer new employee orientation.
- Provide new employees with timely and relevant benefits, policies, payroll and tax information.
-

3.06 NEW HIRE REPORTING AND CHILD SUPPORT

A. Ohio New Hire Reporting Form

Ohio Revised Code Section 3121.89 through 3121.891 requires all Ohio employers, both public and private, to report all newly hired, rehired, or returning to work employees to the State of Ohio within twenty (20) days of hire or rehire date.

The City of Stow, through its payroll function, reports all newly hired, rehired, or returning to work employees to the State of Ohio for ALL offices and agencies for which it processes payroll.

B. Purpose of Ohio New Hire Reporting Form

One of the purposes for the Ohio New Hire Reporting Form is to provide information to the Ohio Department of Job and Family Services, Office of Child Support.

C. Child Support

1. Every employee of the City of Stow should meet fully their child support obligations.
2. Any employee who is behind on child support payments must make every effort to become current.

3.07 PRIOR PUBLIC SERVICE

A. Prior Public Service as it Affects Vacation

If you have prior service with the State of Ohio or another political subdivision within the State of Ohio, you may be able to get credit for years of service that will make you eligible for a higher annual vacation credit.

B. Prior Public Service as it Affects Sick Leave

1. If you have prior service with the State of Ohio or another political subdivision within the State of Ohio, you may be eligible to “transfer” any accrued but unused sick leave that was not paid out upon separation, provided that employment with the City of Stow takes place within ten (10) years of the date on which the employee was last employed with the State of Ohio or another political subdivision within the State of Ohio.
2. Accrued but unused sick leave that is transferred from State of Ohio or another political subdivision within the State of Ohio shall be the first consumed when an employee takes sick leave.
3. Accrued but unused sick leave that is transferred from State of Ohio or another political subdivision within the State of Ohio shall not be paid out upon retirement from the City of Stow.

C. Notification of the City of Stow and Providing Documentation

New employees are provided with a [Prior Service Certification form](#) in their onboarding packet. This form must be completed and submitted to each public entity for which the new employee was formerly employed. The form is returned to Human Resources for the personnel record. The payroll division of the Finance Department shall calculate total years of service and vacation accrual rate. Sick time balance is also placed in employee’s sick time bank if applicable.

D. Effective Date

Credit for prior public service and/or accrued but unused sick leave that was not paid out upon separation shall not be effective until the first full payroll period on or after the date

the City of Stow Human Resources Department has been officially notified of such service and been provided with appropriate documentation.

E. Prior Public Service as an Elected Official

Prior service with the State of Ohio or another political subdivision within the State of Ohio as an elected official shall not be counted towards vacation credit or sick leave transfer unless submitted to and approved by Stow City Council.

F. Prior Public Service Subject to a Retirement

An employee who has retired in accordance with the provisions of any retirement plan offered by the State and who is subsequently employed by the City of Stow shall not have prior service with the State, any political subdivision of the State counted for the purpose of computing vacation leave.

3.08 EMPLOYEE ID CARDS

- a. Each employee will be issued a photo identification (ID) card at the time of hire.
- b. This photo identification (ID) card is for the exclusive use of the named employee and shall not be loaned to any other person, or altered. At no time shall an employee wear another person's badge.
- c. All photo identification (ID) cards issued are property of the City of Stow and must be returned upon separation from the City, or upon issuance of a new card.
- d. Unauthorized stickers, pins, badges, etc. shall not be put on the identification card.
- e. Non-uniform employees shall wear their card on the outside layer of clothing so it can be easily seen at a normal conversation distance if so directed by their appointing authority or department head.
- f. If so directed, the photo identification (ID) card must be clipped to clothing in the front of the person, at least six inches above the waist or worn on a lanyard. Every effort should be made to ensure identification information is clearly visible to others. Badges may not be worn on belts, sleeves, pockets, footwear, etc. Badges must not be deliberately worn in a manner that prevents a person's name or job title from being visible.
- g. Employees shall report lost or stolen photo identification (ID) cards to their supervisor or HR as soon as possible.
- h. There may be a fee to replace lost or stolen photo identification (ID) cards based on cost.
- i. Employees shall show their photo identification (ID) card upon request, including the general public. Failure to do so shall result in discipline.
- j. Improper use of City of Stow photo identification (ID) card will result in discipline, up to, and including, termination.
- k. Upon termination of employment, employees are required to return their photo identification (ID) card.

3.09 PROBATIONARY PERIOD

A. Probationary Periods

1. **New Hire:** All original hires (appointments) for employees who are excluded from bargaining unit participation shall not exceed one hundred twenty (120) days from current date of hire.
2. **Promotion:** All promotional appointments for employees who are excluded from bargaining unit participation shall not exceed ninety (90) days from the date of promotion.
3. The actual length of each employee's probationary period shall be established by their Appointing Authority.

B. Must Satisfactorily Complete Probationary Period

No original hire (appointment) or promotion is final until the appointee has satisfactorily served the probationary period.

C. Original Hires May Be Discharged During Probationary Period

Newly hired (appointed) employees may be discharged by the City with or without cause at any time during the course of their probationary periods. A probationary employee removed from service does not have the right to appeal the removal. Thereafter, full-time employees, where applicable under the enactments of City Council, shall become subject to the Stow Civil Service provisions.

D. Promotional Appointments May Be Reduced During Probationary Period

Promotional employees may be reduced to their previous position by the City at any time during the course of their probationary period for unsatisfactory service. A probationary employee duly reduced in position for unsatisfactory service does not have the right to appeal the reduction.

E. Part-Time Probationary Period

Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of equivalent time actually worked.

F. Training and Review

During their probationary period, every effort will be made by the employee's department head and/or immediate supervisor to use adequate time to properly train and acquaint the new employee with their duties and City procedures. Prior to the end of the probationary period, each employee's work record and general adaptability to their position will be reviewed. This review will be conducted by the department head to determine whether the continued employment of the employee will be mutually satisfactory. If the employee's performance does not justify continued employment, the employee will be given notice of their discharge or reduction.

G. Collective Bargaining Agreement(s) Prevail

For employees who are subject to a collective Bargaining Agreement, if there are discrepancies between their Collective Bargaining Agreement and any provision of this policy, the provisions of the Collective Bargaining Agreement are controlling.

Section IV EMPLOYEE STATUS, COMPENSATION, & WORK SCHEDULE

4.01 EMPLOYEE CATEGORIES

A. *General Categories*

All employees of the City of Stow shall be classified as follows:

1. Regular Full-Time Employee – An employee who:
 - a. Is certified or appointed to a position duly authorized; and
 - b. Is certified or appointed to a position for an unrestricted period of time; and
 - c. Regularly works a forty (40) hour work week.

Regular full-time employees are eligible for the City of Stow's fringe benefit package in accordance with their position and length of employment.

2. Regular Part-Time Employee – An employee who:
 - a. Is certified or appointed to a position duly authorized; and
 - b. Is certified or appointed to a position for an unrestricted period of time; and Regularly works less than a thirty (30) hour work week, or one hundred thirty (130) hours per month.

Regular part-time employees are eligible for certain City of Stow fringe benefits package, based on their annual hours of work and in accordance with their position and length of employment.

3. Seasonal Employee – An employee who:
 - a. Is hired to perform a specific job; and
 - b. Performs services that are required only during a certain period(s) of each year; and
 - c. Is hired for a specified period of time which is less than one year.

Seasonal employees are eligible for benefits as established by Council legislation.

4. Temporary Employee – An employee who:
 - a. Works full-time or part-time for the City for a specified period of time or for a specific assignment, or who is replacing a regular employee on leave; and
 - b. Is hired for a limited period of time, fixed by the Appointing Authority, for a period not to exceed ninety (90) days.

Temporary employees are eligible for statutory benefits only.

5. Casual or Per Diem Employee – An employee who:
 - a. Is hired without the benefit of competitive examination; and

- b. Does not work regularly scheduled hours, but is called in to work on an as-needed basis.

A. General Categories

Casual or per diem employees are eligible for statutory benefits only.

- 6. Employee of Temporary Staffing Agency – A person who:
 - a. Is not an employee of the City of Stow, but of the Temporary Staffing Agency that provides said individual to the City of Stow; and
 - b. Is contracted for based on the specific needs of the City.

Employees of temporary staffing agencies are not eligible for any benefits from the City of Stow, as they are not employees of the City.

- 7. Contractual Employees and/or Rehired Annuitants – A person who:
 - a. Is hired pursuant to a contract; and
 - b. Is hired when authorized by appropriate enactments; and
 - c. Is an employee of the City of Stow, and
 - d. Has their benefits determined by City Council through lawfully enacted legislation.
- 8. Intern – A person who:
 - a. Is an employee of the school, institution, or program that provides the intern to the City of Stow; and
 - b. May be paid or unpaid by the City of Stow.

Interns are not eligible for any benefits from the City of Stow, as they are not employees of the City.

- 9. Unpaid Volunteer – A person who:
 - a. Volunteers their services to the City of Stow; and
 - b. Does not receive any compensation for their service to the City of Stow.

Unpaid volunteers are not eligible for any benefits from the City of Stow, as they are not employees of the City.

Note: Statutory benefits are mandated by Federal, State or Local law and include a government employee retirement system, workers' compensation insurance and unemployment compensation insurance.

B. Fair Labor Standards Classification of Employees: Exempt or Non-Exempt

In addition to the preceding, employees are also categorized as “exempt” or “non-exempt,” which pertains to whether they are entitled to overtime or not.

1. **“Non-Exempt Employees”** are employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). “Non-Exempt Employees,” pursuant to the Fair Labor Standards Act (FLSA) and applicable State laws, are entitled to overtime pay for all hours worked in excess of forty (40) hours per week. In general, a non-exempt employee is one who is paid by the City on an hourly, rather than a salaried basis.
2. **“Exempt Employees”** are employees who are not covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). “Exempt Employees” are those who perform administrative, professional, supervisory or managerial responsibilities. Pursuant to the Fair Labor Standards Act (FLSA) and applicable State laws, “Exempt employees” are not entitled to overtime pay. The City of Stow may specifically afford such an overtime benefit under the general payroll ordinance. In general, “Exempt Employees” include all those in supervisory or management capacities with the City.

C. “Classified” or “Unclassified” Employees

In addition to the preceding, employees are also categorized as “classified” or “unclassified,” which pertains to whether they are entitled to civil service protection or are an at-will employee. Except for those full-time employees who have been designated by ordinance as unclassified, non-competitive service, all other full-time personnel will be considered as the classified service within the City of Stow Civil Service system.

1. **“Classified Employee”** means an employee in the competitive classified civil service of the City of Stow. After completion of the appropriate probationary period, classified employees may only be disciplined for cause and by following the procedures either set forth in the Rules of the Stow Civil Service Commission or in the applicable collective bargaining agreement.
2. **“Unclassified Employees”** are employees who are in the noncompetitive or unclassified service of the City of Stow. “Unclassified Employees” are exempt from all competitive examinations and/or other provisions of Civil Service. “Unclassified Employees” occupy positions that have been exempted from the classified service and who therefore serve at the pleasure of the Appointing Authority and may be disciplined or discharged without cause. “Unclassified Employees” consist of the following positions pursuant to Codified Ordinance 164.04(a)(1):

D. “Classified” or “Unclassified” Employees

- a) All persons elected by popular vote and all persons appointed to fill vacancies in such office;
- b) The members of all boards and commissions established pursuant to and in compliance with the City Charter or State law;
- c) The heads of departments appointed by the Mayor pursuant to and in compliance with the City Charter or State law, except the Police Chief and Fire Chief; (Ord. 1985-264. Passed 8-8-85)
- d) The Director of Development, Senior Planner, the Director of Finance, the Assistant Director of Finance, the Deputy Director of Finance-Tax Administrator, the Director of Public Safety, the Director of Public Service, the

Deputy Director of Public Service, the City Engineer, the Senior Engineer, the Road Superintendent, the Acting Road Superintendent, the General Road Foreman, the Law Director, the Deputy Law Director, the Assistant Law Director, the Director of Parks and Recreation, the Parks Supervisor, the Recreation Supervisor, the Electrical/Building Inspector, Inspection Supervisor and Clerk of Council; (Ord. 2023-081.)

- e) Special Police Officers;
- f) Two executive secretaries for the Department of Public Service and one executive secretary for each other department head, which secretary or secretaries shall be personally appointed by the department head; and
- g) Part-time and seasonal employees. (Ord. 1985-264. Passed 8-8-85.)
- h) Unskilled laborers;
- i) Temporary and contractual employees;
- j) Positions requiring peculiar and exceptional qualifications.

E. Notification Upon Hire

Upon hire, the supervisor will notify employees of their employment classification as a “classified” or “unclassified” employee, as well as “exempt” or “non-exempt” employee, and/or the employee will be provided with a copy of their job description, which will designate whether the employee is a “classified” or “unclassified” and “exempt” or “non-exempt” employee.

4.02 HOURS OF WORK: NON-EXEMPT EMPLOYEES

As public employees, it is imperative that records of hours actually worked and other paid time is accurately tracked and accounted for. We are required to maintain records in compliance with the Federal FLSA and State regulations that, at a minimum, document the following information:

- Time of day the employee begins and ends work; and,
- Hours worked by the employee each day; and,
- Total number of hours worked by the employee each work week.

To establish an accurate record of the above, the following rules must be followed:

A. APPLICABILITY

This provision applies only to non-exempt employees who **ARE** eligible for compensation for more than forty (40) hours worked in a work week pursuant to Federal and State law.

B. COMPENSATION DIRECT DEPOSIT

All employees will be required to receive their pay via direct deposit.

C. WORK SCHEDULE

1. Employees are required to observe the work schedule(s) established by their Appointing Authority or their designee.
2. The normal work schedule for full-time employees is five (5) consecutive days from Monday through Friday, from 8:00 a.m. to 4:30 p.m.

3. The work schedule of each employee is subject to revision at any time. Individual adjustments in work times may be made by the employee's Appointing Authority or their designee in response to varying workloads, priorities, and operations of the departments.
4. If a different work schedule is placed into effect for any employee that differs from these regulations, that work schedule shall apply only to that employee, and will be in writing.

D. WORK WEEK SCHEDULE ADJUSTMENT

The Appointing Authority or their designee **MAY** adjust an employee's work schedule (hours) during a work week/pay period, to adjust for either extra hours worked and/or shortages of hours worked, so that an employee's hours paid and/or hours actually worked do not exceed forty (40) hours for the work week/pay period. (See 4.08 Flex Time for more details)

E. CLOCK-IN & CLOCK-OUT

1. Employees may be required to clock in prior to their scheduled starting time and clock out after their scheduled quitting time.
2. Employees should not clock in more than fifteen (15) minutes prior to their scheduled starting time, or clock out later than fifteen (15) minutes after their scheduled quitting time, unless it is approved by their Appointing Authority or their designee.
3. Employees are reminded that an employee who falsifies any reports, report-offs pertaining to absence from work, claims for any benefits provided by the City, communications or records including personnel and work records, time records, or any other City records, are subject to disciplinary action which may result in dismissal for the first offense. It shall be considered a violation to falsify time records (time sheets), including but not limited to punches in or out for an employee, either for themselves or another employee.

F. WORK TIME

1. All employees are to be at their desk and ready to work at the beginning of their work day, and work until the end of their scheduled quitting time, unless otherwise approved by their Appointing Authority or their designee.
2. Employees are not to work for the benefit of the City of Stow prior to their scheduled starting time, or to work for the benefit of the City of Stow after their scheduled quitting time, unless it is approved by their Appointing Authority or their designee.

G. SHORTAGE OF TIME

Any employee who is short of their forty (40) hours during any work week will be charged the appropriate amount of accrued compensatory time or other appropriate leave with approval of their Appointing Authority or their designee to make up for the shortage, or in the absence of accrued compensatory time or other appropriate leave, the employee will be docked the appropriate amount.

4.03 HOURS OF WORK: EXEMPT EMPLOYEES

As public employees, it is imperative that records of hours actually worked and other paid time is accurately tracked and accounted for. We are required to maintain records in compliance with the Federal FLSA and State regulations that, at a minimum, document the following information:

- Time of day the employee begins and ends work; and,
- Hours worked by the employee each day; and,
- Total number of hours worked by the employee each work week.

To establish an accurate record of the above, the following rules must be followed:

A. APPLICABILITY

This provision applies only to exempt employees who are **NOT** eligible for compensation for more than forty (40) hours worked in a work week pursuant to Federal and/or State law.

B. DIRECT DEPOSIT

All employees will be required to receive their pay via direct deposit.

C. WORK SCHEDULE

1. Employees are required to observe the work schedule(s) established by their Appointing Authority or their designee.
2. The normal work schedule for full-time employees is five (5) consecutive days from Monday through Friday, from 8:00 a.m. to 4:30 p.m.
3. The work schedule of each employee is subject to revision at any time. Individual adjustments in work times may be made by their Appointing Authority or their designee in response to varying workloads, priorities, and operations of the departments.
4. If a different work schedule is placed into effect for any employee that differs from these regulations, that work schedule shall apply only to that employee, and will be in writing.

D. WORK WEEK SCHEDULE ADJUSTMENT

The Appointing Authority or their designee **MAY** adjust an employee's work schedule (hours) during a work week/pay period to adjust for either extra hours worked and/or shortages of hours worked so that an employee's hours paid and/or actually worked for that work week/pay period total forty (40) hours.

E. CLOCK-IN & CLOCK-OUT

1. Employees may be required to clock in prior to their scheduled starting time and clock out after their scheduled quitting time.
2. Employees are reminded that an employee who falsifies any reports, report-offs pertaining to absence from work, claims for any benefits provided by the City, communications or records including personnel and work records, time records, or any other City records are subject to disciplinary action; which may result in dismissal for the first offense. It shall be considered a violation to falsify time records (time sheets), including but not limited to punches in or out for an employee, either for themselves or another employee.

F. WORK TIME

All employees are to be at their desk and ready to work at the beginning of their work day and work until the end of their scheduled quitting time; unless otherwise approved by their Appointing Authority or their designee.

G. SHORTAGE OF TIME

1. Any employee who is short of their forty (40) hours during any work week will be charged the appropriate amount of accrued appropriate leave with approval of their Appointing Authority or their designee to make up for the shortage, or in the absence of accrued appropriate leave, the employee will be docked the appropriate amount.
2. The “Shortage of Time” is being applied in accordance with CFR 541.710 and case law as set forth by the Ohio Supreme Court.

H. SAFE HARBOR RULE

An employee may retain their exempt, salaried status if the Auditor makes a good faith effort to comply with the provisions of the Fair Labor Standards Act (FLSA) by:

- Having a clearly communicated policy that prohibits improper deductions
- Having a complaint mechanism
- Reimbursing employees for improper deductions
- Making a good faith effort to comply in the future

Exempt employees who believe that their salaries have been improperly deducted should contact the Finance Department’s Payroll Office, who will review the matter. The Finance Department will correct the pay of any employee whose pay is found to have been improperly deducted.

4.04 WORK WEEK, PAY PLAN, AND PAY DAY

A. Work Week

The work/pay week is established as seven (7) consecutive calendar days from 12:01 a.m. Monday to midnight Sunday.

B. Pay Period and Pay Day

1. The City of Stow’s pay period is based on a two (2) consecutive work weeks.
2. All City employees will be paid on a biweekly basis, on the Friday following the close of the previous pay period, which ends on Sunday.
3. Delay between Hours Worked and Issuance of Pay – there may be lag or delay between hours worked and the issuance of a paycheck. If you have a question please contact the Finance Department to find out the lag or delay to you.
4. Paychecks will be issued and direct deposited for all employees. Employees who wish to have their paycheck directly deposited should contact the Finance Department.
5. When a payday falls on a holiday, employees shall be paid on the last working day before the holiday. Said payment will occur at a time of day on the last working day before the holiday to be determined by the Finance Department; taking into account the time to process and their workload.

6. It is each employee's responsibility to review their own paycheck for errors. If an employee discovers a mistake, they should report it to their supervisor immediately. It is the supervisor's responsibility to assist the affected employee in taking the appropriate steps to correct the error.
7. Employees who resign shall receive a paycheck on the next regular payday.
8. A dismissed employee's regular paycheck will be available on the next regular payday. The dismissed employee's final paycheck will be available on the next (pay period after regular paycheck) regular payday.

C. Work Schedule

1. Normal City Hall business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.
2. Because of the nature of City business, an employee's work schedule may vary depending on the department. Check with your department head and/or the applicable Collective Bargaining Agreement if there are questions on an employee's specific work schedule and hours of work.

4.05 OVERTIME

There will be times when employees will need to work overtime so that the City of Stow is able to successfully meet the needs of the general public.

A. APPLICABILITY

All employees are eligible for "overtime", when properly authorized, with the exception of the positions designated by Council as set forth in Section B.

B. POSITIONS EXCEPTED FROM OVERTIME

Positions exempted from overtime shall be written in Stow City Ordinance 2023-081 or any amendments thereof.

PRIOR AUTHORIZATION

1. All overtime must be authorized in advance by your supervisor and/or department head.
2. Regardless of the time at which an employee arrives for work or leaves from work, no overtime eligible employee shall begin work prior to his or her scheduled work hours or continue to work after his or her scheduled work hours or during a scheduled lunch period, without prior approval of their supervisor or department head.
3. An employee who desires to work more than forty (40) hours in any calendar week (or if applicable more than eight (8) hours in any calendar day) must have the overtime work approved in advance by their supervisor or department head.
4. An employee may be directed to work more than forty (40) hours in any calendar week (or if applicable more than eight (8) hours in any calendar day) by their supervisor or department head.
5. Employees who work overtime without approval (where prior approval is possible) are subject to disciplinary action for failure to follow the approval process outlined in this directive.
6. In an emergency situation, when no supervisor or department head is available to authorize the overtime work, the employee may work the overtime he or she deems necessary.

7. Employees who deem it necessary to work overtime when prior approval is not possible are subject to disciplinary action for abuse of discretion if it is determined that the situation was not an emergency or the employee exercised poor judgment.

C. RATE OF COMPENSATION FOR OVERTIME

Eligible employees, as designated by City ordinance, shall be paid for hours worked or paid credited service over forty (40) hours in a week at a rate of one and one half (1.5) times the employee's hourly base rate, including longevity pay, if any, then in effect.

E. OVERTIME DOCUMENTATION

1. All overtime work must be reflected on the employee time sheet.
2. Ultimately an overtime eligible employee shall be paid for all overtime work whether it is reflected on the employee time sheet.
3. The supervisor or department head shall be responsible for monitoring overtime work, and for documenting and/or assuring that all overtime worked is documented on the employee time sheet.
4. For computing overtime, the workweek begins on Monday morning at 12:01 a.m. and runs through Sunday night at 12:00 midnight.

F. EMPLOYEE INITIATION OF PAYMENT FOR OVERTIME

1. Employees are responsible for initiating process to be compensated for hours actually worked in excess of forty (40) in one (1) week.
2. Employees will be required to complete a request (either a signed "hard-copy" form or electronic request) to be compensated for overtime and/or comp time.
3. The request must receive prior approval by a department head, the Appointing Authority or their designee, and the Finance Director or his/her designee.

G. UNION COLLECTIVE BARGAINING AGREEMENTS PREVAIL

Where any provisions of this overtime policy conflict with the terms of one of the City's Collective Bargaining Agreements, the terms of such CBA(s) shall prevail.

4.06 COMPENSATORY TIME

A. APPLICABILITY

This provision and "compensatory time" is only applicable to non-exempt employees who **are eligible** for overtime compensation for more than forty (40) hours worked in a work week pursuant to the provisions of Federal and State law.

The general policy is that, whenever possible, compensatory (overtime) work is to be avoided by the use of "Flex Time" (see Section 4.08)

B. PRIOR AUTHORIZATION

1. As with overtime, all compensatory time must be authorized in advance by your supervisor and/or department head.

2. Regardless of the time at which an employee arrives for work or leaves from work, no overtime eligible employee shall begin work prior to his or her scheduled work hours or continue to work after his or her scheduled work hours or during a scheduled lunch period, without prior approval of their supervisor or department head.
3. An employee who desires to work more than forty (40) hours in any calendar week must have the compensatory time (overtime) work approved in advance by their supervisor or department head. Employees who work compensatory time (overtime) without approval (where prior approval is possible) are subject to disciplinary action for failure to follow the approval process outlined herein.
4. An employee may be directed to work more than forty (40) hours in any calendar week (or if applicable more than eight (8) hours in any calendar day) by their supervisor or department head.
5. In an emergency situation, when no supervisor or department head is available to authorize the compensatory time (overtime) work, the employee may work the overtime he or she deems necessary. Employees who deem it necessary to work compensatory time (overtime) when prior approval is not possible are subject to disciplinary action for abuse of discretion if it is determined that the situation was not an emergency or the employee exercised poor judgment.

C. RATE OF ACCRUAL FOR COMPENSATORY TIME

For eligible employees, as designated by City ordinance, compensatory time (overtime) is accrued at a rate of one and one-half (1½) of their regular hourly rate for hours worked or paid credited service over forty (40) hours in a week.

D. COMPENSATORY TIME DOCUMENTATION

1. All compensatory time (overtime) time must be reflected on the employee time sheet. Failure to do so may result in loss of compensatory time (overtime) and/or discipline.
2. The supervisor or department head shall be responsible for monitoring compensatory time (overtime) work, and for documenting and/or assuring that all compensatory time (overtime) worked is documented on the employee time sheet.
3. For computing compensatory time (overtime), the workweek begins on Monday morning at 12:01 a.m. and runs through Sunday night at 12:00 midnight.

E. EMPLOYEE INITIATION FOR ACCRUAL OF COMPENSATORY TIME

1. Employees are responsible for initiating the process to be compensated for compensatory time or overtime hours worked in excess of forty (40) hours in one (1) week.
2. Employees will be required to complete a request (either a signed form or an electronic request) to be compensated for compensatory time and/or overtime.
3. The request must receive prior approval by a department head, the Appointing Authority or their designee, and the Finance Director or his/her designee.

F. MAXIMUM COMPENSATORY ACCRUAL

The maximum amount of compensatory time which an employee may accrue is 100 hours.

G. COMPENSATORY TIME USE

1. An employee may use earned compensatory time at a time mutually convenient to the employee and their supervisor.
2. Earned compensatory may be required to be used within one hundred eighty (180) days after earning such compensatory time.
3. Use of comp time will be charged in quarter (1/4) hour increments.
4. If an employee has a comp time balance, the comp time balance must be used prior to the use of vacation.
5. When payment is to be made for compensatory time not used, it shall be converted back to overtime hours by applying a factor of two-thirds and making payment at the overtime rate which was effective for the employee at the time the compensatory time was earned.
6. An employee shall be paid for compensatory time earned which has not been used upon separation.

H. UNION COLLECTIVE BARGAINING AGREEMENTS PREVAIL

Where any provisions of this compensatory time policy that conflict with the terms of one of the City's Collective Bargaining Agreements, the terms of such CBA(s) shall prevail.

4.07 FLEXTIME

A. FLEXTIME PURPOSE

Flexitime has been implemented as a management tool for the respective Appointing Authorities and department managers to reduce overtime expenditures. It is not a benefit subject to the discretion of the employees. Flexitime enables respective Appointing Authorities and department managers to maintain an employee's paid work hours at forty (40) or below in a work week; despite the fact that an employee may exceed eight (8) hours of work in a work day.

B. MANAGEMENT RIGHT TO SCHEDULE

The City of Stow has the right to schedule employees' work. The City of Stow may change an employee's work hours without giving prior notice or obtaining the employee's consent.

Appointing Authorities, or their designee(s), are able to change an employee's work schedule during the workweek so that "overtime" can be eliminated when an employee works more than eight (8) hours in a work day by "flexing" their work schedule during the same work week so as to keep their total hours worked at forty (40) hours.

Flexitime may be used either in advance of or after a work day in excess of eight (8) hours is worked.

C. AUTHORITY FOR FLEXTIME

Pursuant to Ordinance No. 2009-55 Section 2.01, the appropriate Appointing Authorities, or their designee(s), are authorized to utilize, implement, assign and/or direct flexible time (flexitime) to employees in an attempt to control the use of overtime and to improve departmental efficiency.

D. DEFINING FLEXTIME

“Flextime”, or “flexing” an employees’ schedule, is altering an employees’ scheduled hours in a way (within the same workweek) so that the total hours for the workweek remains at forty (40) hours, thereby eliminating “overtime.” By “flexing” the schedule in this manner, the employee is not entitled to “overtime” for “extra” hours worked beyond eight (8) in a day, but only entitled to overtime if they exceed forty (40) hours worked in that same workweek. An example of flextime scheduling is assigning an employee to work ten (10) hours on Monday and Tuesday, then assigning the same employee to work eight (8) hours on Wednesday, then just six (6) hours Thursday and Friday for a total of forty (40) hours worked (see chart below).

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Total
Hours	10	10	8	6	6	40

E. FLEXTIME LIMITATION TO SAME WORKWEEK

The appropriate Appointing Authority, or their designee, is only authorized to assign and use flextime scheduling within the same forty (40) hour calendar week (i.e. if an employee works 45 total hours in week 1, they shall not be authorized to work just 35 hours the following week).

F. NO CARRYOVER

Flextime hours may **NOT** be carried over from one work week to the next.

G. COLLECTIVE BARGAINING AGREEMENT PREVAILS

Union employees shall reference their respective collective bargaining agreement regarding flextime or work scheduling procedures. The Collective Bargaining Agreement prevails.

4.08 REMOTE WORK POLICY

The City of Stow permits remote work when it supports operational efficiency and work-life balance. This policy sets standards for departments subject to the Personnel Policy and Procedures Manual to establish Remote Work guidelines.

Definition & Limits:

Remote Work is performed at an approved location outside City facilities. Unless otherwise authorized, it is limited to one (1) day per week under a signed agreement. Remote Work is a management option, not an employee right, and may be modified or revoked by the Appointing Authority at any time.

Scope:

This policy applies to all departments under the Personnel Policy and Procedures Manual. Each department must create and maintain its own Remote Work schedule, approved by Human Resources and the Appointing Authority.

Eligibility:

Not all positions or employees qualify for Remote Work. Departments, in consultation with Human Resources, must determine:

- Position Eligibility: Duties must be feasible remotely without impacting services, requiring daily onsite presence, or significant public interaction. Work must be measurable, monitorable, and require minimal City materials/equipment.
- Employee Eligibility: Employees in eligible positions must also meet specific performance and reliability criteria before approval.

Human Resources must approve all department-specific policies and eligibility determinations.

Employees in eligible positions are not automatically approved for Remote Work. Departments, in consultation with Human Resources, must confirm employees meet the following criteria:

- Completed probationary period.
- No active disciplinary action or performance plan.
- Demonstrates satisfactory performance and conduct.
- Can effectively perform duties remotely without burdening coworkers or reducing work quality.
- Has a secure, compliant remote workspace.

Departments must apply these criteria consistently and fairly. Eligibility decisions are final and not subject to appeal.

Remote Work Agreements:

Before working remotely, employees must sign an agreement approved by their supervisor, department director, and HR. The agreement outlines responsibilities and compliance with this policy.

Approval Process:

1. Employees submit a [Remote Work request form](#).
2. Supervisors, directors, and HR determine eligibility.
3. If approved, a formal agreement is signed and filed with HR.

Review & Termination:

- Agreements must be reviewed at least annually for effectiveness and compliance.
- Directors may modify or terminate agreements at any time due to operational needs, performance issues, or policy violations, with at least two weeks' notice unless circumstances require immediate action.
- Agreements automatically terminate if an employee changes positions.

Remote Work Schedules

- Agreements must specify remote vs. on-site workdays to ensure consistency and collaboration.
- Overtime-eligible employees need prior written approval before working overtime remotely.
- Standard Remote Work is limited to one day per week unless extraordinary circumstances justify an exception, subject to Chief of Staff approval.
- Directors may allow flexible work schedules but must apply decisions equitably.

- Weekly schedules may be adjusted based on operational needs or leave usage.

Temporary Modification or Suspension of Remote Work

A department director (or designee) may modify or suspend an employee's Remote Work schedule at any time based on operational needs. If required to work onsite on a scheduled remote day, the supervisor and employee should coordinate to minimize disruption while maintaining productivity.

If travel is required during remote hours, the City's Travel Policy applies.

Performance & Accountability

Each department's Remote Work policy must ensure clear expectations, accountability, and performance standards:

- Performance Expectations: Employees must maintain the same productivity and professionalism remotely as onsite, evaluated based on goals and deliverables.
- Discipline: Failure to comply with policies may result in disciplinary action.
- Communication: Employees must be accessible during work hours and use approved communication tools.
- Tracking: Employees must log work performed remotely and accurately report time for payroll and tax purposes.
- Illness & Dependent Care: Remote Work is not a substitute for self-care or caregiving. Limited flexibility may be allowed with supervisor approval.

Equipment & Supplies

- Computers: Employees must use City -issued computers and follow security policies.
- Other Equipment: The City is not required to provide additional equipment. Employees are responsible for internet, phone, and other necessary tools.
- Peripheral Devices: Only approved devices may be used and must be personally funded.
- Supplies: Employees must obtain necessary supplies from their worksite.

Worksite Requirements

Employees must maintain a secure, safe, and distraction-free designated Remote Work location, which must:

- Protect City files and devices from unauthorized access.
- Meet safety standards (smoke detector, fire extinguisher, ergonomic furniture).
- Have reliable internet and power for uninterrupted work.
- Notify supervisors of any disruptions (e.g., power/internet outages).
-

Working from an alternate location requires prior approval. Out-of-state or international requests require additional authorization.

Workers' Compensation & Liability

- Work-related injuries must be reported immediately, and the City may inspect the Remote Work location as part of the investigation.
- The City is not liable for injuries to family members or visitors. Business guests require supervisor approval.
-

Technology, Security & Records Management

- Employees must adhere to all IT security requirements.

- City records must be maintained according to retention policies, ensuring accessibility and compliance.

4.09 EMERGENCY CONTACT

A. EMPLOYEE EMERGENCY CONTACT INFORMATION FORM

An Employee Emergency Contact form is included in the onboarding packet and uploaded into the employees' personnel file.

B. FORMS ARE NOT PUBLIC RECORDS

The Employee Emergency Contact Information form is not a public record. The Employee Emergency Contact Information form is not kept by the City of Stow in the ordinary course of its business in order to carry out its duties and functions, or in other words is not created for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the City of Stow. Therefore, the Employee Emergency Contact Information form is not available for public release or a Public Records Request.

C. EMPLOYEE RESPONSIBLE FOR UPDATING INFORMATION ON THE FORM

It is the responsibility of each employee to keep the information within the Emergency Contact Information form updated and current.

D. NO LIABILITY CREATED FOR THE CITY OF STOW

By accepting Emergency Contact Information forms, the City of Stow does not assume any responsibility for or obligation to use the provided information in the event of an emergency, nor does it create any liability for or on behalf of the City of Stow.

4.10 RECORDING WORK TIME

A. MINIMUM REQUIREMENTS FOR TIMEKEEPING

The federal Fair Labor Standards Act (FLSA) requires employers to keep certain records on behalf of their employees. The Act requires no particular form for the records, but does require certain identifying information about each employee and precise and accurate data about the number of hours worked and the amount of wages earned. Additionally, there is also a State requirement for employers to keep certain records on behalf of their employees. Under Article II, Section 34(a) of the Ohio Constitution and Section 4111.14 of the Ohio Revised Code, employers in the State of Ohio are required to maintain records of the hours worked for each day worked for at least three (3) years following the last date the employee was employed.

To comply with both the FLSA and State requirements, the following is a list of timekeeping information that each employee/department is required to record:

- Time of day the employee begins and ends work on any given day; and,
- Hours employee worked each day; and,
- Total hours employee worked each work week.

B. RESPONSIBILITIES OF EMPLOYEES

- All employees must maintain accurate individual time sheets and, when required, time cards.
- At the end of each two-week pay period, each employee is required to submit time sheets that accurately reflect his/her daily work and leaves taken during the pay period.

- Each time sheet must be signed by the employee.
- Each employee is responsible for seeing that his/her time sheets are submitted in accordance with established policy to their supervisor, department head, or a designated staff person by Monday morning at the end of each pay period.

C. RESPONSIBILITIES OF SUPERVISORS, DEPARTMENT HEADS, OR DESIGNATED STAFF PERSONS

1. Department heads shall have ultimate responsibility to assure the maintenance and accuracy of daily time and attendance records for their department.
2. Supervisors, department heads, or designated staff persons are responsible for verifying the accuracy of the employee's record.
3. Supervisors, department heads, or designated staff persons must approve the employee's submission, and they must sign each time sheet.

D. DEADLINE FOR SUBMISSION

Approval for payment and input of time and attendance records into the payroll system shall be completed by 10:00 a.m. on the Monday following the last day of the pay period, unless otherwise authorized.

E. FALSIFICATION OF TIME RECORDS

Falsification of time records is subject to discipline; up to removal from employment.

4.11 CALL-IN PAY

Any overtime eligible employee called in to work during their normal off-duty hours shall be guaranteed at least two (2) hours work at the appropriate rate of pay (or compensatory time), provided the employee works the same.

If work is completed and the employee chooses to go home before two (2) hours, the employee will be paid for the actual time worked or a minimum of one (1) hour, whichever is greater.

All union employees should refer to their respective Collective Bargaining Agreement(s) for rules and pay regarding call-in pay.

4.12 REPORT OFF

A. REPORT OFF PROCESS

1. If an employee is unable to arrive at work on time, or must be absent from an entire day, they must contact their supervisor as soon as possible (at least a ½ hour before their scheduled start time).
2. The employee must speak with their supervisor. Leaving a message with a co-worker is unacceptable.
3. Voicemail and e-mail messages are not acceptable either.
4. An alternative process may be adopted by departments or Appointing Authorities that vary from the above, provided the alternative process is documented and appropriately communicated to employees in that department or Appointing Authority.

B. FAILURE TO REPORT TO WORK OR REPORT OFF

Failure to show up or report off for a scheduled shift without prior approval may result in discipline, up to and including discharge.

C. FAILURE TO REPORT TO WORK OR REPORT OFF FOR THREE (3) OR MORE CONSECUTIVE DAYS

If you are absent for three days without notifying the City, it will be considered a voluntarily abandonment of the employee's position with the City, and the employee will be removed from the payroll.

4.13 TARDINESS OR LEAVING EARLY

Employees are expected to begin and end their work on schedule (on time).

A. TARDINESS

1. All employees are expected to arrive on time, ready to work, every day they are scheduled to work.
2. An employee arriving late to their work area in connection with the start of a work day, breaks, or lunch is unacceptable.
3. Working through a break or lunch hour to "cover" or "make-up" for tardiness does not eliminate the incident of tardiness, unless it is pre-approved by the employee's Department Head or the Appointing Authority.

B. LEAVING WORK EARLY

1. All employees are expected to stay until the end of their scheduled work day, every day they are scheduled to work.
2. An employee leaving their work area early in connection with breaks, lunch, or the end of the day is unacceptable unless approved by the Department Head.
3. Working through a break or lunch hour to "cover" or "make-up" for leaving early does not eliminate the incident of leaving early, unless it is pre-approved by the employee's Department Head or the Appointing Authority.

C. DISCIPLINE FOR TARDINESS OR LEAVING EARLY

Excessive absenteeism or tardiness will result in discipline up to and including discharge. The standard of what is excessive is determined by the needs of the Department for which the employee works.

4.14 MEAL PERIODS AND BREAKS

The Fair Labor Standards Act (FLSA) does not require breaks or meal periods be given to full time employees. Part time employees will be addressed on a case by case basis. However, it is the policy of the City of Stow to provide breaks and a lunch period for employees. Employees are required to observe schedules established by their immediate supervisor or department head. An employee's breaks, lunches and hours of work are subject to change depending on work demands, operational changes, or other factors.

A. MEAL PERIODS

1. The City of Stow will use its best efforts to provide a one (1) hour meal period for full time employees.
2. The one (1) hour meal period is comprised of one half (1/2) hour paid time and one half (1/2) hour unpaid time.

3. An employee may be required, based upon work demands, to perform work during the paid portion of their meal period.
4. An employee may NOT be required or permitted to perform work during the unpaid portion of their meal period UNLESS they are paid for said time or their schedule is “flexed” within the same payroll period.
5. The meal period is subject to scheduling and approval of each employee's immediate supervisor and/or department head.
6. An employee's time for meal is subject to change based upon work demands.
7. It is both the employee's and the supervisor's responsibility to ensure compliance with this policy.
8. Employees cannot take their meal hour and then eat lunch at their desk upon their return.
9. Employees cannot work through their meal period and shorten their work day or reduce their use of leave without written approval by their immediate supervisor and/or department head.
10. If an extended meal period is needed for a special occasion, it must be approved by the department head in advance and arrangements made to “make up” (flex) the additional time within the same pay period or use appropriate paid leave.
11. Abuses of meal period policies set by an employee's immediate supervisor shall result in discipline.

B. PAID BREAKS

1. The City of Stow will use its best efforts to provide one (1) morning and one (1) afternoon break for full time employees.
2. Breaks are not to exceed ten (10) minutes.
3. Breaks are subject to scheduling and approval of each employee's immediate supervisor.
4. An employee's time for breaks is subject to change based upon work demands.
5. Breaks should be cleared through the employee's supervisor.
6. Employees cannot work through their break(s) and shorten their work day or reduce their use of leave.
7. It is both the employee's and the supervisor's responsibility to ensure compliance with this policy.
8. Abuses of break policies set by an employee's immediate supervisor shall result in discipline.

C. UNPAID BREAKS

1. Employees who are nursing will be provided with reasonable unpaid break time to express breast milk for a period of up to one (1) year after the birth of a child, provided that said break time does not impose an undue hardship by causing the City of Stow significant difficulty or expense.
2. The City of Stow will make reasonable efforts to provide a private location for this purpose.
3. Employees will not be retaliated against for exercising their rights to unpaid breaks under this policy.

4.15 CHANGE IN PERSONAL INFORMATION

The City needs to maintain up-to-date information about its employees so we will be able to maintain accurate payroll, insurance, and other records as well as to aid employees and/or their families in matters of personal emergency.

Changes in name, address, telephone number, marital status, number of dependents, next-of-kin and/or beneficiaries, and/or withholding should be changed using BS&A's self-service portal.

4.16 COMPENSATION

A. COMPENSATION

1. The City of Stow, in a sincere effort to pay employees fairly, has established a compensation policy, with salary and wage ranges which provide for differentials between positions of varying responsibilities.
2. Each Appointing Authority is responsible for ensuring the proper administration for the compensation system within their respective offices.
3. The Human Resources Department, when requested, will provide assistance to each Appointing Authority, in order to ensure proper administration of the compensation system.

B. EMPLOYEE RAISES – JOB PERFORMANCE

1. Pursuant to City Ordinance 2023-081, each employee is eligible to receive an increase in compensation annually, at the direction of their Department Head, based on the employee's job performance.
2. The Department Head's recommendation to award such increase, if any, must be based on a written annual performance evaluation and signed and approved by the Appointing Authority.
3. The Department Head may also consider the recommendation of an individual employee's supervisor in determining whether to grant such an increase.
4. Said increase cannot exceed the maximum amount provided for in Ordinance 2023-081 or any subsequent revisions of said ordinance.
5. No Department Head is required to award any such increase to any individual employee.
6. No employee is entitled to receive such an increase based on years of service or any other factor.
7. No employee who receives an increase in accordance with City Ordinance 2023-081 is eligible for an increase under this section within the same annual period.

4.17 PAYROLL DEDUCTIONS

A. MANDATORY DEDUCTIONS

The following types of deductions of authorized amounts shall be made from an employee's pay:

- Federal withholding tax;
- State withholding tax;
- Local withholding tax;

- Contributions to either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), unless specifically exempted therefrom, in which case Social Security will be deducted;
- Court-ordered wage garnishments;
- Employee's share of health insurance plan;
- Medicare tax (mandatory for any employee hired after April 1, 1986)

B. VOLUNTARY DEDUCTIONS

The following types of deductions of authorized amounts may be made from an employee's pay:

- Direct deposit;
- Deferred compensation;
- Flexible spending accounts;
- Charitable deductions, such as United Way;
- Other deductions as authorized by the Finance Director

C. ADDING OR CHANGING DEDUCTIONS

Any changes or additional deductions must be submitted by 10:00 a.m. the Monday the week before the submission of payroll.

D. IMPROPER DEDUCTION

If any employee believes that any improper deduction was made by the City of Stow, the employee should immediately report the alleged improper deduction or short-pay to the Finance Department. The improper payment will be fully investigated and the employee will be reimbursed for the deduction **if** the investigation reveals that it was improper.

4.18 GARNISHMENTS

A. GARNISHMENT

A garnishment is a court order to an employer to withhold a sum of money from an employee's wages or salary. A federal tax levy, which takes precedence over all other garnishments, takes money due to an employee as of that date based on a table furnished by the Internal Revenue Service (IRS) to the employer. The IRS may instruct an employer not to allow certain deductions, such as an employee 401(k) contribution. But it is quite common for employees to be allowed to work out an arrangement for paying in installments or the levy may provide a formula.

B. GARNISHMENT APPLIED AFTER DEDUCTIONS

After Federal income taxes, Social Security taxes, Medicare taxes, State and City tax withholding deductions, and State unemployment insurance and disability taxes have been deducted from an employee's paycheck, the remaining balance is what is generally considered "disposable earnings" for the period. From this amount, the City will withhold as follows:

1. On a Federal tax levy, the City will withhold the amount as directed by the tax levy.
2. On a child support order by a court, the amount over fifty percent (50%) of disposable earnings will be withheld.
3. On a garnishment, generally the amount subject to garnishment may not exceed the lesser of:
 - (a) Twenty-five percent (25%) of disposable earnings for that week; or

- (b) The amount by which the employee's disposable earnings exceed thirty (30) times the current Federal minimum hourly wage. Caution: You are to review the garnishment order carefully in the event that State law provides for some other formula for withholding. The above limitations apply to the employee's earnings per week, regardless of the pay cycle.

C. CONFLICTS

When the City receives a garnishment notice from more than one source, the monies will be paid (to the extent that they are available) to each of the creditors in the order in which notification was received or in the order required by applicable law. Child support orders take precedence over garnishments due to debts, judgments, or other attached orders.

D. HEALTH INSURANCE

The City will comply in accordance with applicable law with any qualified medical child support order requiring enrollment of a child in the City's group healthcare plan.

E. DISCIPLINE

Employees who fail to follow City policy regarding a garnishment, such as failing to give a garnishment notice to the Human Resources Department or Finance Department, are subject to disciplinary action.

4.19 PAY ADVANCES

Pay advances will not be granted to employees.

4.20 PERFORMANCE EVALUATIONS

A. PERFORMANCE EVALUATION FORM

Every employee shall have performance evaluations using a standard form created by HR. See [Section 4.17](#) for information on annual performance evaluations.

B. PERFORMANCE EVALUATION – PROBATIONARY EMPLOYEES

1. Probationary Employees shall be evaluated by their Department Head at the midpoint and the end of their probationary period.
2. The Department Heads will set an individual conference to discuss the evaluations.
3. The specific time for the evaluation shall be no more than 30 days prior to the employee's anniversary date.

C. PERFORMANCE EVALUATION–NON-PROBATIONARY EMPLOYEES

1. Non-Probationary Employees shall be evaluated by their Department Head on a minimum of an annual basis.
2. The Department Heads will set an individual conference no more than 30 days prior to the employee's anniversary date.
3. The specific time for the annual evaluation shall be established by each Department Head within the foregoing timeframe based upon the work load of that department.
4. In the event of a poor performance evaluation, or in the event of poor performance between annual evaluations, the Department Head shall increase the frequency of evaluations to a minimum of bi-annually.

D. EVALUATION PROCESS

1. Upon completion of the performance evaluation form, the Department Head and the employee shall meet in a performance evaluation conference.
2. The Department Head shall explain the performance evaluation to the employee.
3. The Department Head shall give the employee the opportunity to examine the evaluation form and discuss the performance evaluation with the Department Head.
4. The employee shall be given the opportunity to sign the evaluation form.
The employee's signature of the performance evaluation form does not signify that the employee agrees with the evaluation, but merely that the employee was presented with a copy, had the performance evaluation explained, and had an opportunity to respond.
5. The employee shall be given an opportunity to provide additional written comments, statements, or objections, which shall be attached to the performance evaluation form. Said written comments, statements, or objections shall be submitted to the City within ten (10) days of the performance evaluation conference.
6. In the event that the employee refuses to sign their evaluation form, it should be so noted on the performance evaluation form by the Department Head, with a witness.
7. The employee shall be offered to be provided with a copy of their performance evaluation form.

4.21 EMPLOYEE RECORDS POLICY

A. EMPLOYEE RECORDS

Employee records are the various files kept for each employee of the City of Stow.

Employee records include:

1. Personnel File

- a. Personnel files shall contain all documents related to the employee's employment except for NCIC and/or LEADS reports
- b. Personnel files are public records.
- c. Personnel files shall be maintained pursuant to the Ohio Public Records Law schedule and/or approved retention and destruction schedule.
- d. Personnel files shall be maintained by the Human Resources Department.

2. I-9 File

- b. I-9 forms and copies of supporting documents are not public records.
- c. I-9 forms shall be maintained pursuant to Federal law, the Ohio Public Records Law schedule, and/or approved retention and destruction schedule.
- d. I-9 files shall be maintained by the Human Resources Department, and shall be made available for inspection only by authorized officials of the Department of Homeland Security, Department of Labor, and the Office of Special Counsel for Immigration-Related Unfair Employment Practices, other officials designated by Federal law, and appropriate City of Stow personnel. Completed I-9 forms and their supporting documents shall NOT be placed in an employee's personnel file.

3. Financial File

- a. Financial files shall include any and all financial, tax, and pension information for an employee
- b. Financial files are not public records.

- c. Financial files shall be maintained pursuant to the Ohio Public Records Law schedule and/or approved retention and destruction schedule.
- d. Financial files shall be maintained by the Finance Department.

4. Leave Request File

- a. Leave request files shall contain all requests and approvals for leave for an employee, including but, not limited to:
 - Vacation
 - Sick leave
 - Furlough leave
 - Personal leave
 - Voluntary Sick Leave Donation policy
- b. Leave request files are public records, but supporting medical information may not be public record.
- c. Leave request files shall be maintained pursuant to Ohio Public Records Law schedule and/or approved retention and destruction schedule.
- d. Leave request files shall be maintained by the Human Resources Department with an electronic copy to Finance where applicable.

5. Medical File

- a. Medical files shall contain employee “medical records” related to workers’ compensation, including but not limited to:
 - Return to work documentation
 - FMLA request and documentation
 - Medical leave of absence forms
 - ADA requests and documents pertaining to ADA accommodation
 - Drug screens
 - Workers’ compensation claim documentation
 - Beneficiary information
- b. **Medical files are not public records.** [ORC Section 149.43(A)(1)(a)] Medical files are stored separately from other employment-related files. Access is limited to supervisor and appropriate support personnel required to have access in the performance of their work. Employees may authorize, in writing, release of information.
- c. Medical files shall be maintained pursuant to the Ohio Public Records Law schedule and/or approved retention and destruction schedule.
- d. Medical files shall be maintained by the Human Resources Department.

6. Health Insurance Claims and Information/Files

- a. Health insurance claims and information are medical records generated in and for the administration of City of Stow health benefits.
- b. Health insurance claims and information are not public records.
- c. Health insurance claims and information shall be maintained pursuant to the Ohio Public Records Law schedule and/or approved retention and destruction schedule.
- d. Health insurance claims and information shall be maintained by the Human Resources Department.

7. Fitness for Duty, Medical Evaluation, and Disability Separation Files

- a. Fitness for duty and medical evaluation files/records are those files/records created when an employee submits to physical, medical, and/or psychological examinations for purposes of determining their ability to perform the essential duties of their position and assignment, establishing a disability separation, and/or a reinstatement from disability separation. Fitness for duty and medical evaluation files/records include, but are not limited to:
 - Post offer pre-employment physicals;
 - Retirement system medical documentation retained by the City;
 - Entry personality assessment documentation;
 - Hearing tests;
 - Personal protective equipment testing.

Disability separation files/records are those files/records created when an employee either submits a request or the City initiates the process to make a determination whether an employee is fit for duty and whether said employee will be disability separated because the employee is incapable of performing the essential job duties of the employee's assigned position due to a disabling illness, injury or condition, as well as those files/records created when an employee submits a request for reinstatement from a disability separation.

- b. Fitness for duty, medical evaluation, and disability separation files/records are generally considered public records, but certain exceptions apply. The Ohio Public Records Act (ORC 149.43) outlines the framework for public access to government documents, with specific exemptions for certain confidential records.
- c. Fitness for duty, medical evaluation, and disability separation files/records shall be maintained pursuant to the Ohio Public Records Law schedule and/or approved retention and destruction schedule.
- d. Fitness for duty, medical evaluation, and disability separation files/records shall be maintained by the Human Resources Department.

8. Investigatory File and/or Disciplinary File

- a. Investigatory files and/or disciplinary files are the records generated post incident/accident and/or by the investigation of potential employee misconduct and/or discipline.
- b. Investigatory files and/or disciplinary files are public records.
- c. Investigatory files and/or disciplinary files shall be maintained pursuant to the Ohio Public Records Law schedule and/or approved retention and destruction schedule.
- d. Investigatory files and/or disciplinary files shall be maintained by the Human Resources Department.
- e. A copy of the final determination of each investigation/discipline shall be included in the personnel file ONLY in the event discipline is imposed.

B. STORAGE OF EMPLOYEE RECORDS

Employee records shall be stored in locked file cabinets in the Human Resources Department or electronically on a secured network. Access is limited to supervisory and appropriate support personnel as required in the performance of their work.

C. EMPLOYEE ACCESS TO EMPLOYEE RECORDS

1. Employees will be permitted access to review records related to their employee records. If an employee disagrees with the accuracy of any statement in the records and no correction can be agreed upon, the employee may submit an explanatory statement which will be attached to the records.
2. Employees may access all documents in their employee records as long as it is done in an appropriate time, place, and manner as determined by the Human Resources Department. Inspections or access will always be on City premises in the presence of a City official. Copies will be made by the City, not the employee. As indicated above, much of what is in an employee records files is public record pursuant to ORC 149.43.

D. Public and Other Access to Employee Records

1. Public access to employee records that qualify as public records will be in accordance with the [City's Public Record Policy 2.12](#) contained in this Employee Handbook.
2. Public access to all documents in an employee records file shall be done in an appropriate time, place, and manner as determined by the Human Resources Department. Inspections or access will always be on City premises in the presence of a City official. Copies will be made by the City, not the requestor.
3. It must be ensured that any information that is **NOT** a public record contained in files that are available to the public, are appropriately redacted prior to inspection or copying.
4. In addition, access may be granted by the Human Resources Department when the information is needed for City business, when employees give written authorization, when a subpoena is served, or when the information is general information such as name, business address, business phone number, and position within the City.

4.22 TERMINATION OF EMPLOYMENT

If an employee chooses to leave the City, it is considered a voluntary resignation. If an employee voluntarily resigns employment with the City, a minimum of a two (2) week notice will be provided with a letter of resignation.

If an employee fails to report to work and does not notify their supervisor for three (3) consecutive days, unless mitigating circumstances are shown to be acceptable, the action is considered to be job abandonment and is, therefore, considered to be cause for removal. Any classified employee not covered by a collective bargaining agreement, who is terminated from employment is entitled to appeal that decision to the Civil Service Commission.

Each employee leaving employment with the City will be required to return identification cards, office keys and any other items that are the property of the City that were received during employment. Final payment of salary will be withheld until all City property is returned.

Any funds owed by the employee (ie., employee portion of Health Insurance coverage, training or education reimbursement) will be taken from the final pay.

Employees shall be required to sign a Leave Payout Acknowledgement for the payout of accrued hours upon resignation/retirement. Payout of leave hours must be completed before the

end of the quarter following the resignation/retirement so long as it remains in the same calendar year. The Finance Department shall submit the completed Leave Payout Acknowledgement form to the employee for signature.

Employees are asked to complete an [Exit Interview](#) form provided by HR. Employee benefits are subject to the current Plan Document and COBRA laws.

Section V EMPLOYEE GUIDELINES AND EXPECTATIONS

5.01 DEPARTMENT

The City of Stow has an interest in projecting a professional and positive public image. That entails appropriate conduct from its employees. The following items provide details of what is expected of employees when dealing with the public.

A. ACT PROFESSIONALLY

All employees are required to conduct themselves in a professional manner at all times.

B. PROJECT POSITIVE IMAGE

Our City's reputation has been built on excellent service, positive attitude and quality work. To maintain this reputation requires the active participation of every employee.

How the public views City of Stow government and services is shaped by our employees. The opinions and attitudes that the general public has toward our City may be determined for a long period of time by the actions of one employee. As an employee, you are a major spokesperson and representative of the City of Stow in the community ... please remember this whenever you are in contact with the public, both on and off the job.

C. COURTEOUS TREATMENT

Each employee must be sensitive to the importance of providing courteous treatment in all working relationships. Answer questions to the best of your ability. Do not make promises you as the employee or the City may not be able to deliver on. If you cannot answer a question, please indicate that you need to pass the question/issue onto the proper person or department. Listen carefully to all resident complaints. Be respectful.

D. DEALING WITH THE PUBLIC

At all times when an employee is dealing with the public, the employee shall:

1. Have identification in your vehicle identifying you as an employee of the City of Stow.
2. Have your personal photo identification.
3. Have your business cards from the City of Stow (if you have been issued business cards).

When dealing with a property owner/citizen, remember that all employees are required to conduct themselves in a professional manner at all times. Be courteous and polite. Do not escalate a confrontation. If it appears the property owner/citizen is becoming heated, excuse yourself and leave!

E. ENTERING ONTO PRIVATE PROPERTY

There will be occasions when an employee must enter onto private property to address a complaint or to gather necessary information to investigate an issue. When entering onto a private property, go to the front door and knock to announce your presence:

1. If there is no one home:
 - a. Leave a card that identifies that you were there, and the purpose of your visit;

- b. Continue to gather the necessary information.
2. If there is someone home:
 - a. Identify yourself as a City of Stow employee;
 - b. Show them your identification;
 - c. If they are uneasy, offer to stand away from the property while they call the City to verify your identification;
 - d. Indicate the purpose of your visit;
 - e. If they ask you to leave....LEAVE.
 3. If you are examining the property because no one was home, and someone subsequently confronts you:
 - a. Identify yourself as a City of Stow employee;
 - b. Show them your identification;
 - c. If they are uneasy, offer to stand away from the dwelling while they call the City to verify your identity;
 - d. Indicate the purpose of your visit
 - e. If they ask you to leave...LEAVE.

If at any time during the above steps the situation appears to be escalating and/or you feel that you may be in danger....LEAVE!

Department specific regulations or operating procedures may override the foregoing (i.e. police and/or fire)

F. RELEASE OF INFORMATION

Proper release of our City's information is the responsibility of every employee and we all share a common interest in making sure it is not improperly or incorrectly disclosed. Inquiries regarding specific information should be forwarded to those individuals who are responsible for the information being sought. All employees shall be familiar with the City's Public Records Policy. Telephone calls regarding a current or former employee's position/compensation with the City must be forwarded to the Finance Department.

G. CONTACT WITH NEWS MEDIA

To avoid duplication, assure accuracy of information, and to protect employees who might be accused of violation of confidentiality mandates, employees who are contacted by the news media (radio, television, newspaper, etc.) or a resident on a story related to City operations should request the caller to contact the appropriate Director, Chief, or designee.

5.02 OUTSIDE EMPLOYMENT

OBJECTIVE

The City of Stow has adopted this policy regarding outside employment to ensure that problems do not arise from such employment that affect the delivery of services to the public by the City of Stow, such as:

- Ethics Policy violations;
- Employees who are tired, accident prone, or marginally productive;
- Employee abuse of sick leave and/or other City-provided benefits in order to work additional hours at outside employment;
- Employees who inappropriately use city office equipment and/or supplies for a second job, and/or;
- Employees refusing to work overtime citing conflicts with an outside job.

A. GENERAL REQUIREMENTS:

Outside work will be permitted provided that:

- There are no potential ethical violations. Under no circumstances shall an employee have any outside employment which creates a potential ethical conflict or violation with the employee's duties and responsibilities in employment with the City of Stow;
- The interests of the outside employer do not conflict with those of the City of Stow;
- The outside employment does not have a negative effect on the ability of the employee to perform his/her job with the City of Stow (including but not limited to attendance and overtime availability). Employees with outside work are expected to work their assigned City work schedule;
- Employment with the City of Stow is the employee's primary job, and therefore, any time conflicts are resolved in favor of the City of Stow

B. ETHICS

Employees are also reminded they must comply with the relevant provisions of the City of Stow's Ethics Policy, State Law, and City of Stow Work Rules in addition to these requirements.

C. "OUTSIDE WORK" is defined as:

- Any part-time or full-time work for compensation; OR,
- Uncompensated (unpaid or volunteer) in a decision and/or policy making position with an organization or other entity (i.e. a member of Board or a Director of an organization); OR,
- A business owned by and/or performed by the employee (generally, the City will NOT do business with a business owned by one of its employees)

Note: Uncompensated (unpaid or volunteer) in a decision and/or policy making position with an organization or other entity (i.e. a member of Board or a Director of an organization) is included to assure that the City of Stow is aware of any potential conflicts of interest. Uncompensated (unpaid or volunteer) in capacities that do not have decision making ability for an organization or other entity (i.e. Boy Scout or Girl Scout leader, sports coach, etc.) are not required to follow the outside work policy.

Note: Unpaid work, volunteer work, and community appointed positions that cause job-related problems and/or create Ethics Policy violations may also result in discipline and/or the discontinuing of said work.

D. PROHIBITION of PRIVATE WORK USING CITY MATERIALS AND/OR PERFORMING OUTSIDE WORK on CITY TIME

At no time will the City of Stow permit or condone “private” work on City time. Employees may not conduct outside work on City time or on City premises nor conduct outside work with City property, equipment, or facilities.

E. OUTSIDE WORK PRIOR APPROVAL REQUEST FORM AND PROCEDURE

1. Request for approval of outside work shall be made using the [Request for Outside Employment form](#) and upon request of the employee;
2. This policy creates no entitlement for employees. An employee request for outside work does not guarantee approval;
3. Any employee who is interested in pursuing outside employment must complete and submit a signed request to their supervisor, allowing ample time for investigation and response;
4. The request should include any pertinent information about the outside employer, the nature of the work, and the hours of employment;
5. Ultimately, the employee’s Department Head will make a recommendation to the Appointing Authority, who shall make the final decision;
6. Performing outside work shall be subject to the initial and continuing approval of the employee’s appointing authority or their designee;

F. OUTSIDE WORK AT THE TIME OF HIRE

In the event an applicant and/or appointee has secondary employment that they wish to continue after hire, both during the application process and when an employee is hired, they must complete and submit a signed request to their supervisor in accordance with Section E above; allowing ample time for investigation and response. In addition, they must state any restrictions on their availability to work for the City.

G. PRIOR APPROVAL CONSIDERATIONS

Any outside employment must have the prior approval of the employee’s appointing authority. Items/issues that will be taken into account in considering whether to approve outside employment shall include, but are not limited to:

- Employees with performance problems, low leave balances, or disciplinary problems may not be eligible for outside employment;
- No employee may work for a vendor with which the City of Stow does business;
- Employees are cautioned to carefully consider the demands that the additional work activity will create before requesting permission to seek or accept outside employment.

H. OUTSIDE WORK POST APPROVAL REQUIREMENTS

1. After an outside work request is approved, it is the employee’s responsibility to notify their supervisor of any changes in their circumstances with the approved outside work; such as increases or decreases in hours or elimination of the approved outside work. Failure to notify their supervisor may result in discipline;

2. Outside work will not be considered a valid excuse for poor job performance, absenteeism, tardiness, leaving work early, refusal to travel, or refusal to work overtime or different hours. If outside work causes or contributes to job-related problems, outside work must be discontinued;
3. Employees who are tired, accident prone, or marginally productive who have outside work may be requested to terminate their outside work;
4. Employees may not refuse to work overtime citing conflicts with an outside job;
5. Fraudulent use of sick leave or other City benefits due to outside work shall result in disciplinary action, up to and including dismissal;
6. If there are any variations in the original hours and/or work schedule of the approved outside work, the employee's supervisor must be notified as soon as possible;
7. Any employee who has a "flex" schedule due to outside work shall revert to their original schedule in the event that they discontinue approved outside work for any reason.

I. DISCIPLINE FOR OUTSIDE WORK

1. Holding outside employment without prior approval and/or in contravention of this policy shall result in appropriate disciplinary measures, up to and including dismissal;
2. If outside work causes or contributes City of Stow job-related problems, the outside work must be discontinued; or the employee is subject to disciplinary action, up to and including dismissal;
3. Outside work violations that also violate the Ethics Policy may result in termination of employment with the City of Stow.

5.03 POLITICAL ACTIVITY

The purpose of this rule is to provide employees with guidelines concerning political activity.

- A. Employees in the classified service are prohibited by Ohio Revised Code Section 124.57 from engaging in political activity.
- B. "Classified service" means all persons in active pay status serving in the competitive classified civil service of the City of Stow, whether in certified or provisional status.
- C. "Political activity" and "politics" refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- D. The following are examples of permissible activities for employees in the classified service:
 1. Registration and voting;
 2. Expression of opinions, either oral or written;
 3. Voluntary financial contributions to political candidates or organizations;
 4. Circulation of nonpartisan petitions or petitions stating views on legislation;
 5. Attendance at political rallies;
 6. Signing nominating petitions in support of individuals;
 7. Display of political materials in the employee's home or on the employee's property;
 8. Wearing political badges or buttons, or the display of political stickers on private vehicles; and

9. Serving as a precinct election official under section 3501.22 of the Revised Code.
- E. Any and all permitted “political” activity shall not take place during regular work hours.
- F. The following activities are prohibited to employees in the classified service:
1. Candidacy for public office in a partisan election;
 2. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
 3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
 4. Circulation of official nominating petitions for any candidate participating in a partisan election;
 5. Service in an elected or appointed office in any partisan political organization;
 6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
 7. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
 8. Directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office.
 9. Solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state.
 10. Be an officer in any political organization.
 11. Solicitation of the sale, or actual sale, of political party tickets;
 12. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
 13. Service as, witness or challenger, for any party or partisan committee;
 14. Participation in political caucuses of a partisan nature; and
 15. Participation in a political action committee which supports partisan activity.
 16. Take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.
- G. An employee in the classified service who engages in any of the activities listed in paragraphs F.1. to F.16. of this rule is subject to removal from his or her position in the classified service.
- H. Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.

5.04 CITY TELEPHONE USE

A. Business Use

To keep cell phone expenses to a minimum, employees are encouraged to use regular (land line) phones for local calls whenever possible. When calling fellow employees, the direct connect feature should be used for local calls only.

B. Personal Calls

City phones are intended for business use. Personal calls should be limited to emergencies and kept to a minimum. Excessive personal use, including on personal devices during work hours, may be considered misuse and subject to discipline, up to and including discharge. Any personal calls made on a City-issued phone must be reimbursed, and, if requested, highlighted on the monthly bill.

C. Unauthorized Use and Charges

Employees are prohibited from using City phones for personal long distance calls, 1-900 numbers, or other pay-per-call services. Charges for directory assistance, web usage, or any additional services beyond the regular monthly plan must be reimbursed by the employee and may result in disciplinary action.

D. Illegal Use Prohibited

Use of City phones for illegal activities is strictly forbidden and may result in criminal prosecution and/or disciplinary action up to and including discharge.

E. Audit of Phone Use

The City reserves the right to audit phone use to ensure it is for legitimate City business. Misuse may result in disciplinary action.

F. Care of Cell Phones

Employees must take reasonable care of City-issued phones. Any needed repairs or malfunctions must be reported to the Purchasing Department. Lost or stolen phones must be reported immediately, and if theft is suspected, the police should be notified.

G. Voice Mail

Employees should check or forward voicemail during extended absences to prevent system overloads and ensure timely responses. Outgoing messages should direct callers to an alternate contact number for immediate assistance.

H. Provision and Authorization

City-issued cell phones will be provided based on business necessity, with prior authorization from the department head and Director of Public Service/Chief of Staff. A Cell Phone Authorization Request form must be completed and approved, with justification for the phone's use.

I. Use While Driving

Employees must exercise caution when using phones while driving. Use of hands-free devices is required; otherwise, employees must stop their vehicles to use a phone. Texting while driving is prohibited.

J. Personal Lines on City Phones

With department head approval, employees may add a personal line to their City phone at their own expense. Personal lines are billed directly to the employee and must be reported to the Purchasing Office. The City may reclaim the phone at any time, regardless of personal line usage.

K. Travel

City cell phones should be used for business-related calls when traveling for City business.

L. Phone Availability During Work Hours

Authorized employees must have their City phone on hand during their work shift, except in certain meetings or situations where use would be inappropriate. Some positions may require access to the phone outside regular work hours.

M. Return of Cell Phone

Employees must return City-issued phones upon termination of employment or when there is no longer a demonstrated business need.

N. Signed Acknowledgement

Employees issued a City phone must sign an acknowledgement agreeing to comply with this policy.

5.06 CITY VEHICLE USE

Employees who operate City-owned vehicles while on the job must adhere to the following guidelines to ensure accountability and safety while operating such vehicles.

A. VALID OHIO DRIVER'S LICENSE

All employees who operate City vehicles, or who utilize their personal vehicles for City-related business, must possess a current, appropriate, and valid Ohio driver's license.

B. AUTHORIZATION TO USE

Use of City vehicles is authorized only for City employees who are properly designated by the Appointing Authority.

C. USE OF CITY VEHICLES

1. City-owned vehicles are to be utilized exclusively for City business and matters relating to the operation of the services provided by the City of Stow to the community.
2. No City vehicle shall be used or operated for the daily purpose of transporting any City employee to and from work unless both of the following conditions apply:
 - a. The operator of the vehicle is on a 24-hour call to meet valid emergency situations; and
 - b. The Department Head to which the vehicle is assigned can provide justification to their Appointing Authority and approval is granted by the Appointing Authority.

A list will be established, and updated annually by each Appointing Authority of which City employees are permitted to take City vehicles home under this provision. Said list will be provided to the Finance Director.

If a non-safety employee is permitted to take a vehicle home under this provision and their residence is more than five (5) travel miles from their regular City headquarters, the employee shall reimburse the City of Stow for all daily mileage over ten (10) miles at the rate of forty-eight and one-half (48.5) cents per mile, or as otherwise established by ordinance of City Council. The initial daily mileage up to ten (10) miles shall be reported to the IRS by the Finance Director in accordance with Internal Revenue Service Code guidelines for the use of vehicles.

3. The Finance Director shall report the use of vehicles in accordance with the guidelines of the Internal Revenue Service Code.

D. OPERATION OF CITY VEHICLES

1. Use of any City-owned vehicle shall conform to the highest standards of responsibility. Persons driving City vehicles are expected to drive courteously, to drive in a manner consistent with minimum fuel consumption, and to exhibit responsible behavior which reflects favorably upon the City of Stow and the individual employee.
2. No employee shall operate a City vehicle or heavy equipment or machinery if the employee is under the influence of alcohol or any drug of abuse, or the combined influence of alcohol and any drug of abuse, or other medication that affects the employee's ability to operate a City vehicle or heavy equipment or machinery.
3. The use of seat belts is mandatory for operators and passengers of City vehicles.
4. Smoking inside a City vehicle shall be prohibited.
5. Personal use of City vehicles is prohibited.
6. All City vehicles will normally be kept overnight on City property unless otherwise approved by the appropriate appointing authority.
7. City owned vehicles which are authorized to be driven to an employee's residence should be parked in a safe and secure manner.

E. NON CITY EMPLOYEE PASSENGERS

1. Non-employees are not permitted to ride in a City vehicle except for business related reasons (i.e., carpooling to a permitted function).
2. Activities such as routinely dropping children off at school or picking them up from daycare are forbidden.
3. **Exception:** City functions which require that non-City employees be transported in
City vehicles, such as police, ambulance functions, or 4th of July parade are excepted.

F. ACCIDENTS

Accidents involving a City vehicle must be reported to your supervisor or department head immediately.

G. CONDITION OF CITY VEHICLES

1. Operators of City vehicles are responsible for the safe operation and interior and exterior cleanliness, appearance, and general condition of the vehicle.
2. Any City employee who operates a City vehicle shall timely communicate to the immediate Department Head any concerns regarding vehicle operation or maintenance.

H. TRAFFIC VIOLATIONS WHILE OPERATING CITY VEHICLES OR ON CITY BUSINESS

Operating City Vehicles or on City Business Employees are responsible for any moving/parking violations and fines that may result when operating a City vehicle.

I. DRIVING RECORD – RESPONSIBILITY OF EMPLOYEE TO UPDATE

An employee's driving record may impact their eligibility to operate a City-owned vehicle. Therefore, any employee who operates a City-owned vehicle must notify their immediate supervisor regarding their conviction or waiver of any traffic offense, with the exception of parking violations. Such notification shall be made in writing within seventy-two (72) hours of the waiver or conviction and shall include the specific offense(s) involved. Notification must be made whether the employee is cited while operating a private vehicle for work-related business or City-owned vehicle.

Supervisors shall immediately advise the Finance Department regarding notification by an employee of a waiver or conviction of a traffic offense.

J. LICENSE EXPIRATION, REVOCATION, SUSPENSION, OR FORFEITURE

In the event an employee's driver's license expires or is revoked, suspended, forfeited or restricted in any manner, the employee shall be required to report that information within seventy-two (72) hours of its occurrence to their Department Head, or within twenty-four (24) hours of returning from vacation or other authorized leave if the expiration, revocation, suspension, forfeiture or restriction occurred during such leave.

HOWEVER, IN NO EVENT SHALL AN EMPLOYEE OPERATE ANY CITY VEHICLE AT ANY TIME AFTER THEIR LICENSE HAS EXPIRED, BEEN REVOKED, SUSPENDED, OR FORFITED.

K. VIOLATION OF RULES ESTABLISHED BY POLICY

Any violation of the rules established by this policy will be grounds for disciplinary action, up to and including termination.

5.07 EQUIPMENT AND TOOLS

A. TOOLS, SUPPLIES AND EQUIPMENT PROVIDED

All tools, supplies and equipment needed to perform job duties are provided by the City. It is the responsibility of supervisors to see that they are properly used and maintained.

B. CARE OF TOOLS, SUPPLIES, AND EQUIPMENT

Employees are expected to use proper care when using the City's property and equipment. Misuse, neglect, theft and abuse of tools, supplies, or equipment is prohibited.

C. TOOLS, SUPPLIES, AND EQUIPMENT REMAIN ON CITY PREMISES

No City tools, supplies, equipment, or other City property may be removed from the premises without the proper authorization of management.

D. ACCIDENTS WITH TOOLS AND EQUIPMENT

Accidents involving misuse of tools or equipment may be cause for disciplinary action.

E. LOSS OF TOOLS OR EQUIPMENT

If you lose, break or damage any property, report it to your supervisor at once. Loss of tools or equipment on more than one occasion will require payment by the employee for those tools lost.

5.08 FITNESS FOR DUTY

A. ORDER FOR FITNESS FOR DUTY EXAMINATION

The City may order an employee to submit to a physical, medical, and/or psychological fitness for duty examination(s) when there is an objective and reasonable basis for believing that the employee is physically, medically, or mentally incapable of performing his or her essential duties. Objective and reasonable basis is defined as one that is not merely speculative but is derived from direct observation or other reliable evidence. An order that an employee submit to a physical, medical, and/or psychological fitness for duty examination(s) is not discipline in nature, and shall not be used as a substitute or in place of discipline. In addition, a fitness for duty examination shall not be ordered for capricious, arbitrary or discriminatory reasons.

B. CONDUCT OF FITNESS FOR DUTY EXAMINATION

An initial fitness for duty examination(s) will be conducted by a physician or psychologist of the City's choice, with no loss in pay or benefits or cost to the employee. Prior to any examination, the City shall supply the examining practitioner(s) with: a) facts relating to the perceived disabling illness, injury or condition; b) the physical and mental requirements of the employee's position; c) job classification specifications for the employee's position; and d) position descriptions. Copies of any documents and/or materials provided to the practitioner(s) by the City will be provided simultaneously to the employee subject to testing.

C. STANDARDS FOR PHYSICIANS AND/OR PSYCHOLOGISTS

Any physician utilized, either by the City or the employee, must be a licensed doctor of medicine or osteopathy who has completed residency training in an accredited medical training program and/or is American Boards of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board certified or international equivalent. Any psychologist utilized, either by the City or the employee, must be a licensed psychologist with education, training, and experience in the forensic and/or diagnostic evaluation of mental and emotional disorders.

D. PROVIDING COPIES OF FITNESS FOR DUTY EXAMINATION RESULTS

Following the examination, the physician or psychologist shall provide the City and the employee a written report detailing the physician's or psychologist's assessment of the employee's ability to perform his or her duties with or without reasonable accommodation. The employee is entitled to copies of all examination results and documentation associated with the examination subject to Ohio Revised Code Section 1347.08 and/or any other applicable law.

E. COST OF FITNESS FOR DUTY EXAMINATIONS

The City shall pay the costs of the examinations. However, an employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.

F. REFUSAL TO SUBMIT TO A FITNESS FOR DUTY EXAMINATION - INSUBORDINATION

An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of the examination amounts to insubordination, punishable by the imposition of discipline up to and including removal.

G. ADMINISTRATIVE LEAVE WITH PAY PENDING RESULTS OF FITNESS FOR DUTY EXAMINATION

The City reserves the right to place an employee on paid leave pending the final results of the fitness for duty examination prior to the examination results. Said paid leave is not discipline.

H. EMPLOYEE'S FITNESS FOR DUTY EXAMINATION

Employees shall have the right to submit to a fitness for duty examination by a physician or psychologist of the employee's choice at any time. Fees and expenses of an employee's physician and/or psychologist shall be borne by the employee.

I. EMPLOYEE NOTICE REQUIREMENT IF UNDERGOING THEIR OWN FITNESS FOR DUTY EXAMINATION

If the employee chooses to exercise their right to submit to a fitness for duty examination by a physician and/or psychologist of the employee's choice, any determination on the employee's fitness for duty shall be held in abeyance until the City's physician and/or psychologist has reviewed the findings of the employee's physician and/or psychologist, provided: The employee provides the City with notice of their intention to do so within ten (10) calendar days of receiving the fitness for duty report by the City's physician and/or psychologist, and The City's physician and/or psychologist are provided, in a timely manner, with the report(s) of the employee's physician's and/or psychologist's fitness for duty exam and documentation that was created and/or reviewed in generating the report(s).

J. REASONABLE ACCOMMODATION IF AN EMPLOYEE IS FOUND NOT FIT FOR DUTY

If an employee is deemed physically, medically, or mentally incapable of performing his or her essential duties, the City will make reasonable efforts to accommodate the employee in continuing their employment with the City of Stow. "Reasonable accommodations" are modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an employee to perform the essential functions of that position. "Reasonable accommodations" shall be defined consistent with the Americans with Disability Act ("ADA").

K. ABILITY TO APPLY FOR VACANT POSITIONS

If an employee is deemed physically, medically, or mentally incapable of performing his or her essential duties with or without reasonable accommodation, and if there are vacant positions within the City for which the employee qualifies, the employee may apply for the vacant position. Other Collective Bargaining Agreements, Civil Service Rules, and/or a hiring freeze in place at that time are applicable to an application for a vacant position.

L. REVIEW OF FITNESS FOR DUTY EXAMINATIONS

When fitness for duty examinations (medical evaluations) are conducted by a physician or medical provider other than the City physician and/or psychologist, the evaluation shall be reviewed and approved by City physician and/or psychologist.

In the case of examinations undertaken to determine fitness for duty for purposes of return to work, the employee's return to work is subject to the approval of the City physician and/or psychologist.

5.09 WORK SPACES, LUNCH ROOMS, AND PARKING

A. WORK SPACE

1. Good work habits and a neat, organized place to work are essential for a safe and productive working environment. Employees are expected to keep their place of work organized and materials in good order at all times.
2. Employees shall immediately report anything that needs repair or replacement to their immediate supervisor.
3. The introduction of personal items in the workplace such as aquariums, plants, wall hangings, etc. must be approved in advance by the employee's Department Head prior to bringing them onto the premises.
4. The City does not assume responsibility for the well-being or theft of personal items. Each individual employee must take responsibility for the care of their own personal items.

B. LUNCH ROOMS

1. Lunch rooms are available for employee use.
2. Although general custodial care is provided by the City, you are expected to clean up after eating. These areas should be kept clean for the next person's use.
3. Food should be stored in appropriate containers, and in the kitchen, if applicable.

C. PARKING

1. Free parking facilities are available to employees. You are required to park within the designated areas.
2. The City is not responsible for loss, damage or theft of your vehicle. Therefore, we suggest that you lock your car doors.

5.10 EMPLOYEE APPOINTMENTS AND VISITORS

A. EMPLOYEE APPOINTMENTS

1. Unless there is an emergency, appointments of any kind must be pre-approved by the employee's Department Head.
2. Employees are expected to show courtesy to their Department head and/or supervisor by discussing plans to make an appointment with them prior to actually scheduling an appointment. This allows the Department Head/supervisor to ensure adequate personnel coverage within the department.

B. VISITORS

1. All visitors should first check in at the reception area, when possible.
2. If you are expecting a visitor, please notify the receptionist.
3. Under no circumstances will visitors be allowed in confidential, unauthorized or potentially hazardous areas without being accompanied by a designated City employee

5.11 WORK ASSIGNMENTS AND ON CALL

A. WORK ASSIGNMENTS

1. Work assignments will be distributed by the employee's supervisor.
2. When possible, employees will be advised of future assignments well in advance so they will have ample time to prepare for the assignment.
3. Once an assignment has begun, the employee will report directly to their supervisor for all matters relating to its completion.
4. Procedures governing work assignments may vary among job classifications

B. ON CALL

It may be necessary for individuals in certain positions to be available by telephone or pager after hours during the week or on the weekend.

5.12 SELF-DISCLOSURE OF CRIMINAL CONVICTIONS AND OPEN AND/OR PENDING CHARGES

Purpose

A post-hire open and/or pending charge and/or criminal conviction will not automatically impact an employee's continued employment. The fact that an arrest or charge has been made does not establish that criminal conduct has occurred, or that there has been a violation of any City work rule or policy.

However, because we are a public employer, delivering public services, the City must assure that the safety, health, and welfare of the public is safeguarded at all times.

Upon notification, the City will assess the circumstances surrounding the open and/or pending charge and/or conviction. The individualized assessment will include, but not be limited to:

- The nature and gravity of the offense or conduct;
- The employee's essential job requirements;
- The actual circumstances under which the employee's essential job requirements are performed;
- The time frame; and,
- The relevancy to the employee's job duties.

Based on all relevant factors, the City will determine what action needs to be taken, taking into account the both the rights of the employee and the safety, health, and welfare of the public.

The City reserves the right to determine if the conduct serves as a basis for violation of City work rules, policies, and/or Collective Bargaining Agreements.

A. DUTY TO DISCLOSE CRIMINAL CONVICTIONS AND OPEN AND/OR PENDING CHARGES

Current employees, appointees, volunteers, and staff provided by third party staffing vendors are required to self-disclose post-hire open and/or pending charges and/or criminal convictions that occur on or after April 1, 2014 within three business days of the open and/or pending charges and/or conviction to Human Resources, their department head, or their appointing authority.

B. DEFINITION OF CRIMINAL CONVICTION

Criminal conviction(s) mean(s) if an employee, appointee, volunteer, or staff provided by a third party staffing vendor, are:

- Found guilty of a felony or misdemeanor;
- Enter a guilty plea to a felony or misdemeanor;
- Plead no contest to a felony or misdemeanor;
- Received deferred adjudication, either through first offender program or otherwise, diversionary program, or other program or arrangement where judgment or conviction has been withheld.

C. DEFINITION OF OPEN AND/OR PENDING CHARGES

Open and/or pending criminal charge(s) mean(s) if an employee, appointee, volunteer, or staff provided by a third party staffing vendor, are:

- Arrested;
- Indicted;
- Issued a civil protection order or restraining order or emergency custody order relating to domestic violence or any other subject.

D. APPLICABLE CONVICTIONS AND/OR CHARGES THAT MUST BE DISCLOSED

Under Ohio Law, a felony is typically punishable by a maximum prison sentence of more than six (6) months; while a misdemeanor is typically punishable by a maximum jail sentence of less than six (6) months. Courts may impose fines or other penalties instead of a jail or prison sentence, and an individual may be convicted of a felony or misdemeanor without being sentenced to either a fine or jail. Felonies and misdemeanors may be defined differently in other states or foreign jurisdictions.

Convictions for felonies and misdemeanors include convictions for all criminal offenses, traffic tickets, and municipal ordinance violations. While minor traffic offenses are misdemeanor offenses, this policy does not require individuals to report convictions for minor misdemeanor traffic violations. Under Ohio law, minor misdemeanor traffic offenses are punishable by a maximum fine of one hundred and fifty dollars (\$150) and often do not require the person charged to appear in court if they pay a ticket within a specified time period; this includes most speeding tickets and other violations such as failure to obey a red light, failure to use a turn signal, expired registration, etc. Parking violations are also not required to be reported under this policy. All other traffic offenses, such as OVI (also referred to as OMVI, DUI, or DWI [driving/operating a motor vehicle under the influence]), failure to stop after an accident (also referred to as "hit skip"), and driving under suspension, must be reported.

E. EMPLOYEES RETURNING FROM BREAK IN SERVICE

An employee, who has a break in service of less than twelve (12) months, must disclose any conviction(s) and/or open and/or pending criminal charge(s) occurring during the break within three business days of returning to City employment.

F. REVIEW OF POST-HIRE CRIMINAL CONVICTIONS AND OPEN AND/OR PENDING CHARGES

The Department Head and Appointing Authority shall consult with Human Resources and the Law Director to determine next step(s) upon receipt of information. An individualized assessment will be done which will include, but not be limited to:

- The nature and gravity of the offense or conduct; and
- The employee's essential job requirements; and
- The actual circumstances under which the employee's essential job requirements are performed; and
- The time frame, and
- The relevancy to the employee's job duties.

Based on all relevant factors, the City will determine what action needs to be taking into account the both the rights of the employee and the safety, health, and welfare of the public.

G. CONFIDENTIALITY

Those to whom the open and/or pending charges and/or criminal convictions are reported shall maintain confidentiality to the fullest extent possible.

H. FAILURE TO DISCLOSE

Failure to disclose may be grounds for disciplinary action, up to and including dismissal.

5.13 SOLICITATION AND DISTRIBUTION

1. In order to avoid unnecessary annoyances and interruptions from your work, solicitation by an employee of another employee is prohibited while either person is on working time.
2. Employee distribution of literature, including handbills, and other material must be approved by your department head.
3. Soliciting or distribution of literature by non-employees on these premises is prohibited without prior authorization from the Mayor or his/her designated representative.

5.14 EMPLOYEE ID

A. EMPLOYEE ID CARD

1. All employees will be issued a City of Stow employee identification card, with photo, issued by the Police Department and/or the Human Resources Department. These cards are to identify the employee to the public they serve as a City employee, so that there is an enhanced level of security for staff and residents.
2. Badges will include a picture of employee, City of Stow logo or emblem, first and last name of employee, employee job classification/title, and *may* include hair, and eye color, height, and weight.
3. City of Stow employee identification cards are issued for the exclusive use of the named employee and are not to be loaned to anyone.

4. Appointing Authorities or their designee(s) shall contact the appropriate individual within the first week of a new employee start date to arrange for the issuance of a City of Stow employee identification card.
5. City of Stow employee identification cards remain the property of the City of Stow and must be surrendered upon demand, or upon termination of employment.

B. DISPLAY OR PRESENTATION OF EMPLOYEE ID

1. Employee ID cards shall be worn or carried on an employee's person at all times when on duty.
2. When required to be worn, employees will wear their ID card in a visible location at or above the waist
3. Appointing Authorities or Department Heads will establish rules for when an employee is required to wear the employee ID card.

C. LOST OR STOLEN EMPLOYEE ID

1. Employees must report lost or stolen ID cards to their supervisor as soon as possible.
2. It will be the responsibility of the supervisor to notify the police department of any lost or stolen ID cards.
3. If the employee is unable to contact their supervisor, the employee should immediately report the lost or stolen card to the Director or Deputy Director of Public Service.
4. The employee will be charged for each replacement of a lost or stolen ID card.

D. REPLACEMENT OF WORN OR AGED EMPLOYEE ID CARD

Replacement of an employee ID card due to normal wear, age, updated information, or damage in the course of work will be done at no charge upon the approval of the Appointing Authority or Department Head, provided the employee ID card is surrendered to the police department.

E. DEALING WITH THE PUBLIC

At all times when an employee is dealing with the public, the employee shall:

- a. Have personal employee photo ID card.
- b. Have City of Stow business cards (if you have been issued business cards).

F. POLICE AND FIRE EMPLOYEES

Police and fire employees shall be issued, wear, carry, and present ID in accordance with police and fire departmental rules.

G. MUNICIPAL COURT AND CLERK OF COURT EMPLOYEES

Municipal Court and Clerk of Court employees shall be issued, wear, carry, and present ID in accordance with Municipal Court and Clerk of Court departmental rules.

Section VI WORK RULES AND DISCIPLINE

6.01 STANDARDS FOR DISCIPLINE

Unless violation results in immediate removal, any persons facing discipline shall first be provided with a pre-disciplinary conference within three (3) business days of the City becoming aware of the alleged misconduct to allow an opportunity to hear about the pending charge(s) and explain actions.

The City has the following guidelines for progressive disciplinary action. While progressive discipline is the goal of the City's disciplinary policy, progressive discipline is not always appropriate. Thus, the City reserves the right to deviate from these guidelines if and when it deems such deviation appropriate. The City also reserves the right to administer reasonable discipline for "just cause" for those violations that might occur which are not expressly covered by this manual. Misconduct does not have to be of a similar type to support further discipline. The following is just a general description of the types of discipline that may be administered.

1. Verbal Warning: an oral warning is a discussion between the employee and a member of management concerning the employee's minor misconduct. The purpose of which is to prevent further misconduct, which may result in stronger disciplinary action.
2. Written Warning: a written warning will normally follow the verbal warning in the progressive disciplinary process. It consists of a written document indicating the time and place of the violation and includes a recitation of past counseling.
3. Suspension: a suspension will normally follow a written warning in the progressive disciplinary process. Employees who are in the Suspension level of Disciplinary Action should be on notice that any additional infractions of work rules, policies, or other inappropriate behaviors will be subject to additional disciplinary action including termination.
4. Termination: generally, termination is the final phase of the progressive disciplinary process. All employees terminated will be verbally advised of the reasons for termination at the time of the termination. The City will issue a written Notice of Termination no later than three (3) working days after the employee's termination.

A. Reasons for Reduction, Suspension, and Removal

The tenure of every officer or employee in the classified service of the City shall be during good behavior and efficient service. No such officer or employee shall be reduced in pay or position, fined, suspended, or removed, or have the officer's or employee's longevity reduced or eliminated, except for any one of the following offenses:

- Violation of any policy or work rule of the officer's or employee's appointing authority, including any policy or work rule established in this Employee Handbook;
- Incompetency;
- Inefficiency;
- Dishonesty;
- Drunkenness;
- Immoral conduct;
- Insubordination;
- Discourteous treatment of the public;

- Neglect of duty;
- Violation of a last chance agreement;
- Any other failure of good behavior;
- Any other act of misfeasance (misfeasance is the performance of an lawful act in an improper manner);
- Any other act of malfeasance (malfeasance is the intentional performance of an act in an erroneous way or commission of an illegal act);
- Any other act of nonfeasance in office (nonfeasance is the non-performance of an act which should be performed), or

B. Conviction of Felony

Conviction of a felony is a separate basis for reducing pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of the conviction for the felony.

"Felony" means any of the following:

- A felony that is an offense of violence as defined in section 2901.01 of the Ohio Revised Code;
- A felony that is a felony drug abuse offense as defined in section 2925.01 of the Ohio Revised Code;
- A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
- A felony involving dishonesty, fraud, or theft;
- A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Ohio Revised Code.

6.02 WORK RULES: GROSS MISCONDUCT

Purpose

Violation of any of the following work rules shall be considered as Gross Misconduct and constitutes grounds for disciplinary action including dismissal for the first offense.

A. Dishonesty

Note: Dishonesty can be verbal or in writing.

B. Falsification

Falsification can be verbal or in writing. Falsification includes, but is not limited to, falsification of any records, reports, report-offs pertaining to absence from work, claims pertaining to injuries occurring on City premises or time, claims for any benefits provided

by the City, personnel and work records, time cards (including altering in any way or destroying any time card; deliberately clocking in another employee's time card or permitting another employee to clock in one's own time card; or tampering with the time clock), time records, employment application and associated materials, medical records, providing false information in an attempt to be reimbursed for time not worked or for higher pay rates, submitting fraudulent requests for reimbursement of expenses, or falsification of any other City records.

C. Malfeasance

Malfeasance is the intentional performance of an act in an erroneous way or commission of an illegal act.

D. Restricting Output

Restricting output or persuading another (others) to do so, or promoting, encouraging, agitating, tormenting, engaging in or supporting suspension of work, slowdowns, or any other interruptions of work. However, an employee acting in good faith has the right to refuse to work under conditions he or she reasonably believes present an imminent danger of death or serious harm. This applies only if the condition does not normally exist or is not reasonably expected to occur during the course of the employee's regular duties. An employee who refuses to work under such conditions must notify his or her immediate supervisor that the condition poses imminent danger. There is no right for an employee to refuse to work, unless the danger is one that a reasonable person under the circumstances would conclude an imminent danger exists. Legitimate temporary stoppages due to exigent circumstances such as an injury or an emergency similarly will not be considered to be restriction of output.

E. Sabotage

Sabotage can be defined as the deliberate or intentional destruction or damage of property, property of employees, or other property, including but not limited to, motor vehicles, tools, computer hardware, software and data, equipment or other City property.

F. Subversive Activity

Subversive activity can be defined as a willful act that is intended to be detrimental to the best interests of or runs counter to the established policies and procedures of the City.

G. Weapons, firearms, dangerous ordinance, or explosives

Bringing, using or having in possession weapon(s), firearms, dangerous ordinance, or explosives on City premises at any time, or during working hours, unless lawfully authorized to possess or use as part of the employee's normal duties (i.e. police officers). This includes violation of the City's WEAPONS AND/OR DANGEROUS ORDINANCE policy.

6.03 WORK RULES: SERIOUS OR GROSS MISCONDUCT

Purpose

Violation of any of the following work rules shall be considered serious or gross misconduct and constitute grounds for disciplinary action ranging from suspension to dismissal for the first offense:

A. Reporting to the work place under the influence of alcohol or drugs

Reporting to the work place under the influence of alcohol, any intoxicant, any narcotic, any barbiturate, any amphetamine, any hallucinogen, or any other drug or use by the employee while they are on City property or on duty (City time) consumption of alcohol, any intoxicant, any narcotic, any barbiturate, any amphetamine, any hallucinogen, or any other stimulating or depressing drug and/or violation of the City's Drug Free Workplace Policy.

(Note: This includes employees who are instructed to refrain from operating vehicles or equipment when a Doctor's prescribed medication indicates that he or she might be impaired.)

B. Alcohol or drugs in the workplace

Bringing to work, consuming or using, possessing, transporting, selling, distributing, promoting the use of, or being under the influence of, alcohol or intoxicants, any narcotic, any amphetamine, any hallucinogen, or any other drugs on City property or while they are on duty (City time).

Employee's prescription and/or over the counter medicine are excluded provided the employee is in compliance with either advisory for use of said medicine and/or instructions from a prescribing doctor.

This section does not apply to the Police Department when it is necessary, in the exercise of their duties, to take control of alcohol and/or intoxicant and/or narcotic and/or any barbiturate, any amphetamine, and hallucinogen, or any other drug when in compliance with Police Department rules and regulations. This section does not apply to Fire/EMS employees when it is necessary, in the exercise of their duties, to take control of alcohol and/or intoxicant and/or narcotic and/or any barbiturate, any amphetamine, and hallucinogen, or any other drug and/or to administer/transport/possess drugs related to their duties when in compliance with Department rules, regulations, and/or protocol.

C. Consumption in Uniform

Consumption of alcohol, any intoxicant, any narcotic, any barbiturate, any amphetamine, any hallucinogen, or any other stimulating or depressing drug or use by an employee while the employee is in a uniform or clothing bearing a City or Department insignia, either on or off duty.

Employee's prescription and/or over the counter medicine are excluded provided the employee is in compliance with either advisory for use of said medicine and/or instructions from a prescribing doctor.

D. Threatening, intimidating, coercing, abusing, or interfering with any person

Threatening, intimidating, coercing, abusing, or interfering with any person, including a fellow employee or supervisor, on or off City premises at any time and/or in connection with any matter relating to employment or City events.

E. Sleeping on Duty

Sleeping on duty (City time). Note: Employees of the Fire/EMS Department on 24 hour shift are exempt during hours designated by the Fire Chief.

F. Insubordination

Insubordination can be defined as disregarding, disobeying, refusing, or failure to carry out an order or instruction of a supervisor.

G. Immoral conduct

Immoral conduct refers to behavior that violates commonly accepted standards of decency, integrity, or ethical behavior, and that may negatively impact the workplace or the reputation of the City. This includes, but is not limited to, dishonesty, fraud, harassment, acts of violence, indecent or obscene behavior, or any actions that are inconsistent with the values and standards expected of City employees.

H. Commission or Conviction of a Crime

Commission of any crime at or above the level of a misdemeanor (except minor traffic violations) while on City premises, and/or while the employee is on duty (City time), and/or with City property or City equipment, and/or while an employee is in a uniform or clothing bearing a City or Department insignia.

Commission means committing any violation of federal, state, or city laws, statutes, or rules, although the conduct may not have resulted in a criminal charge, indictment, prosecution or conviction.

Conviction means any conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony.

I. Neglect of Duty

Neglect of duty refers to the failure or deliberate refusal to perform the responsibilities and tasks assigned to an employee as part of their job duties. This includes, but is not limited to, inattention to work, failure to follow instructions or procedures, lack of diligence, carelessness, or failure to carry out reasonable assignments in a timely and competent manner. Neglect of duty undermines the efficiency and effectiveness of City operations

J. Nonfeasance

Nonfeasance is the non-performance of an act which should be performed.

K. Incompetency

Incompetency refers to the demonstrated inability to perform the duties and responsibilities of a position in a satisfactory manner. This may include a lack of knowledge, skill, judgment, or efficiency required to meet the reasonable expectations of the job, despite adequate training or supervision. Incompetency may also be evidenced by repeated errors, poor decision-making, failure to meet performance standards, or an inability to adapt to the requirements of the position.

L. FLSA Violation

A purposeful violation of the City's FLSA Policy and/or any associated Federal or State Law(s).

M. Harassment Violation

Unlawful harassment or violation of the City's harassment policy.

N. Ethics Violation

Violation of the City's Ethics policy, Ohio Revised Code Ethics provisions, or using or attempting to use employment with the City or knowledge acquired while working for the City for personal gain or advantage; in a manner which would violate the ethics laws of the State of Ohio pertaining to public employees, or any other violation of said ethics laws.

O. Withholding Information

Withholding information which potentially threatens the safety and/or security of the City, City operations, City employees, or the general public.

P. Operating Without a License

Driving a City motor vehicle or private motor vehicle while on City business, without a valid applicable operator's license.

6.05 WORK RULES: MISCONDUCT

Violation of any of the following work rules shall be considered serious misconduct, and constitute grounds for disciplinary action ranging from a reprimand to a suspension for the first offense, or for severe violations, constitute grounds for discipline ranging from suspension to termination for a first offense:

Severity of Conduct May Elevate Discipline

A first offense may result in a written warning rather than suspension or termination, provided the offense is not severe. However, employees are on notice that a severe or egregious offense of any of the following rules shall serve as grounds for disciplinary action ranging from suspension to dismissal for the first offense. The fact that an employee (or other employees) has not been suspended or terminated for a first offense is NOT PRECIDENTIAL; especially for a severe or egregious offense.

For a severe or egregious violation of any of the following rules, a first offense may be considered (elevated) to gross misconduct and therefore subject the employee to discipline up to termination for a first offense.

Examples to illustrate the differences in severity that would elevate a violation from serious misconduct to gross misconduct, and thereby elevate the potential discipline (not an exhaustive list), are:

- Discourteous treatment of the public where the employee is rude would be a violation and considered serious misconduct, constituting grounds for disciplinary action ranging

from a written reprimand to a suspension for the first offense. However, if an employee were to berate a member of the public and throw their paperwork at the member of the public while doing so, it would be considered egregious conduct, elevating the violation to gross misconduct and subject an employee to discipline up to termination for a first offense.

- Unauthorized use of a city vehicle where an employee stops at a store for a personal errand would be a violation of serious misconduct and constitute grounds for disciplinary action ranging from a written reprimand to a suspension for the first offense. However, if an employee were to “loan” a City vehicle to a family member to take the vehicle on an unauthorized “road trip” of multiple days and high mileage to move back to college, it would elevate the violation to gross misconduct and subject an employee to discipline up to termination for a first offense.

A. Discourteous Treatment of the Public

Treatment of customers/public in a discourteous, inattentive, or unprofessional manner.

Note: A first offense of discourteous treatment of the public may result in a verbal or written warning rather than suspension or termination, provided the offense is not severe. However, employees are on notice that a severe or egregious offense of discourteous treatment of the public shall serve as grounds for disciplinary action ranging from suspension to dismissal for the first offense. The fact that an employee (or other employees) has not been suspended or terminated for a first offense is NOT PRECIDENTIAL; especially for an offense where the discourteous treatment is severe or egregious. Ohio Revised Code Section 124.34 specifically states that “discourteous treatment of the public” is grounds for reduction of pay or position, a fine, suspension, or removal of an employee. We are employed to serve the public!

B. Use of Abusive, Profane, or Improper Language

Use of abusive, profane, or improper language to the public, to fellow employees, or to supervisors.

C. Creating Conflict

Creating conflict with co-workers, supervisors, clients, customers or visitors.

D. Treating Co-Workers in a Discourteous, Inattentive, or Unprofessional Manner

E. Unauthorized Use of a City Vehicle

F. Commission or Conviction of a Crime

Commission of any crime which impacts or reflects on an employee’s ability to perform their job duties.

Commission means committing any violation of federal, state, or city laws, statutes, or rules, although the conduct may not have resulted in a criminal charge, indictment, prosecution or conviction.

Conviction means any conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony.

G. Inefficiency

H. Misfeasance

Misfeasance is the performance of a lawful act in an improper manner.

I. Improper Performance of Work and/or Job

J. Careless or Negligent Use or Operation

Careless or negligent use or operation of City tools or equipment.

K. Violation or Disregard of Safety Rules or Safety Practices

Violation of, or disregard of, safety rules or safety practices; carelessness, or endangering the life or safety of another person.

L. Horseplay, Malicious Mischief, or Practical Jokes

Engaging in horseplay, malicious mischief, practical jokes, or other conduct which could jeopardize the general safety.

M. Mistakes

Mistakes in clerical work or reports which hinder productivity or increase costs.

N. Leaving Work Site

Walking off the job or leaving your place of work during work hours without proper authorization of supervision, or visiting departments other than the one in which you are assigned to work without proper authorization of your supervisor (except for lunch).

O. Unauthorized Entry

Entering the workplace or City property (i.e. private or secure rooms) at any time other than when you are to be at work, without proper authorization.

P. Misuse of City Resources

No City supplies or equipment is to be utilized outside the scope of the employee's assigned duties, including City uniforms. Resources include records, especially confidential or non-public records.

Police related off-duty extra jobs approved by the Chief in accordance with the CBA are exempted from this prohibition.

Q. Conducting Personal Business on City Time, or City Premises, or with City Equipment

Employees shall not perform personal work, or perform work for another employer/organization, on City time, on City premises, or with City equipment or in City uniform.

Police related off-duty extra jobs approved by the Chief in accordance with the CBA are exempted from this prohibition.

R. Activity in Uniform Reflecting Negatively on the City

Any activity while an employee is in a uniform or clothing bearing a City or Department insignia that reflects negatively and/or has a nexus (connection) between the conduct and the City's legitimate interests, or has a nexus (connection) between the conduct and an employee's ability to perform their job duties.

S. Disruption or Interference

Disrupting the normal work routine by creating unnecessary noise, by starting or participating in arguments, being involved in excessively loud or extended conversations (especially non-work related), inappropriate workplace behavior, any other conduct that interferes with or prevents the prompt and acceptable completion of assigned job duties of the employee or a co-worker, or in any way interfering with City operations or the work performed by co-workers during the employee's or the co-workers work hours.

T. Misappropriation, Misuse, or Removal of Property

Misappropriation, misuse or removal of any property located on City premises or work area, property of employees, property in the City's custody, or of any property while on duty (City time) without proper authorization, and/or possession of any City property removed from City premises or work area without proper authorization. Property includes records, especially confidential or non-public records.

U. Misuse of Technology

Misuse of technology or electronic communication, including but not limited to misuse of computers, cellular telephones, or other electronic devices. Misuse of technology also includes loading unauthorized software on City computers or connecting unauthorized hardware to City computers or network.

V. Careless or Negligent Handling of City Records or Information

Handling City information (including data storage devices) or documents, such as mail, checks, personnel or confidential files, carelessly or negligently, or providing or discussing confidential information to or with unauthorized individuals.

W. Long Distance Calls on City Phones

Making personal long distance telephone calls on the City's telephones, unless authorized by a supervisor.

X. Failure to Report to Work and/or Unauthorized Absence.

Failing to report to work, or being absent without just cause.

Y. Failure to Return to Work

Failing to report when you will return to work or failure to return to work as scheduled following vacation, sick leave, FMLA, or other leave of absence.

Z. Failure of a Supervisor

Failure of a supervisor to properly supervise an employee or employees; failure to enforce work rules and/or policies; failure to properly comply with City policy and/or procedures, such as the processing and certification of employee payroll.

AA. Failure to comply with the Policy for providing Public Records

BB. Failure to comply with the Policy for Record Retention

CC. Failure to comply with the Policy for Travel

DD. Maintenance of Licenses and/or Certifications

Failing to obtain, maintain, or report the suspension or loss of any licenses or certifications required to perform the duties of an employee's position.

EE. Reporting to Work and/or Working While Unable to Perform Essential Functions

Reporting to work and/or working while unable to perform the essential functions of the job, or as a supervisor allowing an employee to report to work or work while unable to perform the essential functions of the job.

FF. Proper Purchasing Procedure

Obligating the City for an expense, service, or performance without prior authorization or following the proper procedure.

GG. Other Failure of Good Behavior

6.06 WORK RULES

Violation of any of the following work rules shall subject an employee to progressive disciplinary action:

Note: Progressive discipline ranges from a verbal warning up to and including termination. Normally progressive discipline begins at a verbal warning for a first offense, with subsequent offenses progressively more severe, except when the offense committed requires a more severe form of disciplinary action.

A. Poor Productivity

Productivity which is below established standard or output level.

B. Poor or Careless Workmanship

Poor or careless workmanship which results in an inferior job or causes redoing of work or creates hazards.

C. Poor or Careless Use of Materials

Carelessness or poor use which causes materials or parts to be scrapped or requires extensive rework or causes damages.

D. Waste or Misuse of City Time

Wasting City time by loafing, loitering, or engaging in unauthorized visiting during working hours.

- E. Reading on City Time**
Reading newspapers, magazines, books or other literature while on work time, except as required by work assignment or as allowed.
- F. Failure to Immediately Report any Damage, Injury, or Accident to your Supervisor.**
Failing to report any damage to real or personal property, or an injury or accident with City vehicles/equipment or on City property involving, including any injury or accident involving a fellow employee, other person, or the employee themselves.
- G. Failure to Report Off**
Failure to report off according to contract and/or policy, and/or failing to appear for work at the scheduled time, whether a regular work shift or overtime.
- H. Chronic and/or Excessive Absence from Work or Abuse of Leave**
Chronic and/or excessive absenteeism or abuse of leave.
- I. Habitual Leaves Without Pay**
Time off in excess of sick leave, vacation, and/or personal leave allowance.
- J. Leave Abuse and/or Misuse.**
Abuse and/or misuse of sick leave, disability leave, injury leave or unpaid leave, to include pattern abuse. Abuse and misuse includes having insufficient leave to cover an absence, and not having an acceptable reason for the absence, even if the employee calls off properly. Abuse and misuse also includes taking time off, when an employee has asked for leave but before the leave is approved.
- K. Reporting Late for Work (tardiness)**
- L. Working Non-Scheduled Hours**
Working more than the employee's scheduled hours (for overtime-eligible employees) without the express permission of an appropriate supervisor.
- M. Failure to Complete All Required Forms for Payroll**
Repeated failure to complete all required forms for payroll in a timely manner. (Sick time, comp time, vacation, funeral leave, FMLA, or leaves of absence).
- N. Repeated Failure to Comply with the Policy for Appointments**
- O. False and/or Malicious Statements**
The making of or publishing of false and/or malicious statements concerning any City supervisor, employee, official, or the City services.
- P. Disparagement**
Disparaging a fellow employee or citizen on the basis of race or ethnicity, socioeconomic status, gender, national origin, sexual orientation, political or religious affiliation, physical characteristics, age, disability or English language proficiency.
- Q. Posting, Defacing, Mutilating or Removing Notices or Signs**
Posting, defacing, mutilating or removing notices or signs or writing in any form on/from any bulletin board on City property, or from property in the custody of the City, or on city e-mail systems, at any time without the written authorization of the Department Head, supervisor or his designee. Normal employee use of bulletin boards and/or Union bulletin boards is excluded.
- R. Distributing Written or Printed Matter**
Distributing written or printed matter of any description on City time or on City premises without prior approval, except that which is sanctioned by Ohio Revised Code Chapter 4117.
- S. Smoking in Prohibited Areas**

Smoking in areas where smoking is expressly prohibited.

T. Failure to be Ready to Work

Failure of an employee to be in his designated work area ready to work at his specified starting time, and/or return from any break.

U. Return from Lunch

Taking more than the authorized lunch period or failing to return to work after lunch period without permission of the supervisor.

V. Contributing to Unsanitary or Unsafe Conditions

Creating or contributing to poor housekeeping, unsanitary, unclean, or unsafe conditions on City premises, job site, or in a City vehicle.

W. Failure to Carry the Employee's Driver's License While Operating a City Vehicle

X. Failure to Carry Employee ID

Y. Refusal to Show ID Requested by a Citizen, Supervisor, and/or Safety Officer

Z. Gambling

Gambling or participating in any other game of chance on City property at any time, or the possession of devices for the purpose of gambling. Gambling shall be defined as that activity described and defined in Ohio Revised Code Sections 2915.01 and 2915/02(A) and/or in City codified ordinance(s). For clarity, possession of Ohio Lottery Tickets is not prohibited by this rule. Ohio Lottery Tickets are legally authorized by the State of Ohio. Furthermore, employee pools to purchase Ohio Lottery Tickets are not prohibited provided the collection of money for said purchase and the purchase occur before or after work, during breaks, and/or during meal time.

AA. Soliciting

Soliciting for any purpose, or collecting money for any purpose whatsoever, on City time, unless authorized in writing by the Mayor.

BB. City/Departmental Work Rules, Policies, and Procedures

Violation of City/Departmental work rules, policies, and/or procedures.

Section VII LEAVES AND LEAVES OF ABSENCE

7.00 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Poster of the U.S Department of Labor is posted in the locations set forth in [Section 1.04](#) of the City of Stow Employee Handbook.

A. FMLA

The Family Medical Leave Act (FMLA) requires the City of Stow to provide up to twelve (12) weeks of unpaid, job-protected leave to “eligible” employees for specified family and medical reasons during a twelve (12) month period.

You can go to <https://www.dol.gov/agencies/whd/fmla> for a more detailed explanation of your rights under the FMLA.

1. Reasons for FMLA Use

Unpaid leave **MUST** be granted for **ANY** of the following reasons:

- a. The birth and/or care of the employee’s child after birth; or
- b. The placement of a child with an employee for adoption or foster care; or
- c. Care of the employee’s spouse, son, daughter, or parent (Parent does not include a parent “in-law”) with a serious health condition; or
- d. A serious health condition of the employee that makes the employee unable to perform the essential functions of the employee’s job.

FMLA defines a child as a person under the age of eighteen (18), or a child over the age of eighteen (18) who is “incapable of self-care” due to a mental or physical disability. “Incapable of self-care” means requiring active assistance or supervision in performing three or more activities of daily living (such as grooming, bathing, dressing, etc.). The disability must limit one or more “major life activities” as those terms are defined by the regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans with Disabilities Act (ADA).

2. FMLA Serious Health Condition:

The definition of a serious health condition for FMLA purposes is an illness, injury, impairment, or physical or mental condition that involves:

- a. Hospital or inpatient care (an overnight stay in a medical care facility);
- b. Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Continuing treatment **MAY** be met by a period of incapacity exceeding more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment;
- c. Incapacity due to pregnancy, including prenatal care; or
- d. Incapacity due to a chronic condition; or
- e. Permanent or long term conditions requiring medical supervision such as stroke, Alzheimer’s, or advanced stages of a disease such as cancer;

- f. Multiple treatments for non-chronic conditions that result in a period of incapacity of more than three (3) consecutive calendar days, such as dialysis, chemotherapy, physical therapy, or arthritis. Leave for the birth and/or care and/or placement for adoption or foster care of a child must conclude within twelve (12) months of the birth or placement.

B. Military Family Leave Entitlements

1. FMLA-Qualifying Exigency Leave

An eligible employee may take up to twelve (12) workweeks of unpaid, job-protected leave during any twelve (12) month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.

2. Qualifying Exigency Categories

There are nine broad categories of qualifying exigencies. If the military member is on covered active duty, the employee may take FMLA leave for the following qualifying exigencies:

- a. *Short Notice Deployment* (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment.
- b. *Military Events and Related Activities Attendance*, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.
- c. *Childcare and related activities* arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility.

Note: *The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).*

- d. *Care of the Military Member's Parent* arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care, such as:
 - Arranging for alternative care; or,
 - Providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility; or,
 - Attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers.

Note: *The employee taking FMLA qualifying exigency leave does not need to be related to the military member's parent. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA*

leave, and (2) the parent must be the parent of the military member (including an individual who stood in loco parentis to the military member when the member was a child).

- e. *Financial and Legal Arrangements* - making or updating financial and legal arrangements to address a military member's absence while on covered active duty, including preparing and executing financial and healthcare powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), or obtaining military identification cards.
- f. *Counseling* - attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.
- g. *Rest and Recuperation* - Taking up to a maximum of 15 calendar days of leave to spend time with a military member who is on short-term, temporary *Rest and Recuperation* leave during deployment. The employee's leave for this reason must be taken while the military member is on *Rest and Recuperation* leave.
- h. *Post-deployment Activities* within ninety (90) days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral.
- i. *Other Agreed Exigencies* - Any other event that the employee and employer agree is a qualifying exigency.

3. Definitions for FMLA-Qualifying Exigency Leave

- a. *Qualifying exigencies* may include: attending certain military events, including ceremonies and briefings, or making alternative child care arrangements for a child of the deployed military member, or addressing certain financial and legal arrangements to address the military member's absence, or attending certain counseling sessions, or attending post-deployment reintegration briefings.
- b. *Covered active duty* means:
 - For members of the **Regular** Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
 - For members of the **Reserve** components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.
- c. **Deployment to a foreign country** is defined as deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S. Deployment to a foreign country includes deployment to international waters.

4) Military Caregiver Leave

An eligible employee may take up to a combined total of **twenty-six (26) workweeks** of unpaid, job protected leave during a "single 12-month period" to provide care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. Military

caregiver leave is available to an eligible employee once per service member, per serious injury or illness. However, an eligible employee may take an additional twenty-six (26) weeks of leave in a different 12-month period to care for the same service member if he or she has another serious injury or illness.

a. Definitions for Military Caregiver Leave

1. A covered service member is either:

- A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing/receiving medical treatment, recuperation, or therapy, **or** is in outpatient status, **or** is on the temporary disability retired list, for a serious injury or illness; or,
- A veteran (member) of the Armed Forces (including the National Guard or Reserves) was discharged or released under conditions other than dishonorable within the five year period before the eligible family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness.

For a veteran who was discharged before the effective date of this Final Rule, the rule excludes the period of time between October 28, 2009 (the FY 2010 NDAA's enactment date) and the effective date of this Final Rule in calculating the veteran's five-year period. By excluding this period of time, the Final Rule protects the military caregiver leave entitlement for the family members of veterans whose five-year period either expired or was diminished between October 28, 2009 and the effective date of this Final Rule, March 8, 2013.

A veteran who was dishonorably discharged does not meet the FMLA definition of a covered service member.

- 2. A serious injury or illness of a service member** is one that is incurred in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.
- 3. A serious injury or illness of a veteran** is an injury or illness that was incurred by the veteran in the line of duty on active duty or that existed before the beginning of the veteran's active duty and was aggravated by service in the line of duty on active duty, and that manifested itself before or after becoming a veteran, including:
- A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of his or her office, grade, rank, or rating; or,

- A serious injury or illness that existed before the service member's active duty but were aggravated by service in the line of duty; or,
- A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent (50%) or greater, and the need for military caregiver leave is related to that condition; or,
- A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or,
- An injury, including a psychological injury, on the basis of which the veteran is enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The family member of a veteran only needs to show that the veteran meets one of these definitions to establish that the veteran has a serious injury or illness.

4. **“Next of kin”** is the nearest blood relative, other than the current service member's or veteran's spouse, parent, son, or daughter, in the following order of priority:
 - a. A blood relative who has been designated in writing by the service member as the next of kin for FMLA purposes;
 - b. A blood relative who has been granted legal custody of the service member;
 - c. Brothers and sisters;
 - d. Grandparents;
 - e. Aunts and uncles;
 - f. First cousins.

When a service member or veteran designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the service member's only FMLA next of kin. When a current service member has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the service member, all such family members are considered the service member's next of kin and may take FMLA leave to provide care to the service member.

C. Eligibility for FMLA and Military Family Leave Entitlements

Employees are eligible if:

1. They have worked for the City of Stow for at least one (1) year; and,
2. They have worked over one thousand two hundred and fifty (1,250) hours the previous twelve (12) months.

D. Calculation of Twelve (12) Month Period for FMLA and Military Family Leave Entitlements

The twelve (12) month period for eligibility for FMLA leave shall be calculated using a “rolling” twelve (12) month period measured backwards from the date of any FMLA usage by an employee.

E. Concurrent Use of Paid or Unpaid Leave (Substitution of Paid Time or Voluntary Furlough Leave).

The City of Stow allows, as is permitted by the FMLA, employees on FMLA the option of using the following:

- No more than forty (40) hours per pay period of unpaid Furlough Leave, up to no more than a maximum of five hundred twenty (520) hours in any rolling calendar year, during FMLA;
- Using accrued paid leave in any order including sick, vacation, personal or compensatory leave concurrent with FMLA leave. In order to use paid leave for FMLA, employees must comply with the employer’s normal paid leave policies.

F. Intermittent FMLA Use

An employee does not need to use this leave entitlement in one block. Under some circumstances, employees may take FMLA leave intermittently, which means taking leave in blocks of time or reducing their normal weekly or daily work schedule. Intermittent or reduced leave schedule can be taken for an employee or an employee’s immediate family member’s serious health condition when medically necessary. Leave due to qualifying exigencies may also be taken on an intermittent basis.

G. Worker’s Compensation

Worker’s Compensation time off shall be designated to run **concurrent with** FMLA leave.

H. Employee Responsibilities

1. Employees are required to provide advance FMLA leave notice.
2. The employee ordinarily must provide thirty (30) days advance notice when FMLA leave is “foreseeable”.
3. Employees are required to provide notice “as soon as practicable” when the need to use FMLA leave is not foreseeable.
4. Generally employees must comply with normal call-in procedures.
5. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations.
6. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave.
7. Employees must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified.
8. Employees also may be

required to provide a certification and periodic recertification supporting the need for leave.

9. Where the City of Stow has not been made aware that the employee was absent for FMLA purposes, and it does not designate the absence as FMLA, the employee must “appeal” the City of Stow’s failure to designate within a reasonable time. The employee is on notice that the City of Stow did not designate the absence as FMLA if they have not received their notice of same in writing within five (5) working days.
10. Taking FMLA leave may be denied if notice requirements are not met by the employee.

I. Continuation of Health Benefits

For the duration of FMLA leave, the City of Stow is required to maintain the employee’s health coverage. However, while the City of Stow must maintain employee’s health coverage during FMLA leave, it does so on the same terms during non-FMLA leave periods.

Any employee contributions towards health coverage must continue to be paid and/or be deducted from paid leave. If leave is paid, the health care deductions shall continue to be deducted. If leave is unpaid, the employee must make arrangements with the Finance Department for payment. An employee’s health care coverage will cease if the contribution is more than thirty (30) days late.

J. Protections During FMLA Leave and Return to Work From FMLA Leave

1. **Exercise of FMLA Rights.** It is unlawful for the City of Stow to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA.
2. **Discharge or Discrimination.** It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. The City of Stow may not, and will not, discharge or discriminate against any employee for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
3. **Return To Former Position.** Upon return from FMLA leave, employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms (**unless certain exceptions apply**).
4. **Employment Benefits.** The use of FMLA leave will not result in any loss of employment benefit that accrued prior to the start of the employee’s leave.
5. **City Non-Interference.** The City of Stow will not interfere with, restrain, or deny the exercise of any right provided under FMLA.
6. **Fitness for Duty.** The City of Stow may require the employee to present a fitness for duty certification to be restored to their job. Failure to present a fitness for duty certification may result in the employee not returning to work.

K. Employer Responsibilities, Inquiry and Notice

1. The City must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.
2. The City of Stow may ask the employee questions to confirm whether the leave needed or being taken qualifies for FMLA purposes.
3. The City of Stow may require periodic reports on the employee's status and intent to return to work after leave.
4. The City of Stow must notify the employee if leave has/is to be designated as FMLA protected and the amount of leave counted towards their twelve (12) month "rolling" calendar FMLA entitlement of twelve (12) weeks. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.
5. Written notice must be given to the employee by the City of Stow within five (5) working days from the time the City of Stow was informed of the employee's request for FMLA leave, or has sufficient information that FMLA leave is appropriate and wishes to designate the leave/absence as FMLA.
6. Notice should not be retroactive unless the City of Stow does not learn of the reason for the employee's absence until the employee returns to work. Once the City of Stow has learned of the reason for the employee's absence and wishes to designate the absence as FMLA leave, it must inform the employee in writing within five (5) working days.

L. Medical Certification

1. **Certification for FMLA Leave** - Employees may be required to provide medical certification for FMLA leave from their "Health Care Provider" to support a request for leave because of an employee's or qualifying family member's serious health condition.
2. **Certification for Military Caregiver Leave** – Employees may be required that leave to care for a covered service member or veteran be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family. Employees may use the U. S. Department of Labor's optional form [WH-385](#).
3. **Additional Medical Opinions** –
If the City of Stow wishes to obtain another medical opinion, the employee may be required to obtain additional medical certification at the City's expense.
 - a. The City of Stow may have a health care provider representing the City contact your health provider, with your permission, to clarify information in the medical certification or to confirm that it was provided by the health care provider. The inquiry may not seek additional information regarding your health condition or that of a family member.
 - b. The City of Stow may directly contact an employee's "Health Care Provider" to authenticate or obtain clarification of information provided in a medical certification.

- c. The City may request a second or third opinion of a current service member's or veteran's serious injury or illness only when a certification is provided by a non-military-affiliated health care provider. If a medical certification is obtained from a non-military affiliated health care provider, the employer may request a second (or third) opinion from the employee. Health care certifications obtained from health care providers associated with the military may not be subject to second and third opinions.
4. **Medical Recertification** - The City may require an employee to obtain recertification from their health care provider during FMLA leave.
5. **Failure to Supply Medical Certification or Recertification** - Failure to supply medical certification upon request may result in the denial of a request for FMLA leave.

M. Failure to Comply by an Employee

In the event an employee fails to properly notify the City of Stow of a request for FMLA leave, or provide sufficient information for FMLA determination, or fails to timely complain/appeal that an absence was not designated as FMLA leave, the employee may not subsequently attempt to assert or invoke the protections of FMLA

7.01 SICK LEAVE

A. Sick Leave Eligibility

1. Full-time employees are eligible for paid sick time. Full-time employees may use sick time as it is earned.
2. Permanent Part-time employees are eligible for paid sick time.
 - Permanent part-time employees shall be entitled to accumulate sick leave at the rate of .05769 hours for every paid work or paid service hour; provided, however, that the maximum base for accumulation shall be eighty (80) hours per pay period regardless of the actual number of hours worked or paid service hours in the pay period.
 - Sick leave credit shall not be accumulated on overtime hours. Such sick leave shall be payable at the employee's base hourly rate, and such daily sick leave benefits paid in any week shall only be up to the average number of hours on in a week which they normally work of or are scheduled for work on a daily basis as determined by the Director of Finance, after approval by the respective department head. Sick leave so utilized shall be deducted from the employee's accumulated sick leave total.
3. Crossing guards working two hundred (200) hours or more each calendar are eligible for paid sick days.
 - After completing two hundred (200) hours of employment in a "year", crossing guards will receive ten (10) hours of sick time.
 - Crossing Guards will earn an additional five (5) hours of sick time for every one hundred (100) hours worked in a "year".
 - Crossing Guards may carry forward accrued but unused sick leave.

4. Crossing guards working less than two hundred (200) hours each year are not entitled to paid sick days.

B. Sick Leave Accrual

1. Employees shall be entitled to accrue sick leave at the rate of .05769 hours for every paid work or paid service hours
2. The maximum base for accrual in any pay period shall be eighty (80) hours per pay period regardless of the actual number of hours worked or paid service hours in the pay period.
3. Sick leave credit shall not be accrued on overtime hours.
4. Utilized sick leave shall be deducted from the employee's accrued sick leave total.
5. Employees who have been laid off, suspended, are on leave of absence or are on any other non-paid status with the City shall not accumulate or receive sick leave credit for such period of time.

C. Sick Leave Use

With the approval of the City, sick leave may be used by an employee for absence only for the following reasons:

1. Illness, injury or pregnancy-related condition of the employee;
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees;
3. Examination of the employee, for health related purposes, including medical, psychological, dental, or optical examination, by an appropriate licensed practitioner;
4. Illness, injury or pregnancy-related condition of a member of employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member;
5. Examination for health related purposes, including medical, psychological, dental or optical examination, for a member of the employee's immediate family where the employee's presence is reasonably necessary.
6. Death of a member of the employee's immediate family. Such usage shall be limited to a reasonably necessary time beyond any bereavement leave benefit for death in the employee's immediate family. (See also Bereavement Leave Policy in this Manual.
7. Other specific health or medical related conditions seriously affecting the employee or a member of their immediate family where the employee's presence is reasonably necessary.

D. Definition of Immediate Family

"Immediate Family" is defined as an employee's or spouse's grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father, father-in-law, mother, mother-in-law, spouse, child, stepchild, grandchild, a legal guardian, or other who stands in place of a parent.

E. Sick Leave Rate of Pay

Sick leave shall be payable at the employee's base hourly rate, including longevity pay and experienced premium pay, if any, for each hour of sick leave utilized.

F. Notification

Employees may use sick leave upon the notification of their supervisor or other designated individual in accordance with the policies established for call-in in their Department. When making notification, employees shall state the reason for the request for sick leave.

G. Increment(s) of Use

Use of sick leave will be charged in quarter (1/4) hour increments.

H. Evidence of Use

Each appointing authority may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If professional medical attention is required by the employee or member of the employee's immediate family, a certificate, from a licensed practitioner, stating the nature of the condition may be required by the appointing authority to justify the use of sick leave. Falsification of either the signed statement or a physician's certificate shall be grounds for disciplinary action which may include dismissal.

I. Abuse

An employee who fails to comply with the requirements of this policy shall not be allowed to use sick leave for time absent from work under such non-compliance. Application for use of sick leave with the intent to defraud shall be grounds for disciplinary action which may include dismissal.

J. Maximum Accumulation

For employment prior to March 1, 1973, an employee shall not accrue sick leave beyond 960 hours. For employment on and after March 1, 1973, an employee may accrue an unlimited amount of sick leave.

K. Attendance Records of Employees

Each Department Manager shall maintain accurate attendance records of each employee under their supervision, shall report bi-weekly to the Finance Department any time taken off by an employee and may require any such employee to furnish satisfactory evidence that absence was caused by any reason enumerated herein. The Department Manager may require a written and/or notarized statement from said employee attesting to the nature of their illness or disability and, if an attending physician has been treating the employee, may require a written statement from said physician, all attesting to the propriety and reasonableness of the necessity to utilize sick leave pay benefits.

L. Return to Work

Any time that employees are absent for more than five (5) consecutive workdays as a result of their own serious health condition (including pregnancy), before they will be permitted to return to work, they will be required to present the City with a note from their physician. The note must indicate that the affected employee can return to work and perform the essential functions of their position with or without reasonable accommodation. Where required, the City will consider making reasonable accommodation for any disability the affected employees may have in accordance with applicable laws.

7.02 SICK LEAVE UPON SEPARATION FROM EMPLOYMENT

A. Eligibility for Payment for Accrued but Unused Sick Leave

1. An employee who is full-time at the time of their retirement from active service with the City of Stow or other qualifying event, may elect to be paid for their accrued but unused sick leave in accordance with this policy.
2. An employee who is part-time at the time of their retirement from active service with the City of Stow or other qualifying event, may not elect to be paid for their accrued but unused sick leave in accordance with this policy.
3. An employee who is a Crossing Guard at the time of their retirement from active service with the City of Stow or other qualifying event, may not elect to be paid for their accrued but unused sick leave in accordance with this policy.

B. Retention of Accrued but Unused Sick Leave

1. An employee may retain their accrued but unused sick leave balance with the City of Stow upon their retirement from active service with the City of Stow, disability retirement from the City of Stow, or any other termination of their employment with the City of Stow.
2. An employee who determines to retain their accrued but unused sick leave balance with the City of Stow upon retirement is ineligible for a payout of accrued but unused sick leave balance in the future.
3. An employee who retains their accrued but unused sick leave balance with the City of Stow, if they are reappointed, reinstated, or reemployed by another public agency within ten (10) years of their termination, and that public agency permits all or any of said accrued but unused sick leave balance to be credited pursuant to subject to Ohio Revised Code Section 124.38, their accrued but unused sick leave balance **may** be credited with that public agency for the employee.

C. Payment for Accrued but Unused Sick Leave

1. An employee must make the choice for payment of accrued but unused sick leave upon retirement at the time they separate from active service with the City of Stow. If not, the employee is ineligible to request a payment for accrued but unused sick leave in the future.
2. Payment for accrued but unused sick leave shall be made:
 - For a bona fide service retirement under the Ohio Public Employee's Retirement System (OPERS) or other recognized State of Ohio Pension Fund, while an employee of the City, or upon death, while an employee of the City; or,
 - Upon disability retirement under OPERS or other recognized State of Ohio Pension Fund, while an employee of the City.

3. Said payment shall be made at the employee's most recent paid-status base rate of pay, including longevity pay, if any rate of pay at the time of retirement, or other qualifying event.
4. Said payment shall eliminate **all** sick leave credit accrued by the employee.

D. Amount of Accrued but Unused Sick Leave That May Be Paid

1. Employees Hired On or Before July 1, 1996

Employees hired on or Before July 1, 1996 shall be entitled to receive, if otherwise entitled, cash payment of one hundred percent (100%) up to a maximum of 1,000 hours of accrued but unused sick leave, and fifty percent (50%) up to a maximum of an additional 1,000 hours of accrued but unused sick leave at the time of their retirement from active service with the City of Stow, or other qualifying event.

2. Employees Hired After July 1, 1996

Employees hired after July 1, 1996 shall be entitled to receive, if otherwise entitled, cash payment for a maximum of 100 percent (100%) of 1,000 hours accrued but unused sick leave at the time of their retirement from active service with the City of Stow, or other qualifying event.

3. **Sick leave credit transferred** into Stow from another Ohio political subdivision shall not be converted into cash benefit. Only sick leave credit earned by employment with the City of Stow may be converted into cash benefits upon retirement, disability retirement, or death. No cash payment shall be made for any sick leave benefits earned with employers other than the City of Stow.

E. Termination from Employment

Employees who do not retire but who terminate City employment, or whose City employment is terminated for any reason, or who transfers employment, shall not be eligible for such cash sick leave benefit as described above.

F. Payment Upon Death of Employee

In the event of death of an employee, unused sick leave in the maximum amount defined in this policy shall become payable in a lump sum. Such payment shall be made in accordance with Section 2113.04 ORC, or be paid to the employee's estate.

[7.03 SICK LEAVE DONATION POLICY](#)

It is the Policy of the City of Stow to allow eligible employees to request donated sick time from other employees who are experiencing an illness or injury that causes them to be incapacitated and in an unpaid leave status.

Under the Voluntary Sick Leave Donation Program, an eligible employee may donate leave directly to another eligible employee, who has a personal or family medical emergency and who has exhausted his or her available paid leave. There is no limit on the amount of donated annual leave a leave recipient may receive from the leave donor(s). However, any unused donated leave must be returned to the leave donor(s) when the medical emergency

ends. In the event of multiple donors for one recipient, the leave shall be used in the order of receipt. Donee's time shall always be used first before any donor's time.

Definitions - For purposes of this policy only, the following definitions apply.

- Serious Health Condition: a medical condition of an employee or an eligible family member that is likely to require a prolonged absence by the employee from his/her position. All serious medical conditions will be certified using FMLA Physician documentation by the Director of Human Resources.
- Eligible Family Member: an employee's spouse, child, parent, including step-child, step-parent, or a legal guardian who stands in place of a parent (in loco parentis).

Eligibility

An employee may receive/use donated sick time up to a maximum of 480 hours (equivalent to 12 weeks), if the employee or eligible family member has a verified serious medical condition, demonstrates a critical need for the time, and meets all of the following criteria:

- Employee is a full-time or part-time permanent employee of the City of Stow, who has successfully completed an initial or probationary period,
- Employee meets the requirement of a "Sick Leave Use", which is defined in the City of Stow's Personnel Policy Handbook, Section [7.01](#).
- Employee completes a Family Medical Leave Employee Serious Health Condition or Family Medical Leave for Family Member's Serious Health Condition and/or [Non-FMLA medical certification](#).
- Employee has exhausted up to 40 total hours of his/her accrued time (personal time, and vacation time) or employee has a reduced balance of accrued but unused time that will not cover a foreseen qualifying sick leave event, leaving employee in an unpaid leave status;
- Employee has not been approved for or be receiving any benefits such as Workers Compensation

Donation Criteria:

Employees may donate sick time if the donating employee:

- Voluntarily elects to donate time and does so with the understanding that donated time once used by the recipient will not be returned;
- Donates in full hour increments;
- Retains a time balance of at least 240 hours (equivalent of 6 weeks) of sick time;
- Employees wishing to donate time will be required to complete a [Donor Leave Donation Form](#)
- Employees who wish to donate time must identify the employee for whom the donated time is intended, and the number of hours to be donated;
- That the time is donated voluntarily and the employee understands that the donated time once used by the recipient will not be returned.

General Provisions

Employees using donated time shall be considered in an active pay status and shall accrue sick time and be entitled to any benefits to which they would otherwise be entitled.

- The use of donated time by an employee will be charged toward his/her annual FMLA

time.

- Time accrued by an employee while using donated time shall be used, if necessary, in the following pay period before additional donated time may be used or received.
- Donated hours will be debited from the donor's accrual at the time of their use by the recipient. Hours are credited to the recipient's accrual pay period by pay period.
- As donation forms are received by the Department of Human Resources for any one employee, the hours will be transferred so as to cover the recipient's immediate payroll need.
- Donations will be debited in the order in which they are received by the Department of Human Resources.
- When a recipient is able to return to work before all donated time is used, the left over hours will not be debited.
- Donated time cannot be converted to a cash benefit in any situation.

The Department of Human Resources will send notice via email to all employees as requests for donations are received. No requests other than those made through this policy will be honored. The employee requesting sick time donation understands his/her information is made known to other staff members and that confidentiality shall be maintained at all times.

Procedure To Request Donated Leave

- To determine if an employee is eligible to receive donated time as a result of their own or an eligible family members serious medical condition, the Department of Human Resources must be provided with sufficient documentation to establish the existence of a serious medical condition.
- An employee requesting donated time will complete the [Donee Leave Donation Request Form](#) and the appropriate FMLA Certification of HealthCare Provider Form and/or medical certification.
- After receipt of the appropriate forms, the Director of Human Resources (or designee) will review the application to ensure it meets the standard for use of sick time as well as the criteria for donated time established in this policy.
- It is the responsibility of the employee to provide sufficient documentation for certification. Time donation requests will not be approved or processed until all necessary documentation is provided.
- Donors will not be given any confidential information regarding the requestor without the requestor's specific permission.

At no time may an employee personally request a donation from another employee or ask or allow another employee to seek donations on his/her behalf. All requests for donated time will come from the Director of Human Resources (or designee) as described in this policy.

Donor process

Employees wishing to donate time to a fellow employee must complete the [Leave Donor Form](#) and certify the following information:

- The name of the employee for whom the donated time is intended;
- The number of hours to be donated;

- The pay period for which the donation shall commence;
- The donating employee will retain a minimum balance of at least two hundred forty (240) sick hours, and;
- The Donor Form needs to be sent to the attention of the Director of Human Resources.

Donation Process

- The Director of Human Resources will verify the donor's hours and inform the Finance Department of the need to deduct hours from the donor's bank and add hours to the requestor's bank on a payroll-by-payroll basis.
- Donations will be processed in the order they are received and at no time can an employee receive/use more than 480 hours in donated time during any rolling calendar year.
- All donee's time shall be used before any donor time is used.

7.04 BEREAVEMENT LEAVE

The City of Stow recognizes that a death in the family creates a very difficult time and seeks to ensure that the employee is able to attend to important family matters. To that end, the City has adopted the following guidelines for bereavement leave.

A. Eligibility

All full-time City employees are eligible for bereavement pay.

B. Notice of Bereavement Leave

Employees shall make their request for bereavement leave to their supervisor in writing as soon as possible.

C. Bereavement Leave: Immediate Family

Absence due to a death in an employee's immediate family will be excused and paid up to a maximum of three (3) eight-hour days. "Immediate Family" is defined as the employee's or spouse's grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father, father-in-law, mother, mother-in-law, spouse, child, grandchild, a legal guardian, or other who stands in the place of a parent.

Additional days may be granted using paid or unpaid time. The duration and starting date of a bereavement leave will depend on such factors as distance to be traveled and responsibility of the individual. This is a matter of supervisory decision on a case-by-case basis.

D. Computation of Pay

Pay for bereavement leave is computed at the regular hourly rate to a maximum of eight (8) hours for one day.

E. Unpaid Leave for Employees who are Not Eligible for Bereavement Leave

Unpaid leave shall be available for employees not eligible for paid bereavement leave (i.e. part-time employees).

F. Evidence for Bereavement Leave

Upon making and/or requesting leave under this provision, the employee may be required by the City to furnish verification of the absence, including proof of death, relationship to the deceased, and/or proof of attendance at the funeral prior to granting and/or paying bereavement leave.

G. Bereavement Leave Not be Granted

Bereavement leave will not be applicable (granted and paid) if the death in the immediate family occurs while the employee is on a leave of absence, layoff, or absent for any other reason (except vacation).

H. Collective Bargaining Agreements Prevail

Employees who are subject to a collective bargaining unit should reference their respective Collective Bargaining Agreement for bereavement (extraordinary) leave policy. Where any provisions of this bereavement leave policy conflict with the terms of one of the City's Collective Bargaining Agreements, the terms of such CBA(s) shall prevail.

7.05 JURY DUTY AND WITNESS LEAVE

A. JURY DUTY

1. Any full time employee serving on jury duty shall receive normal compensation during such service.
2. Any employee serving on jury duty shall make arrangements with their department head as soon as they receive a summons.
3. Any employee serving on jury duty is expected to return to their job if they are excused from jury duty during their regular working hours.

B. Witness: Work Related

1. Employees who are required or subpoenaed to testify before a court of competent jurisdiction or before an administrative agency of the federal, state, or other government for a work related matter shall receive their regular pay for their time away from work on an hour for hour basis.
2. The employee shall surrender to the City of Stow all compensation received while serving as a witness under this provision.

C. Witness: Non-Work Related

Employees who are required or subpoenaed to testify before a court of competent jurisdiction or before an administrative agency of the federal, state, or other government in a non-work related criminal or civil proceeding will be given the necessary time off. This excused time off will be unpaid unless the employee chooses to use their appropriate paid leave such as accrued vacation or floating holiday benefit in lieu of unpaid time off.

D. Deposit

The Finance Department is authorized to deposit an employee's compensation as a witness into the appropriate departmental fund.

E. Private or Personal Affairs

Any employee who is appearing before a court of competent jurisdiction or before an administrative agency of the federal, state, or other government in a matter in which the employee is a party must apply for leave for that absence under the appropriate policy for

said leave. Examples include criminal or civil cases, traffic court, divorce proceedings, custody proceedings, or appearing as directed as apparent or guardian of a juvenile.

F. Non-Discrimination

The City of Stow will not discriminate against any employee who is required to serve as a witness.

7.06 MILITARY LEAVE

Employees shall be granted leave(s) of absence for military duty in accordance with Federal and State law.

A. USERRA

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave their employment positions to undertake military service or certain types of service in the National Disaster Medical System.

USERRA prohibits employers from discriminating against past and present members of the uniformed services, and/or applicants to the uniformed services.

A copy of the **USERRA poster** is posted as set forth in Section 1.04 of this Employee Handbook.

USERRA applies to federally authorized deployments – it does not apply to activations under state law.

B. Military Leave (NON-USERRA)

1. Definitions

As used for military leave, the following terms are defined as:

- a. “Calendar year” means the year beginning on the first day of January and ending on the last day of December.
- b. “Month” means twenty-two eight-hour workdays or one hundred seventy-six hours within one calendar year.
- c. “Service in the uniformed services” means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. “Service in the uniformed services” includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.
- d. “Uniformed services” means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category

of persons designated by the president of the United States in time of war or emergency.

2. Eligibility

Any full-time employee who holding a position with the City of Stow that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. Student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts are NOT eligible.

3. Regular Military Leave

Eligible employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each calendar year in which they are performing service in the uniformed services.

4. Extended Military Leave

Except as otherwise provided in (B)(5) of this section, any eligible employee who is employed by the City of Stow, who is entitled to the leave provided under division (B)(3) of this section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performs/performed service in the uniformed services, because of an executive order issued by the President of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Revised Code, is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

- a. The difference between the permanent public employee's gross monthly wage or salary and the sum of the employee's gross uniformed pay and allowances received that month;
- b. Five hundred dollars.

5. Circumstance Where Payment Shall Not Be Made

No employee shall receive payments under division (B)(4) of this section if the sum of the employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a permanent public employee for that period or if the employee is receiving pay under division (B)(3) of this section.

C. Employee Responsibilities

- Military orders should be presented to the department head or Appointing Authority to make arrangements for leave made as early as possible before a departure unless military necessity makes this impossible;
- Shall submit to the department head or appointing authority the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing that service, prior to being credited with that leave;

- Submit request for leave form for military duty;
- Employees may continue health coverage by making direct payment to the City;
- Request leave no longer than the maximum length of service (five years);
- Notify the department head or Appointing Authority of your intent to return to employment and apply for reinstatement (reemployment) in a timely manner.

D. Employer Responsibilities

- Departments are responsible for submitting and/or maintaining all applicable documents related to processing military leaves of absence.
- Departments are required to notify each employee of the right to the continuation of benefit coverage at the time the employee is called or ordered to active duty and to notify the eligible employee of the requirements for continuation of coverage.
- Departments are required to notify employees the Ohio Revised Code 5923.05 authorizes payment of a supplement to those employees who are called to active duty, as a result of a Presidential Executive Order or an Act of Congress, for a period in excess of thirty-one days.

E. Change of Schedule

Under both USERRA and military leave, the City of Stow may temporarily change schedules to fill a vacancy, or may hire a new employee or transfer an existing employee to perform the work of an employee while they are on military leave, or may transfer the employee's duties to another/other employees.

F. Collective Bargaining Agreement Provisions Prevail

Any employee whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to the performance of that service.

G. Enforcement of Rights

You may enforce your rights under this policy, USERRA, or state law by:

1. Contacting your payroll officer;
2. Contacting the Human Resources Department
3. Contacting the Employer Support of the Guard and Reserve (ESGR), who has an ESGR Ombudsman Program. The ESGR Ombudsman Program is an informal mediation service available to employers or uniformed service members who are experiencing conflict because of military duties. For access to the mediation or other ESGR programs, an employee may contact their local ESGR volunteer or the National Committee for Employer Support of the Guard and Reserve (ESGR). Both the local ESGR Ombudsman and the National Office may be found at www.esgr.com.
4. Contacting the U.S. Department of Labor, Veterans Employment and Training Service (VETS), who are authorized to investigate and resolve complaints of USERRA violations.
5. If you file a complaint with VETS and VETS is unable to resolve your complaint, you may request that your case be referred to the Department of Justice You may

also bypass the VETS process and bring a civil action against your employer for violations of USERRA

7.07 UNPAID LEAVE OF ABSENCE

A. Definition of Unpaid Leave of Absence

An Unpaid Leave of Absence is defined as temporary separation from active pay status, authorized by the appointing authority, with an employee either:

1. Expecting to return to work and generally retaining the ability to be reinstated to the job classification they held immediately prior to commencement of an unpaid leave of absence; or,
2. Awaiting a final determination after applying for retirement from a State of Ohio retirement program.

B. Application for Unpaid Leave of Absence

1. Each request for unpaid leave of absence shall be considered on its own merits by the City of Stow.
2. Any employee may submit, in writing, a request for such unpaid leave to the City of Stow's Human Resources Department for its approval or disapproval.
3. An unpaid leave of absence for a period not to exceed ninety (90) days may be granted by an employee's appointing authority.
4. The employee's appointing authority and/or City Council has complete discretion as to whether to approve or deny a request for unpaid leave of absence. Issues that may be considered in reviewing the request would include, but not be limited to, length of service, work requirements of the City and/or the employee's appointing authority, if unpaid leave has been granted previously, or any other factors deemed relevant to the employee's appointing authority and/or City Council.
5. Any unpaid leave of absence exceeding ninety (90) days, including a request for an extension of an initial unpaid leave of absence granted by an appointing authority that in the aggregate exceeds ninety (90) days, must be approved by City Council.

C. Prior Arrangements for Return to Work

1. In advance of the granting of the requested leave of absence without pay, the employee and the employee's appointing authority shall agree in writing as to the specific terms of the employee's return, i.e. department, job classification, shift and rate of pay.
2. Unless agreed to otherwise, such return shall be to the department, job, classification and shift which he or she formerly held and at the current rate of pay in effect under the current payroll ordinance.
3. When an unpaid leave of absence is granted by the City and the affected employee requests an early return to work prior to the expiration of an authorized unpaid leave of

absence, such early return may be granted if approved in advance by the employee's appointing authority.

D. Status of Employee on an Unpaid Leave of Absence

An employee who has been approved for and is on an unpaid leave of absence is on an "inactive pay status". Inactive pay status means an employee has exhausted all other paid and unpaid leave, including, but not limited to vacation; holiday(s); sick leave; bereavement leave; administrative leave; compensatory time; holidays; personal leave; FMLA leave; workers compensation leave; injury leave: or disability leave.

E. Benefits Do Not Accrue During an Unpaid Leave of Absence

1. **Leave Accrual:** An employee shall not accrue vacation, sick, or personal leave during said unpaid leave.
2. **Health Insurance:** An employee on an unpaid leave of absence is not eligible for COBRA but may continue health care benefits at their own expense by making appropriate arrangements with the Finance Department. The City of Stow shall not maintain the employer's share of any applicable insurance premiums during utilization by the employee of unpaid leave of absence.
3. **Break in Service:** An employee who is on an unpaid leave of absence shall constitute a break in service. A break in service shall be from the last day the employee is on the active payroll to the date the employee is returned to the active payroll. The employee's service date, or date of hire for the purposes of computing seniority and vacation accrual, shall be adjusted accordingly.
4. **Retention Points:** An employee on an unpaid leave of absence shall not earn retention points for any full payroll period they are on unpaid leave of absence (inactive payroll status).

F. Payroll Deductions

An employee on an unpaid leave of absence is responsible for all employee deductions, voluntary and involuntary, as the employee is in an "inactive pay status" and no payroll will be issued and the City of Stow will not make any deductions or payments. The employee shall be responsible for all deductions.

G. Continuation of Payment Agreements

An employee on an unpaid leave of absence is responsible for continuing to make payments on any agreement with the City of Stow.

7.08 VOLUNTARY FURLOUGH LEAVE PROGRAM

Objective: The City of Stow wishes to create a tool for its employees to help reduce costs, while maintaining the employee's benefits, by allowing its employees the opportunity to take voluntary unpaid leave.

Overview and Introduction: To accomplish the forgoing objective, the City of Stow is creating a Voluntary Furlough Leave Program (VFLP), which will establish definitions and rules for voluntary

unpaid leave by its employees. Any employee, when deciding whether to participate and take time off in accordance with this program, should take into account his/her own individual circumstances. It is the intent of this policy to allow interested employees voluntarily help create budgetary savings for the City of Stow, while minimizing the impact on City services. Participation in the VFLP is completely voluntary.

1. “Voluntary Furlough Savings Leave” is:

- Defined as a reduction in an employee’s schedule (hours) and/or be in a no pay status (unpaid) for a period of time without reducing certain benefits or requiring them to exhaust paid leave;
- At the request of the employee; and,
- Subject to the approval of management.

2. Eligibility

- A full-time or part-time permanent employee of the City of Stow and who has successfully completed an initial or promotional probationary period shall be eligible to take Voluntary Furlough Leave.
- Seasonal, temporary, and part-time employees are not eligible to take Voluntary Furlough Leave.

3. Leave/Reduction of Hours

- A full-time permanent employee may reduce their hours worked pursuant to the VFLP by no less than one (1) hour and no more than forty (40) hours per pay period.
- Voluntary Furlough Leave shall be used in minimum one (1) hour increments.
- An eligible employee may take Voluntary Furlough Leave (take an unpaid leave of absence) for two to thirteen week periods within a fiscal year.
- The maximum amount of time an employee may use this option is for five hundred twenty (520) hours in any rolling calendar year.
- **Averaging:** An employee may choose to average an agreed amount of Voluntary Furlough Leave during a fiscal year, subject to the approval of the Finance Department. Said employee shall have their pay reduced by a fixed amount of hours, averaged over a fixed number of payroll periods in the fiscal year.
- **Accelerated Averaging:** An employee may choose to average on an accelerated schedule, subject to the approval of the Finance Department, their Voluntary Furlough Leave for the remainder any fiscal year. Said employee shall have their pay reduced by a fixed amount of hours over a fixed number of payroll periods in that fiscal year.
- **Effect of Averaging:** Any employee who chooses to average furlough leave shall take the total number of hours averaged off during the same fiscal year, without respect to when the payroll deduction is actually made.

4. Benefit Accrual Impact

- An employee’s accruals of vacation, sick, or personal leave shall not be impacted by the employee’s taking Voluntary Furlough Leave.
- Employees shall accrue benefits as if they were working a full week.

- Any other benefits shall not be reduced as a result of an employee taking Voluntary Furlough Leave.

5. Health Insurance

An employee who reduces hours worked pursuant by taking Voluntary Furlough Leave shall maintain full-time status for purposes of health insurance premiums.

6. Service Credit

- An employee who reduces hours worked by taking Voluntary Furlough Leave shall not incur a break in service, provided the employee returns to employment, and provided that this does not conflict with any Collective Bargaining Agreement.
- An employee's service date shall not be adjusted as a result of their taking Voluntary Furlough Leave.

7. Retention Points

Should the City of Stow proceed with layoffs in the future, and should the City of Stow use "retention points" or a similar method to determine the order of layoff, then an employee who takes Voluntary Furlough Leave (takes an unpaid leave of absence or absences) pursuant to this policy will have their "retention points" calculated in accordance with the employee's regular appointment (no reduction due to Voluntary Furlough Leave), provided the employee returns to employment.

8. Payroll Deductions

- An employee who reduces hours worked by taking Voluntary Furlough Leave is responsible for all employee deductions, voluntary and involuntary, including but not limited to the employee's share of insurance premiums for all insurance programs in which the employee is enrolled at the time of the Voluntary Furlough Leave.
- In the event that an employee does not have sufficient income in any pay period to cover voluntary or involuntary deductions, the employee shall be responsible for said deductions.
- It is the employee's responsibility to make payment arrangements with the appropriate payroll officer prior to the Voluntary Furlough Leave commencing.
- The City of Stow shall maintain the employer's share of any applicable insurance premiums during utilization by the employee of Voluntary Furlough Leave.

9. Unemployment Benefits

An employee who takes Voluntary Furlough Leave shall not be eligible for unemployment benefits.

10. Holiday pay

An employee who takes Voluntary Furlough Leave on a day contiguous to a holiday is eligible to receive holiday pay.

11. Other Paid Leave

Voluntary Furlough Leave may be combined with other paid leave, including but not limited to personal days and/or vacation days.

12. Future Employment and/or Discipline

- Voluntary Furlough Leave shall not be held against an employee for attendance purposes.
- Voluntary Furlough Leave shall not be taken into consideration in relation to any employment decision, including but not limited to promotion or any other employee right or benefit.

13. Overtime

Voluntary Furlough Leave shall count as hours worked for the purposes of computing overtime.

14. Resumption of Work

At the conclusion of any Voluntary Furlough Leave, an employee is expected to resume his/her normal work schedule.

15. Voluntary Furlough Leave Approval Process

- The VFLLP creates no entitlement for employees. An employee request for Voluntary Furlough Leave does not guarantee acceptance.
- An employee seeking to take Voluntary Furlough Leave must complete and submit a signed Voluntary Furlough Leave form to their immediate supervisor, and have it approved by their appointing authority.
- The Voluntary Furlough Leave form shall be submitted at least thirty days prior to commencement of the leave or implementation of a reduced schedule.
- An appointing authority may waive the thirty-day notice requirement and authorize a minimum of fewer than thirty days advanced notice.
- Voluntary Furlough Leave shall be approved and/or scheduled on a first come – first serve basis.
- The appointing authority retains the sole discretion to approve or deny an employee's Voluntary Furlough Leave request.
- **The appointing authority must ensure that any impact on operations as a result of any Voluntary Cost Savings Leave request is minimal and additional costs do not result.**
- If there is a need for overtime which would be created by a request, a disruption in services, or an undue hardship created for other employees, the request should be denied.
- Employees who provide essential services may have requests denied for that reason.
- An employee who has low or no leave balance (vacation, personal days, compensatory or flex time, sick leave, et al) and/or who has a recent history of low or no leave balance may be denied Voluntary Furlough Leave for that reason.
- The appointing authority shall notify an employee of the status of the request no later than seven days before the effective day of the leave of absence or the implementation of the reduced schedule.

16. Termination of Leave

- Voluntary Furlough Leave is not a right or benefit, and may be discontinued at any time.
- The City of Stow may terminate the VFLP in general, or Voluntary Furlough Leave for an individual employee, by providing ten working days' notice in writing to the employee(s).
- An employee may terminate their Voluntary Furlough Leave upon ten (10) working days' notice in writing to the appointing authority.
- These time limits may be waived if mutually agreed to otherwise by the employee and the appointing authority.
- In the event of an emergency, management has the right to cancel Voluntary Furlough Leave without regard to notice periods.

17. Mandatory Furlough Program

In the event that it is determined to implement a Mandatory Furlough Program, any employee who has already participated in the VFLP shall receive credit for the number of hours they have reduced pursuant to the VFLP on an hour for hour basis, during any applicable calendar year.

18. Voluntary Furlough Leave Program Regulations Prevail

If any provisions of the VFLP are in conflict with another ordinance, the specific provisions of the VFLP shall supersede and prevail over that (those) ordinance(s), including but not limited to Sections 2.02(2) and 2.03(1) of Ordinance 2008-128.

7.9 ADMINISTRATIVE LEAVE WITH PAY

A. Administrative Leave With Pay at Appointing Authority Discretion

Administrative Leave with pay shall be at the sole discretion of the appointing authority or their designee.

B. Reasons for Administrative Leave With Pay

Any employee may be placed on Administrative Leave with pay for the following reasons:

1. As result of the Employer's reasonable belief that the employee participated in an event, or was in a condition of significant consequence to the Employer, the employee, or the public
2. While the City investigates an incident or behavior that could lead to disciplinary action.
3. While the City believes that the health or safety of an employee, the general public, or any person or property entrusted to the employee's care could be adversely affected.
4. While the City investigates an employee for fitness for duty or an involuntary disability separation.

C. Employee Under Indictment or Arrest for a Felony

Any employee who is under indictment or arrest for a felony, as that term is used in Ohio Revised Code Section 124.34, shall be placed on Administrative Leave with pay until:

1. The criminal case is resolved; or,
2. The employee has been subjected to discipline, up to and including termination, as a result of the same conduct giving rise to the indictment or arrest, and the discipline has been imposed and served. Any discipline or termination issued would be subject to the usual grievance and arbitration procedure as set forth in the contract; or,
3. A determination is made that the employee will not be subjected to discipline as a result of the same conduct giving rise to the indictment or arrest; or,
4. A fitness for duty or an involuntary disability separation examination(s) is (are) completed.

The employee may, with the agreement of the City and Union, elect to hold any proposed discipline as a result of the indictment or arrest by agreeing to an unpaid leave of absence pending the resolution of the criminal case.

D. Employee Whose Actions result in the Death of Another

Any employee whose actions result in the death of another shall be placed on Administrative Leave with pay pending the investigation.

E. Expectations and Status of an Employee Placed on Administrative Leave With Pay

The employee is being paid by the City of Stow during Administrative Leave With pay, and as such is still subject to direction from and by the City of Stow.

An employee placed on administrative leave with pay:

- Shall be in a work-ready status at all times during his/her regular scheduled time, and must be able to report to work with short notice.
- Shall comply with any employer directive(s) regarding an investigation, fitness for duty exam, or other directive. Failure to comply with any directive shall be considered insubordination, and subject the employee to discipline separately for each failure to comply with a directive.
- Shall stay off of the property of the employer during the leave, unless the employee first calls the employer to make arrangements to conduct business or to otherwise be on the property of the employer.
- Shall make arrangements with the employer for the issuing of paychecks, the processing of vacation, personal and other leave requests, as well as other personnel or employee benefits matters.
- Shall not hold another job during the hours he or she is normally scheduled for work. If the employee works during such hours, he or she will forfeit the administrative leave with pay and will be subject to discipline.

F. Administrative Leave to be Documented in Writing

Administrative Leave With pay may be imposed verbally, but its imposition shall be documented in writing within seventy-two (72) hours.

G. Purpose of Administrative Leave With Pay

Administrative Leave With pay shall be for the purpose of investigating an event or condition that gave rise to the imposition of Administrative Leave With pay.

H. Employee Benefits While on Administrative Leave With Pay

An employee placed on Administrative Leave With pay shall not lose pay, fringe benefits, or seniority as a result of being placed on Administrative Leave With pay.

I. Administrative Leave With pay NOT Discipline

Administrative Leave with pay shall not be considered a punitive or disciplinary measure.

J. Administrative Leave With pay not subject to Grievance Procedure

Administrative Leave With pay shall not be subject to the grievance procedure as long as no loss of pay or benefits is incurred by the employee.

K. Length of Administrative Leave With Pay

The length of Administrative Leave With pay shall be at the sole discretion of the appointing authority or their designee, but the Administrative Leave With pay shall not exceed the length of time necessary for the completion of the investigation or return to duty fitness examination relating to the situation for which the leave was granted.

The appointing authority or designee shall be responsible for monitoring the status of the administrative investigation and the length of time that an employee is on administrative leave with pay. Monitoring shall be done by the appointing authority or designee at appropriate intervals.

After three (3) months, a comprehensive review must be conducted by the appointing authority or designee to determine if extenuating or mitigating circumstances require extending the administrative leave with pay. Said review shall be documented. After such review the administrative leave may be continued. A subsequent comprehensive review shall also occur at each month interval beyond three (3) months.

7.10 VOTING LEAVE

The City of Stow believes that every employee should have the opportunity to exercise his/her right to vote in any state or Federal election or general primary or special primary. Employees will be granted a reasonable amount of paid time to vote, if necessary.

[Section VIII BENEFITS](#)

This Chapter of the Employee Handbook describes the current benefits maintained by the City.

Our city has developed a comprehensive set of employee benefit programs to supplement our employees' regular wages. Our benefits represent a significant value of additional income to our employees.

A. Actual Plan Documents and Plan Descriptions Control

Refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plan. Those documents are controlling.

B. Ordinances Control

All benefits are subject to those provisions outlined in the general payroll ordinance and the part-time and seasonal payroll ordinance.

C. City Reserves Right to Change Benefits

The City reserves the right to modify its benefits at any time. You will be kept informed of any changes.

The reservation of the right to modify its benefits at any time does not abrogate the City's responsibility to either meet and confer or negotiate with its unions about said changes, where applicable.

D. Collective Bargaining Agreements Prevail

The benefits described in this Chapter of the Employee Handbook are not intended to replace the terms and/or benefits contained in the various City collective bargaining agreements. Where the benefits contained in this Chapter of the Employee Handbook conflict with the terms and/or benefits of one of the City's labor agreements, the terms of such labor agreement(s) shall have precedence.

8.01 HOLIDAYS

A. Holiday Entitlement

Full-time and permanent part time employees shall be entitled to receive holiday pay for the following holidays:

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Thanksgiving Day
8. Friday Following Thanksgiving Day
9. Full Day before Christmas Day (Christmas Eve Day)
10. Christmas Day
11. Full Day before New Year's Day (New Year's Eve Day)
12. Two* (2) Floating Days (Personal Choice)

Any such holiday shall be considered to be fully earned by employees if they are on active pay status with the City on their scheduled workday immediately preceding and immediately following such holiday; provided however, that earned time-off shall not be utilized by an employee solely to qualify for additional holidays or holiday pay while on unpaid status. Employees on unpaid status with the City shall not be entitled to accumulate or earn holiday credits or hours for pay purposes. Holiday pay shall be equivalent to eight (8) hours of pay equal to each eligible employee's hourly base rate, including longevity pay, if any.

** Any new employee commencing employment with the City prior to July 1st and who have worked at least ninety (90) days shall be entitled to two (2) floating holidays for the calendar year.*

B. Use of Holidays

To qualify to receive such holiday pay as specified, employees must report to work on their scheduled work day immediately preceding and immediately following each holiday, unless excused from doing so by such employee's Department Head. Whenever any such designated holiday falls on a Saturday or Sunday, the Friday preceding such Saturday, or the Monday following such Sunday, shall be a paid holiday for all full-time employees not scheduled normally to work on such a Saturday or Sunday. Whenever any such holiday falls within the period of vacation for any employee, such employee shall not be charged with having utilized such holiday for time off purposes.

It is specifically provided that Department Heads may extend holiday benefits in advance of such holiday to any City employee when the same shall aid in the scheduling of shifts and result in increased departmental efficiency and service or protection to the public. Employees are limited to only one (1) advanced holiday. If employees leave employment with the City, they shall repay the City any advanced holidays taken which are unearned. All holiday leave must be taken in the calendar year earned and there shall be no carry-over of holidays or holiday credit between calendar years. The Mayor, however, shall have the discretion to designate the exact day and year each "full day before New Year's Day Holiday" and/or "New Year's Day Holiday" shall occur.

C. Pay Rate for Work on Holidays

Whenever, by reason of the nature of work performed, circumstances require an hourly or salaried, full-time employee to work on any such holiday, except the floating holidays, such employee shall be entitled to receive two times (2X) the employee's normal hourly rate for all hours worked on the holiday, in addition to normal pay for the holiday. This provision shall not apply to any position which is not entitled to receive overtime compensation as set forth in the Overtime policy of this Manual. Employees not eligible for overtime compensation shall not be eligible for any holiday premium pay but shall only receive normal compensation for any earned holiday whether worked or taken off.

D. Floating Holidays

The floating holidays shall be considered to be earned for the current year as of each January 1st for employees on paid status as of that date and upon termination, such employees shall be entitled to compensation for earned but unused floating holiday hours at his or her most recent paid status base rate of pay, including longevity pay, if applicable. Floating holidays are calculated according to the calendar year. Employees will not be

paid for earned but unused floating holidays, nor may they be carried over to the following year.

E. New Employee Entitlement for Floating Holiday(s)

Any new employee commencing employment with the City *after* July 1st and who have worked at least ninety (90) days shall be entitled to one (1) floating holiday for the remainder of the calendar year. Any new employee commencing employment with the City *prior* to July 1st and who have worked at least ninety (90) days shall be entitled to two (2) floating holidays for the calendar year. Floating holidays may be taken after completing 90 days of employment.

Employees shall obtain approval in advance of taking any floating holidays from their Department Head.

F. Union Collective Bargaining Agreements Prevail

Where any provisions of this holiday policy conflict with the terms of one of the City's Collective Bargaining Agreements, the terms of such CBA(s) shall prevail.

8.02 VACATION

A. Vacation Entitlement

Effective January 1, 1987, each full-time employee shall be entitled to accumulate vacation credits according to an hourly accumulation rate per paid work hour or paid service hours shown in Table A below and as outlined in Ordinance 2023-081 and any amendments thereof: ***Vacation Entitlement***

Length of Service (Years) Start Year – End Year	Hours Earned Per Bi-Weekly Pay Period	Maximum Hours Earned Per Year	Maximum Accumulation
0 – 5 Years	3.08	80.00	160 Hours
6 – 10 Years	4.62	120.00	240 Hours
11 – 15 Years	6.16	160.00	320 Hours
16 – 20 Years	7.70	200.00	400 Hours
21 plus Years	9.24	240.00	480 Hours

B. Maximum Basis for Calculation

The maximum base for accumulation of vacation credits per bi-weekly pay period is eighty (80) hours regardless of the actual number of hours worked or paid service hours in the pay period.

Vacation credits shall not be earned on overtime hours.

C. Length of Service Adjustments – Prior Public Service

Each employee's hourly accumulation rate per paid work hour shall automatically be adjusted by the Finance Department to the appropriate rate shown in Table A above as

the employee's service qualifies them for such rate. All calculations of length of service shall be made by adding the employee's verified non-City of Stow public service, if any, and total actual length of employment with the City of Stow. For implementation of this section only, whole months shall be utilized to determine non-City of Stow service. Credit shall not be given for partial months. All calculations of City of Stow service shall be as of the anniversary date of employment; provided that such service has been uninterrupted and continuous. Service interruptions, if any, shall be deducted from total City of Stow service time.

D. Permanent Part-Time Employee Vacation

Years of Service	Hours Earned Per Hours Worked	Maximum Hours Earned Per Year	Maximum Accumulation
0-5	0.3846	80.00	160 hours
5+	0.5769	120.00	240 hours

E. Seasonal Employee Vacation Each seasonal part-time employee who works 1,252 hours or more in any calendar year, shall receive six days' (48 hours) vacation benefits during the next calendar year. Each employee who is employed as a seasonal part-time employee and who works less than 1,252 hours in any calendar year shall receive no vacation benefits, except as noted herein below for permanent part-time employees.

Vacation benefits that have accumulated during the last preceding calendar year may be carried over one (1) year in which they must be utilized or otherwise forfeited.

E. Increment(s) of Use

Use of vacation will be charged in minimum quarter (1/4) hour increments.

G. Payment for Vacation Leave

Vacation pay for full-time employees shall be payable along with the general payroll of the City and shall be computed by multiplying the employee's base hours rate including longevity pay, if any, for each earned hour of vacation to be utilized by the employee.

Any employee's regular paycheck, due and payable during his or her scheduled vacation leave, shall be paid to such employee in advance, on the payday immediately preceding his or her vacation leave if the employee has the written approval of his or her Department Head and has made and given a written request to the Finance Department for such prior payment. No advance vacation pay shall be made or authorized unless the employee's weekly vacation period extends through a regularly scheduled bi-weekly pay day and such vacation is for the duration of at least one (1) week. Such request shall be required to be submitted to the Finance Department three (3) weeks prior to the date requested for such pay. Vacation pay will not be granted in lieu of taking the actual time off.

H. Maximum Accumulation

Each employee shall be allowed to accumulate earned vacation credits to a maximum of twice that which could be earned or accrued by the employee in one (1) year according to his or her length of service as shown in Table A above. Employees shall forfeit their right

to take or to be paid for any vacation leave to the credit which is in excess of the accrual for two (2) years. Such excess vacation leave, when it occurs, shall be automatically eliminated from the employees' vacation leave balance.

There shall be no additional compensation in lieu of vacation leave for earned but unused vacation credit, except upon termination of employment or death.

I. Vacation Scheduling

Each Department Head shall schedule vacations for employees under his/her supervision to conform with the operating requirements of the City government, but should be scheduled to meet with the respective employee's desires based on seniority (continuous length of employment). Requests for vacation should be submitted in writing and in advance to your department head. When possible, vacation periods will be assigned in accordance with employee requests, taking operating requirements into account. Generally speaking seniority determines priority in scheduling vacation times.

J. Credits Remaining at Termination or Death

Upon termination from City of Stow service, employees shall be entitled to compensation at their most recent paid status base rate of pay, including longevity pay, if any, for all earned but unused vacation leave to his or her credit at the time of termination; provided, however, that the maximum amount that may be paid to any employee shall be limited to the maximum amount which could be accumulated or accrued according to the amounts shown in Table A above. The applicable base rate of pay shall be considered to be that to which the employee was entitled when he or she was last on active pay status. In case of death of an employee, such unused vacation leave shall be paid in the name of the employee to his or her spouse or named beneficiary or estate if there is no spouse or named beneficiary.

K. First Fifty Weeks Limitation

Employees shall not be entitled to use vacation credits until their full-time employment with the City shall have exceeded fifty (50) weeks. Any employee terminating City employment for any reason within fifty (50) weeks or less shall not be entitled to compensation for unused vacation leave to their credit. Employee supervisors have the ability, in writing to waive the requirement of fifty (50) week accrual time for individual employees.

L. Effect of Unpaid Status

Employees on unpaid status with the City shall not earn additional vacation credits; however, as long as they remain employees of the City, their unpaid time shall continue to accumulate as service time for the purposes of computing total length of service with the City.

M. Union Collective Bargaining Agreements Prevail

Where any provisions of this vacation policy conflict with the terms of one of the City's Collective Bargaining Agreements, the terms of such CBA(s) shall prevail.

8.03 MEDICAL INSURANCE PLAN

Full-time employees may participate in our medical insurance plan.

Full-time employees may enroll in either a single or a family contract. Coverage begins on the date of hire and ends at midnight on the last date of the month of termination.

Participating employees are also covered under our medical insurance plan's dental, vision, and basic life insurance program.

This is intended as a summary of benefits only. Information on these plans and enrollment forms may be obtained from the Human Resources Department.

8.04 COBRA

A. COBRA Coverage

Employees and their covered dependents have the opportunity to continue medical and dental benefits for a period of up to 36 months under the provisions of the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) when group medical, dental, and vision coverage for you and your covered dependents would otherwise end because due to certain qualifying events.

B. Eligibility

To be eligible for COBRA coverage, the employee must have been enrolled in their employer's health plan when they worked and the health plan must continue to be in effect for active employees. COBRA continuation coverage is available upon the occurrence of a qualifying event that would, except for the COBRA continuation coverage, cause an individual to lose his or her health care coverage.

COBRA also provides for further extensions of coverage under certain circumstances. For example, an individual who is determined by the Social Security Administration to be disabled while on an 18-month COBRA policy may be eligible for an additional 11 months of coverage (for a total of 29 months). In addition, when a "secondary event," such as the death of a former employee, occurs while the family is on COBRA, the 18-month original coverage period may be extended to 36 months for survivors who are on the plan.

C. Qualifying Events

Qualifying Events for Employees:

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

Qualifying Events for Spouses:

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

- Death of the covered employee.

Qualifying Events for Dependent Children:

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

D. Notification By City of Stow

The City of Stow must notify the plan administrator of a qualifying event within thirty (30) days after an employee's death, termination, reduced hours of employment or entitlement to Medicare. The plan administrator will notify the individuals eligible for continuation coverage of their right to elect COBRA continuation coverage.

E. Cost of COBRA Coverage

If you elect COBRA coverage, you must pay the total monthly premium (employer and employee shares) plus an additional two percent administrative surcharge.

F. Lack of Coverage During Election Period

You will not be covered under the plan during the 60-day election period until an election is made to enroll in COBRA and applicable premiums are paid.

G. Cancellation of COBRA Coverage

You may cancel your coverage at any time. If you continue your health insurance under COBRA until the end of your COBRA period, you may be able to convert to a private billed-at-home policy with your same health insurance carrier. There is no conversion or private policy for dental or vision coverage.

H. Conversion to a Private Policy

If your COBRA coverage ends, you may have the option of converting your coverage to a private policy. Under this type of arrangement, you will be billed directly by your health care plan and you will be responsible for the entire cost. Contact your health plan to determine whether it offers a conversion policy and for information about continuing your health care coverage.

I. Notification by Employee

Under the federal law, the employee, spouse or other family member has the responsibility to notify the City of Stow and/or the plan administrator of a qualifying event (ie divorce, a legal separation or a child losing dependent status under the group health plan). This notice must be made within 60 days of the event or the date coverage ends in order to be eligible for COBRA continuation.

If this notification is not completed within the required 60-day notification period, rights to continuation coverage will be forfeited.

8.05 LIFE INSURANCE & ACCIDENTAL DEATH AND DISMEMBERMENT

A. Life Insurance

Full time employees may enroll in our City's group life insurance plan.

B. Accidental Death and Dismemberment

Accidental Death & Dismemberment coverage is included with this insurance plan and paid in addition to your basic coverage benefits. Dismemberment benefits are paid according to a set schedule.

C. Waiting Period

Full-time employees qualify for this benefit on the employee's date of hire.

D. Cost of Insurance

The cost of the forgoing base Life Insurance and Accidental Death & Dismemberment coverage is fully paid by the City.

E. Base Life Insurance and Accidental Death & Dismemberment Coverage Amendment

Base Life Insurance and Accidental Death & Dismemberment coverage provided by the City is subject to amendment from time to time at the City's sole discretion, including cost.

F. Additional or Supplemental Life Insurance

Employees have the option of purchasing additional or supplemental life insurance through the City's voluntary group plan. Supplemental Life Insurance is solely at the employee's expense.

G. Additional Information

This is a summary description of Life Insurance and Accidental Death & Dismemberment coverage benefits only. Additional information on this plan may be obtained from the Finance Department.

8.06 EMPLOYEE ASSISTANCE PROGRAM

A. General Description of Employee Assistance Program

The City of Stow's EAP (Employee Assistance Program) provider and the City of Stow have developed an EAP designed to aid employees and their family members in resolving personal difficulties. The EAP provides the contracted number of counseling sessions at absolutely no cost to the employee. Referral issues may include but are not limited to:

- Family/Marital Problems
- Depression
- Stress/Anxiety
- Childhood Development
- Career Development and Guidance
- Anger Control Problems
- Drug/Alcohol Issues

- Sexual Abuse
- Addictions
- Retirement coaching

In addition to counseling, EAP may offer a variety of additional services including but not limited to legal or financial consultation, childcare or eldercare specialist, and nutritional or fitness coaching,

B. Eligible Employees

Full-time employees, immediately upon hire, may use this program.

C. Confidentiality

EAP services are confidential. All employee conversations and all records pertaining to their involvement with the EAP shall remain strictly confidential. No record of treatment or diagnosis will be released to any source without prior written authorization from the employee/client.

D. Emergency Services and Consultations

An on-call clinician is available to all clients twenty-four hours a day, seven days a week to assist with emergencies. Emergency telephone consultations are available by contacting the EAP at any time and indicating that you urgently need to speak to a therapist. Emergency appointments will likely be scheduled within twenty-four hours.

E. Cost of Employee Assistance Program

The cost of this program is paid in full by the City of Stow and requires no employee participation unless services are extended beyond the defined limits. In that case, services may, in part, be covered under the City's employee medical insurance.

F. Additional Information About Employee Assistance Program

Additional information on these services may be obtained from Human Resources:

8.08 TRAVEL POLICY

A. General Requirements

1. These guidelines are intended to provide employees who are duly authorized to travel on behalf of the City, with adequate levels of transportation, lodging, meals and other services necessary to conduct the City's business. The City intends that employees travel in reasonable comfort when away from home on business. However, accommodations, meals, transportation and services used should be in keeping with those to which the individual is accustomed in normal circumstances and should never be lavish or extravagant. City employees who are traveling at the City's expense and/or for City business are expected to exercise the same care in incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds.
2. Appropriate efforts must be taken to contain and control travel costs. The City of Stow seeks employees' cooperation to maximize cost-saving opportunities.
3. Each employee shall be responsible for his/her own travel expenses.

4. Receipts must be presented for all reimbursement requests. If it is proven that a receipt is unobtainable, then the appropriating authority may request payment by the Finance Department if an affidavit is obtained from the employee explaining the charges and the reason the receipt is unobtainable.
5. Expense paperwork should be submitted to the Finance Department on the travel reimbursement form, which is the reverse side of the travel authorization request form. Include a copy of the approved travel authorization request form with your receipts attached to the travel reimbursement form.
6. All requests for reimbursement MUST be received by the City Finance Department within sixty (60) days of travel. Any requests more than 60 days old will not be reimbursed.
7. City employees will be held responsible for unauthorized costs and additional expenses incurred for personal preference or convenience.
8. The Internal Revenue Service imposes specific requirements for business expenses. Therefore, travel expenses must be adequately documented and accounted for. In the absence of proper accounting and documentation, IRS regulations require that expense reimbursements be considered taxable wages.
9. The city reserves the right to deny payment or reimbursement of travel related expenses for failure to comply with city policies and procedures.
10. This policy, while comprehensive, does not address every issue, exception, or contingency that may arise in the course of City employee's travel. While the City recognizes the need for flexibility in administering travel guidelines, few exceptions will be allowed. Requests for reimbursement or payment of expenditures which appear to be in conflict with the intent of these guidelines will be submitted to the Appointing Authority and/or their designee for review, who may use their sound judgment provided they do not contradict any specific provision herein.

B. Authorization

1. Prior approval of an employee's Department Head, Mayor, and Finance Director must be granted in order for employees to travel and be reimbursed at City expense.
2. The employee's Appointing Authority must approve the Travel Authorization Request form before the submission of the reimbursement form to the Finance Department.
3. Travel requests should be submitted a minimum of fourteen (14) days prior to the date of travel. Failure to submit a request timely may result in the request being denied.
4. An individual may not approve his/her own travel.
5. Appointing Authorities are required to review expenditures and withhold payment if there is reason to believe that the expenditure is inappropriate or extravagant.

C. Transportation: Method

The use of vehicle, air, train, or bus transportation shall be selected on the basis of the most reasonable and appropriate method, taking into account distance, time, and total costs.

The Appointing Authority and/or their designee shall, within the provisions of this policy, determine the appropriate mode or modes of transportation to be utilized by a City employee for travel.

D. Transportation: Vehicle

1. City-owned vehicles shall be used in place of private vehicles whenever practical.

2. City employees are encouraged to carpool with other city or government employees to the same function.
3. Travel by City-owned automobile
 - a. Is authorized only for City employees and for other parties who are properly designated by the Appointing Authority and endorsed onto insurance coverage through the City of Stow.
 - b. Reimbursement is authorized for incurred service expenses necessary to the efficient and safe operation of a City-owned automobile.
 - c. The names of all persons traveling in the same City-owned automobile and names of their respective City agencies shall be listed on the "Travel Expense Report."
4. Travel by privately owned automobile
 - a. Is authorized only if the owner thereof is insured under a policy of liability insurance complying with the requirements of section 4509.51 of the Ohio Revised Code.
 - b. Reimbursement of mileage expenses incurred on city business paid out of the city General Fund is established at the rate of fifty-eight and one-half (58.5) cents per mile, or as otherwise established by ordinance of City Council.
 - c. Collective Bargaining Agreements that establish rates that deviate from either the rate established by the City of Stow herein shall be followed in lieu of those rates.
 - d. Reimbursement shall be made for actual miles driven.
 - e. Reimbursement shall be made to only one of two or more City employees traveling in the same privately owned automobile, and the names of their respective City agencies shall be listed on the "Travel Expense Report."
 - f. A City employee shall not be reimbursed for mileage commuting from his/her residence to his/her headquarters nor from his/her headquarters to his/her residence.
 - g. The costs and expenses to operate a privately owned vehicle including but not limited to gasoline, damages, necessary service, or repairs are the sole responsibility of the City employee, as those costs are included in the per mile cost reimbursement.
5. In the event an appropriating authority approves the use of a private or City-owned vehicle, reimbursement shall not exceed the airfare rate plus transportation at the destination.
6. "Travel Expense Reports" shall indicate all intermediate destinations (i.e., specify intermediate towns and cities but not stops within a town or city) between the commencement and termination of travel as well as all vicinity mileage after arrival at destination.
7. Non-City employees are not permitted as passengers or drivers in City vehicles used for travel, except for employees of other government entities to assist in cost sharing.
8. Charges for parking and other reasonable travel expenses directly related to authorized travel are reimbursable with receipts
9. During business hours, mileage reimbursement for travel within Summit County is calculated for miles between the employee's headquarters and the destination, unless the mileage is less from an employee's home.
10. Outside of business hours, mileage will be calculated from the employee's home.
11. Charges for parking while on City business are reimbursable with receipts.

E. Minimum Requirements for Operation of Motor Vehicles

1. Employees having access to City vehicles will be required to provide proof of a valid State of Ohio driver's license.

2. Employees operating either City vehicles or their own private vehicle while on City business must possess a valid State of Ohio driver's license.
3. Employees operating their own private vehicle while on City business must be insured, personally and for the vehicle, under a policy of liability insurance that complies with the requirements of Ohio Revised Code Section 4509.51.

F. Transportation: Air and Other

1. Air:
 - a. In any instance where airfare plus transportation at the destination is less expensive than using a private or City-owned vehicle, then the air flight by common carrier shall be used.
 - b. To maximize discount fare possibilities, air travel arrangements should be reserved as far in advance of the travel date as possible. Restricted fares provide opportunities for saving funds, but the traveler should weigh carefully the savings potential against the risk of change or cancellation. To be a cost effective traveler one should plan early and carefully. Advance purchase is governed by the Prepayment of Travel Expenses provision, which is set forth herein.
 - c. City employees are authorized to travel within or out-of state by common air carrier at the lowest available rate only if flying is more economical than other modes of travel.
 - d. Reimbursement is authorized at the lowest available rate.
2. Airport Transfers:

The airport to downtown limousine/bus service should be the preferred method of transportation to a hotel or meeting site. Taxis and private limousines should be used only when they represent a more reasonable alternative or are essential due to time constraints.
3. Taxis:

Taxi use should be limited, with preference given to public transportation or car rentals. If public transportation is unavailable or inadequate for local travel, then taxis may be used. Trips should be of minimal length and each trip should be separately identified on the travel expense form.
4. Car Rental:
 - a. Reimbursement is authorized for car rental only if car rental is more economical than any other mode of transportation or if the City employee's destination is not easily accessible by any other available mode of transportation.
 - b. Reimbursement is also authorized for car rental at a destination after arrival by common air carrier if it can be shown that for an employee (or group of employees) that the aggregate cost for local ground transportation (e.g., taxi to and from airport) or a combination of air flight and car rental is less expensive than alternatives.
5. Travel by other alternative methods, such as bus, subway, or train, is authorized if it is more economical than other modes of travel when all related costs are taken into consideration.

G. Conference or Seminar Registration

1. Conference or seminar registration fees may be reimbursed to the City employee, or conference registration fees may be paid directly by the City in advance of the conference.

2. If the conference or seminar registration fee includes any meals, the City employee shall not be reimbursed for those same meals, and any amount reimbursed to the City employee for meals shall be adjusted.
3. All requests for registration should be supported by invoice or notice.
4. Employees may be personally liable for unused registration fees that are not reimbursed by the sponsoring organization.

H. Lodging

1. Employees shall use the lowest single-room rate available within a hotel, unless sharing the room with another City employee, in which case it shall be the lowest applicable room rate available.
2. Employees shall take advantage of tax exemptions whenever possible.
3. Lodging shall be reimbursed at a rate per calendar day at actual cost when such cost is reasonable as determined by the Appointing Authority and/or their designee.
4. Lodging at the conference site or lodging at a hotel identified in the conference registration materials as one of the conference hotels may be reimbursed at actual cost, provided such cost is reasonable as determined by the Appointing Authority and/or their designee.
5. Lodging shall not be reimbursed if the distance is less than:
 - a. Forty-five (45) miles from both the employee's headquarters and home.
 - b. Thirty (30) miles from both the employee's headquarters and home for a periodic or annual conference or convention. (applies to conferences or conventions for professional associations)
 - c. Exceptions may be made by the Appointing Authority for good cause to the thirty (30) miles from both the employee's headquarters and home for a conference or convention.
 - d. Exceptions may be made by the Appointing Authority to the distance requirements set forth herein for department retreats.
6. If sharing a room, the Appointing Authority shall designate one of the employees as the employee responsible for billing/payment for the employees sharing the room.
7. Receipts should be obtained before leaving the hotel.
8. The City may pre-pay the hotel directly.
9. When travel arrangements are such that arrival is later than 6:00 p.m., it may be necessary to guarantee late arrival. The employee is responsible for any changes in the room reservations or cancellations. Any "no show" charges will normally be the employee's direct responsibility. To avoid incurring such costs, employees are encouraged to cancel in a timely manner and record the cancellation number assigned when the room is released.

I. Meals

1. Reimbursement for meals will be:
 - a. For a full day of travel the actual cost of meals to a maximum of \$54.00 (fifty-four) per day, per person. A full day of travel is a day that is both preceded and followed by an overnight stay.
 - b. For less than a full day, reimbursement for meals on the day of departure and day of return is limited to:
 1. Actual cost up to a maximum rate of thirteen (\$13.00) dollars if the city employee is on travel status any time after midnight but no later than 8:00 a.m.

2. Actual cost up to a maximum rate of \$15.00 (fifteen) dollars if the city employee is on travel status any time after 9:00 a.m. but no later than 3:00 p.m.
 3. Actual cost up to a maximum rate of \$26.00 (twenty-six) dollars if the city employee is on travel status any time after 6:00 p.m. but no later than midnight.
 - Breakfast \$13.00
 - Lunch \$15.00
 - Dinner \$26.00
 - Full Day \$54.00
 - c. On the day of departure or return, if the City employee is on travel status for more than one of the above specified time periods, meal reimbursement is authorized in the amount of the total of the individual amounts specified for those time periods.
2. Reimbursement for meals will NOT take place unless the meal(s) is(are) either associated with an overnight stay, and/or the meal is outside Summit County or the City of Stow (or an approved exception for an annual conference or convention for a professional association).
 3. Reimbursement for meals shall not occur for any meal(s) that are included in a conference registration fee or included in single hotel room rate.
 4. Conference Meals
 - a. Meals that are not included in the registration fee but are an integral part of the conference may be reimbursed at actual cost, provided such cost is reasonable as determined by Appointing Authority and/or their designee.
 - b. Meals are considered to be an integral part of the conference when the meals are provided at the conference site as an organized group activity for all conference participants.
 - c. If a conference includes or provides a meal, the City employee shall not be reimbursed for that same meal, and any amount reimbursed to the City employee for meals shall be adjusted.
 5. The City recognizes that actual meal costs vary widely throughout the country. Therefore, with the prior approval of the Appointing Authority and/or their designee, the City may reimburse meal expenses which exceed the per diem allowance, provided a maximum per diem is established in writing prior to travel on an individualized and specific case by case basis.
 6. The City depends on its employees to exercise prudence in selecting restaurants. Meals should always be commensurate with the City employee's normal eating practices. The City will not reimburse meal costs deemed lavish or otherwise extravagant.
 7. Actual receipts are required for reimbursement of all meal expenditures.
 8. There will be no reimbursement for gratuities for meals.
 9. There will be no reimbursement for alcoholic beverages.

J. Prepayment of Travel Expenses

1. Prepayment or reimbursement of travel expenses are allowed only when payment for the expenses has not been and will not be received from a third party.

2. In order to obtain the lowest available rate for air flight by common carrier, an employee, with the approval of the Appointing Authority and/or their designee, may authorize advance purchase/prepayment of airline tickets.
3. In the event that the Appointing Authority and/or their designee authorize advance purchase/prepayment of airline tickets, the employee may be reimbursed in advance for said purchase provided that employee is personally liable for any charges assessed for unused travel reservations, which are not reimbursed within the time limits specified by the airline.
4. City funds may be expended to pay for unused reservations on common carriers if the Appointing Authority is satisfied that failure to cancel within the time limits specified by the airline or to use the reservation was unavoidable.
5. If city funds are expended to pay for unused reservations on common carriers (or other expenses) and if the Appointing Authority is satisfied that failure to cancel within the time limits specified by the airline or to use the reservation was unavoidable (e.g., death or serious illness/injury in family), then the City shall receive any and all refunds or credits (e.g., air travel credit).
6. If City funds are expended to pay for unused reservations on common carriers (or other expenses) and if the Appointing Authority is not satisfied that failure to cancel within the time limits specified by the airline or to use the reservation was unavoidable (e.g., death or serious illness/injury in family), then the employee shall reimburse the City for any and all expenses. The City may deduct said expenses from the employee's pay if the employee does not make satisfactory arrangements to reimburse the City.

K. Phone Calls

Telephone calls may be reimbursed in full only if necessary to official City business. Original, itemized receipts or equivalent documentation including business purpose are required. Personal telephone calls will not be reimbursed.

L. Prohibited Expenses

There will be no reimbursement for the following:

- Alcoholic beverages
- Personal entertainment expenses including in flight movies, headsets, health club facilities, hotel pay-per-view movies, in-theatre movies, video rental, social activities and related incidental costs.
- Dry cleaning or laundry.
- Commuting between home and primary work site.
- First class tickets, airline upgrades, or airline club memberships.
- Child-care, babysitting, house-sitting, pet-sitting/kennel charges.
- Evening or formal wear expenses.
- Haircuts, hairstyling, or personal grooming.
- Private car and hired driver (taxi not included).
- Personal travel accident insurance premiums and/or personal travel insurance
- Other expenses deemed not directly related to the business travel.
- Gratuities for meals.
- Any taxes for which the City is exempt.

M. Traffic Violations and/or Accidents, or Illegal Activity

The City is not responsible for any costs incurred as a result of an employee's illegal actions, including vehicular violations, even if the employee is conducting City business. Traffic violations and/or tickets given to an employee, while on duty, are to be reported to the Appointing Authority and/or their designee. If an accident occurs while on duty, a written report shall be given to the Appointing Authority and/or their designee. The designee will then report this to the Finance Department, so the proper form can be completed for insurance.

N. Receipts

Reimbursement of travel expenses is based on reasonable and actual expenses supported by original, itemized receipts where required.

CITY EMPLOYEES MUST SUBSTANTIATE TRAVEL EXPENSES WITH ORIGINAL ITEMIZED RECEIPTS.

The lodging bill may be used as a receipt when charges are included as part of an overnight stay.

1. Itemized receipts are required for:
 - a. All service expenses incurred in connection with the operation of City-owned automobiles.
 - b. All car rental expenses.
 - c. All common carrier expenses, i.e. bus, boat, ferry, or subway.
 - d. All lodging expenses.
 - e. All miscellaneous transportation expenses, including taxicab and parking.
 - f. Business expenses such as faxes, photocopies, Internet charges and data ports in addition to documentation of the business purpose.
 - g. Meals.
 - h. Conference receipts shall include conference registration fees, conference meals not included in a registration fee, conference lodging, and miscellaneous conference expenses exceeding one dollar.

2. Retention of Report and Required Receipts

The Finance Department shall retain the original "Travel Expense Reports" and the original receipts required by this policy. As specified by this policy, electronically imaged or paper copies of "Travel Expense Reports" may be submitted to the Finance Department. Unless otherwise specified in this policy, all receipts required by this rule shall be submitted to the Finance Department, and the Finance department may specify the manner in which receipts shall be submitted.

O. Proof of Attendance

Employees must attend all portions of the conference or seminar that is paid for or reimbursed by the City. Employees shall make very reasonable effort to sign in if applicable, and/or bring back certificates of attendance.

P. Travel Within or Near Summit County

1. No reimbursement shall be made for lodging or meals (except conference meals) within Summit County, or the City of Kent (within forty-five miles or less of both the City employee's residence and/or headquarters), except for conferences, in which case no reimbursement for lodging or meals shall be made within thirty miles or less of both the City employee's residence and headquarters for conference expenses other than conference meals.
2. Association meetings, conferences, and conventions within Summit County require advance approval of the Appointing Authority.
3. Only registration fees and meals directly sponsored by the host association are reimbursable.
4. Reimbursement for annual dinners, banquets, etc. may be reimbursed if approved by the Appointing Authority.

Q. Spousal Accompaniment

City employees who travel for City business can take along their spouse provided that the City would not incur any additional cost as a result of their spouse's travel. However, if a City employee takes their spouse along when traveling on City business, the employee or their spouse must pay their own travel expenses and any transportation, meals, and extra expenses incurred for the spouse's travel.

The City does not reimburse for spousal accompaniment. Under no circumstances will any extra expenses for spousal travel be reimbursed. The accompanying spouse is not prohibited from staying in the same hotel room with the employee if the spouse pays for any extra fees or costs associated with their stay. Examples of the types of expenses the accompanying spouse will be responsible for paying for are:

- Their plane ticket and baggage fees and any extra transportation expenses resulting from their travel;
- Their meals and drinks; (Note: If the conference sponsor holds a reception or open house, and additional guests are welcome to attend, the employee's spouse could accompany them to the event, and accept an inexpensive meal, within the parameters of Ohio Ethics Commission Advisory Opinion No. 2002-02.)
- Hotel room rate increases based on the number of occupants;
- Purchases or additional services she uses, (like room service, telephone calls, and internet access) that are charged to the room; and,
- Any personal or extra expenses incurred as a result of his/her travel.

City employees should not make travel arrangements to accommodate their accompanying spouse if it will result in higher costs for the City or the conference sponsor. The employee's spouse's presence should not distract the employee from their work or detract from the purpose of the trip.

R. Frequent Flyer Miles

The Ethics Commission has issued an opinion (91-010) that establishes that:

1. Divisions (D) and (E) of Section 102.03 of the Revised Code prohibit a state official or employee from accepting, soliciting, or using the authority or influence of her position to secure, for personal travel, a discounted or free "frequent flyer" airline ticket or other

benefit from an airline if she has obtained the ticket or other benefit from the purchase of airline tickets, for use in official travel, by the department, division, agency, institution, or other entity with which she serves, or by which she is employed;

2. Division (A)(4) of Section 2921.42 and Division (A) of Section 2921.43 of the Revised Code prohibit a state officer or employee from accepting or using, for personal travel, a discounted or free "frequent flyer" airline ticket or other benefit from an airline if she has obtained the ticket or other benefit from the purchase of airline tickets, for use in official travel, by the department, division, agency, institution, or other entity with which she is connected.

Obtaining or retaining (securing) for personal travel, a discounted or free "frequent flyer" airline ticket or other benefit from an airline if the official or employee has obtained the ticket or other benefit from the purchase of airline tickets, for use in official travel for/by the City is prohibited.

S. Credit Card "points" and/or other Reward Program Benefits

A City official or employee is not prohibited from obtaining or retaining (securing) credit card "points" and/or other reward program benefits provided by a credit card issuer, in connection with City business travel expenses charged on a personal credit card.

However, there are exceptions in the following circumstances:

1. An official or employee chooses to use a specific credit card to obtain the credit card "points" and/or other reward program benefits and said use results in a higher ("enhanced") cost to the City above the "actual" cost. (i.e., in order to obtain the credit card "points" and/or other reward program benefits provided by a credit card issuer, the credit card issuer charges a higher ("enhanced") cost).

In this circumstance, the official or employee must waive the benefit or seek reimbursement on the "actual" cost, not the "enhanced" cost.

2. Where an official or employee seeks reimbursement from the City for any amount that is greater than the amount actually owed to the credit card issuer. (Where the credit card issuer grants a "post transaction" discount on the charged amount. I.e., the initial charge/transaction is 100% ("actual" cost), and the credit card issuer's reward is a 5% reduction/rebate of the initial charge/transaction ("reduced" cost).

In this circumstance, the official or employee must waive the benefit or seek reimbursement on the "reduced" cost, not the "actual" cost.

T. Definitions

1. "Compensation" means payment for services rendered, whether made on an hourly, per diem, salaried, or fee basis but does not include reimbursement of travel expenses.
2. "Headquarters" means the office address at which a City employee has his/her primary work assignment or if a City employee's primary work assignment involves regularly scheduled travel, the place from which he/she can most effectively carry out his/her assigned duties.

3. "In-state travel" means travel within the state of Ohio.
4. "Out-of-state travel" means travel outside the state of Ohio.
5. "City employee" means any officer, member, or employee of the City of Stow.
6. "Travel at City expense" means travel expenses which are paid from moneys which has money directly or indirectly appropriated in whole or in part by the City of Stow.

8.08 REQUIREMENTS FOR OWNER'S LIABILITY INSURANCE (ORC 4509.51)

Subject to the terms and conditions of an owner's policy, every owner's policy of liability insurance:

- A. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby granted.
- B. Shall insure the person named therein and any other person, as insured, using any such motor vehicles with the express or implied permission of the insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such vehicles within the United States or Canada, subject to monetary limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:
 1. Twelve thousand five hundred dollars (\$12,500.00) because of bodily injury to or death of one person in any one accident;
 2. Twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of two or more persons in any one accident;
 3. Seven thousand five hundred dollars (\$7,500.00) because of injury to property of others in any one accident.

8.09 RETIREMENT PLANS

- A. All employees of the City of Stow are required by law to participate in either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), unless specifically exempted there from.
- B. These programs are entirely independent of the federal Social Security System and are governed by O.R.C. Chapter 145. Ohio public employees pay contributions to and receive benefits from OPERS or the Police and Fire Pension Fund (OP&F) in lieu of Social Security.
- C. The City will contribute its share to the appropriate retirement system (either OPERS or OP&F) for each employee in an amount which is in accordance with prevailing law.
- D. The City will "pick up" the employee contribution to the appropriate retirement fund through the salary reduction method. This is a "designated" "pick-up", not an actual payment of the contribution. This shall not be construed to obligate the City to make any contributions to either of the retirement systems that are in excess of those mandated of public employers by the respective systems.
- E. If employees have any questions regarding either retirement system, they may contact OPERS or OP&F at the addresses/phone numbers/websites listed below. Employees should

include their Social Security number for any questions regarding their own specific retirement plan.

Ohio Public Employees Retirement System (OPERS)
277 East Town Street
Columbus, OH 43215
Phone: 1-800-222-PERS (7377)
Website: www.opers.org

Ohio Police and Fire Disability and Pension Fund (OP&F)
140 East Town Street
Columbus, OH 43215
Phone: (614) 228-2975
Website: www.op-f.org

8.10 DEFERRED COMPENSATION

A. Summary of Deferred Compensation

Deferred compensation programs are designed to accumulate funds towards future retirement while offering potential current tax benefits.

Funds deposited into a deferred compensation plan are not subject to **current** federal or state income tax.

Income taxes on funds deposited into a deferred compensation plan are deferred until:

- An employee retires and is otherwise eligible to begin to collect these funds;
- An employee collects these funds (all or a portion) at any time prior to retirement (abandons the plan or makes early withdrawals). Early withdrawals may be restricted by law and/or plan rules

B. Eligibility to participate in Deferred Compensation Plans

Any full-time employee or elected official is eligible to participate in the Ohio Deferred Compensation Program.

Full-time employees of the Fire Department are also eligible to participate in the Fire Fighters' 457 Plan in lieu of the Ohio Deferred Compensation Program

C. Participation Voluntary

Participation in these deferred compensation programs is completely voluntary.

D. Contribution Methods

Deposits or contributions to available deferred compensation plans can be made by voluntary payroll deduction.

E. Available Deferred Compensation Plans

1. The City of Stow engages with several agents for both deferred compensation and Roth plans. See HR for more information,.

8.11 UNEMPLOYMENT COMPENSATION

The City of Stow is required by law to maintain both the Federal and State Unemployment Compensation insurance.

Unemployment Compensation insurance provides unemployment benefits to eligible workers who become unemployed through no fault of their own, and meet certain other eligibility requirements.

Further information about Unemployment Compensation may be found through:

- The Ohio Department of Job & Family Services for State issues; or,
- The US Department of Labor for Federal issues.

8.12 MEDICARE

Medicare excise tax is imposed pursuant to Internal Revenue Service regulations and must be paid on an employee's wages, salaries and other compensation.

Currently the total amount is 2.9 % of an employee's wages, salaries and other compensation, with 1.45% being contributed by the employee, which is matched by a 1.45% contribution by the City of Stow.

8.13 UNIFORM ALLOWANCE

- A. Each full-time employee required by the City of Stow to wear a uniform on a daily basis is entitled to an annual uniform allowance.
- B. Employees should reference the most recent payroll ordinance or their respective collective bargaining agreement to discover the amount of their uniform allowance and the approximate date they should receive it.
- C. Proper care of the uniforms is required.
- D. All City owned uniforms, accessories or name tags issued by the City of Stow must be returned in good condition upon leaving the City.
- E. For further information regarding uniform allowances and uniform requirements, you should contact your department head.

Section VIII CIVIL SERVICE COMMISSION, LAY-OFFS, AND TERMINATION OF EMPLOYMENT

9.00 CIVIL SERVICE AND EMPLOYEE SEPARATION

The Civil Service Commission is established and its powers and authority outlined by both City Charter in Section 12 and by City Ordinance Chapter 161.

What follows is a summary of the relevant powers and authority as they relate to City employees. Because the following is merely a summary, if employees need further clarification, they should refer to the relevant Charter section, Chapter 161 of the Codified Ordinances, as well as the rules and regulations adopted by the Civil Service Commission.

In addition, what follows also outlines employee separation.

9.01 CIVIL SERVICE COMMISSION

A. Civil Service Commission Established

As required by Charter Section 12.01, Council has, by ordinance, established a Civil Service Commission. Said enactment has also prescribed specific powers, duties and procedures of said Commission.

B. Civil Service Commission General Power and Duties as Set Forth In Charter

Charter Section 12.02 establishes that the municipal Civil Service Commission shall:

1. Prescribe, amend and enforce rules and regulations for the classification of positions, removals, transfers, layoffs, suspensions, reductions and reinstatements, and for standardizing efficiency in the Civil Service of the City of Stow.
2. Provide for examinations and resignations and for appointments, and promotions within the classified civil service.
3. May adopt rules and regulations that establish standards, examination rules and credits, and procedures for appointments and promotions within the classified civil service that differ from those established by the Ohio Revised Code as long as such rules and regulations are reviewed and approved by City Council.

C. Civil Service Commission: Powers by Ordinance

Council, pursuant to Section 12.01 of the City Charter, grants and delegates to the Civil Service Commission the right, power and duty to organize and carry out the provisions of the civil service laws enumerated in Ohio R.C. Chapter 124 for those positions determined to be within the classified service of the City. Council specifically grants to the Civil Service Commission the right, power and duty to:

1. Prescribe, amend and enforce rules not inconsistent with Ohio R.C. Chapter 124 for:
 - a. Classification of positions in the civil service of the City;
 - b. Examinations and resignations;

- c. Appointments, promotions, removals, transfers, layoffs, suspensions, reductions and reinstatements; and,
 - d. Standardization of positions and maintenance of efficiency.
2. Adopt and promulgate rules and regulations for its efficient administration and operation which may differ from Ohio R.C. Chapter 124, provided that Council confirms these departures from state law by ordinance or resolution;
 3. Receive position or class specifications from the City administration and thereafter establish by directive who shall be eligible to apply for a position within the classified service and what the minimum qualifications for each job category shall be;
 4. Establish its own method for the conduct of its meetings, which method shall include the right to set the dates thereof and to which method Robert's Rules of Order shall apply unless the Commission directs otherwise;
 5. Act as a hearing board in the appeal of disciplinary actions as provided by Ohio R.C. Chapter 124 or by the rules of the Commission, to modify, affirm or dismiss the orders of the appointing authority and to establish rules for the conduct of these hearings;
 6. Clearly define who is within and without the classified, noncompetitive service of the City, to adopt rules for the conduct of its examinations and the grading thereof prior to the date of the testing, to establish minimal physical qualifications, to establish application procedures, to establish and perpetuate rules pertaining to eligible lists, to establish rules and procedures for the certification of personnel and to provide for temporary appointments, transfers, reinstatements, layoffs, reductions, suspensions and removals, and for any other such proceedings in the administration of its duties as it deems necessary;
 7. Provide a penalty for violation of its rules;
 8. Comply and enforce all provisions of Ohio R.C. Chapter 124, when it has no rules which depart therefrom.

D. Reductions, Suspensions, and Removals

The procedure applicable to reductions, suspensions and removals, as provided in Ohio R.C. 124.33 and 124.34, shall govern the civil service system.

E. Civil Service Commission: Other Powers and Duties

The Civil Service Commission shall exercise all other powers, perform all other duties, and have all authority granted with respect to the civil service of the City as are prescribed by the Revised Code and conferred by law upon the Director of State Personnel and the State Personnel Board of Review regarding the civil service of the State.

F. Collective Bargaining Agreements Prevail

Collective bargaining agreements with the City shall govern in event of conflict with the municipal Civil Service Commission rules and regulations.

9.02 LAYOFFS AND ABOLISHMENTS

A. Civil Service Commission Shall be the Exclusive Rules

The Administrative Rules of the Ohio Department of Administrative Services shall not apply to layoffs or abolishment's within the City of Stow.

B. In General

Whenever any permanent office or position in the classified service, except in the Police and Fire Departments, is abolished or made unnecessary, or the person holding such office or position is to be laid off, the procedure outlined in Sections 124.321 through 124.328 of the Ohio Revised Code shall be followed unless otherwise modified by Stow Civil Service Commission Rules or an applicable collective bargaining agreement. "Permanent employee" or used herein means any person in the classified service holding a position that requires working a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. It does not include student help, intermittent, temporary, seasonal, external interim, or individuals covered by personal service contracts.

C. Layoffs or Reductions in the Police and Fire Departments

Layoffs, reductions, or abolishment's in the Police and Fire Departments for causes other than those outlined in Section 124.34 of the Revised Code shall be made in accordance with the provisions of Section 124.37 of the Revised Code unless otherwise modified by an applicable collective bargaining agreement.

D. Reason for Layoff or Job Abolishment

Employees may be laid off as a result of a lack of funds, a lack of work, a material change in essential functions, reorganization for the efficient operation of the Appointing Authority, for reasons of economy, for other good reasons in the interest of public service, or for reasons of job abolishment. "Job abolishment" means the deletion of a position or positions from the organization or structure of an Appointing Authority.

E. Determination of Reason for Layoff or Job Abolishment

The Mayor or other applicable Appointing Authority (Appointing Authority) shall itself determine whether there are appropriate grounds for a layoff or job abolishment and shall file a statement of rationale and supporting documentation with this Commission prior to issuing the layoff notices. The Appointing Authority shall determine whether any position(s) shall be abolished and upon a determination to abolish shall file a statement of rationale and supporting documentation with this Commission prior to sending the notice(s) of abolishment. The Appointing Authority shall determine the classification(s) which will be affected and the number of employees to be laid off in each affected classification.

F. Calculation and Use of Retention Points

Ohio Revised Code Section 124.321 through 124.328 and Ohio Revised Code Section 124.37 provide that employees shall be laid off in descending order of retention points. Layoff and displacement shall be governed by retention points. "Retention points" means the system of points given to employees to determine the order of layoff.

1. Layoff and displacement shall be governed by retention points.

2. Employees shall be assigned a base of one hundred (100) retention points. Computation of retention points for continuous full-time service shall be made by crediting each employee with one (1) retention point for each bi-weekly pay period for continuous service. Retention points for continuous service for other than full-time service shall not be granted.
3. An employee's total retention points shall be the sum of the base points plus the retention points assigned for continuous service with the City of Stow. "Continuous service" means the uninterrupted service of an employee in a full-time position within the classified service of the City of Stow and shall include time in active pay status and on approved leaves of absence with or without pay.
4. The Appointing Authority shall compute the total retention points for each employee in the classifications affected by a layoff or position abolishment, including the classifications in which displacement may occur.
5. The Appointing Authority shall submit the required information to the Civil Service Commission for verification. Notification to affected employees shall not occur prior the Commission's verification of retention points.

G. Order of Layoff

Once the number of layoffs and/or job abolishment's and the affected classifications have been determined by the Appointing Authority, employees shall be laid off in the following order:

1. Full-time probationary employees in the affected classifications;
2. The full-time employee(s) in the affected classification with the lowest number of retention points up to the number determined necessary.

H. Notice

1. Written notice shall be provided to each affected employee no less than fourteen (14) calendar days prior to the planned effective date of layoff or abolishment.
2. Such notice shall contain:
 - The reason for the layoff or abolishment;
 - The effective date;
 - The employee's accumulated retention points;
 - A copy of the retention points calculations for all positions in the affected classification;
 - Notification as to whether the affected employee has known displacement (bumping) rights; and,
 - Notification of right of the affected employee to exercise such bumping rights if such election is date stamped by the Secretary to the Civil Service Commission no later than the fifth (5th) calendar day following the date on which the layoff notice/abolishment notice was furnished to the affected employee.

I. Displacement Rights

1. A laid-off employee may exercise displacement rights into a classification within the same classification series as the position he/she is being laid off or displaced from.
2. Classification numbers shall be established and assigned to each classification within the classified service on the Organization Chart for each Appointing Authority and within each department as established by Charter and/or Ordinance. Assignment of the classification numbers shall be established by ordinance of Stow City Council.
3. Each classification number consists of five (5) digits and the first four (4) digits of the classification number shall define the classification series.
4. An employee may only exercise displacement rights within their classification series and may only displace into a successively lower classification(s) for which the employee meets the established minimum qualifications.
5. A laid-off employee or displaced employee shall notify the Appointing Authority and the Civil Service Commission, in writing, of his/her intention to exercise displacement (bumping) rights within five (5) calendar days after receipt of notice of layoff or displacement. Receipt shall be deemed to have occurred three (3) calendar days after the date of mailing of the notice.
6. A laid-off employee or displaced employee exercising displacement rights shall displace the employee in the applicable classification with the fewest retention points within the order of displacement set forth in subsection (G) above.
7. No employee shall displace any employee whose position or classification requires special minimum qualifications unless the employee desiring to displace such employee possesses the requisite minimum qualifications for the classification as established by the classification specification or job description.
8. Displacement occurs on the date an employee is notified, in writing, that another employee has exercised his/her right of displacement thereby requiring that the employee with fewer retention points be displaced.
9. A displaced employee may then, within five (5) calendar days of such notice, exercise the right to displace another employee if such right to displace exists.
10. Displacement rights of an employee may only be exercised within the employee's Appointing Authority.

J. Displacement into Vacant Position

At any time immediately prior to, or simultaneous with the implementation of a layoff in a promoted classification, the City may, at its discretion, elect to expand the ranks of any classification that would otherwise be filled by original appointment so as to create positions that may be filled through displacement (bumping). Such positions shall be regarded as having been filled from a recall list, even if there is no gap in compensable service by the affected employee.

K. Establishment of Recall Lists

1. Once any bumping has been exhausted, recall lists shall be established for each classification affected by a layoff, job abolishment, or displacement.
2. Employees will be placed on recall lists for the applicable classification based upon retention points, with the employee with the highest number of retention points being

placed at the top of the recall list followed by the remaining number of employees ranked in descending order of retention points.

3. The Appointing Authority shall notify the Commission of the final placement of employees for recall by providing a copy of applicable recall lists for each affected classification.
4. Whenever the Appointing Authority determines to fill a position for which a recall list exists, the employee with the highest retention points in the affected classification shall be the first to be offered the recall.
5. An employee who is laid off or displaced retains recall (reinstatement) rights for a period of two (2) years from the effective date of layoff or displacement. The Appointing Authority shall not hire or promote anyone into a position within that classification until all laid-off persons on a layoff list for that classification that are qualified to perform the duties of the position are recalled or decline the recall when it is offered.
6. An employee shall be provided at least ten (10) calendar days advance notice of recall and shall have five (5) calendar days to accept or decline the recall.
7. Notice of recall and acceptance or declination of recall shall be in writing.
8. Failure to timely respond to recall shall be deemed a declination.
9. An employee who declines recall to the classification they were laid off or displaced from will be removed from the applicable recall list and shall lose all recall rights.

L. Appeal of Layoff or Job Abolishment

1. Any employee who is laid off or displaced through bumping as the result of the layoff process may appeal the action to the Commission. The appeal shall be filed by hand delivery to the Secretary of the Civil Service Commission and acceptance by date stamp or postmarked no later than ten (10) calendar days after receipt of the layoff notice or after the date the employee is displaced.
2. Hearings of an appeal of layoff or displacement shall be conducted in accordance with the provisions of Rule X of the Civil Service Commission, except that for an employee displaced through bumping, the scope of such appeal shall be limited to the calculation of the retention points only, and may not address the cause of the layoff or abolishment.

M. Collective Bargaining Agreement Supersedes for Union Eligible Employees

This policy is not intended to apply to those employees of the City of Stow working under a Collective Bargaining Agreement, except where the Ohio Revised Code permits or requires such to apply.

9.03 REDUCTIONS, SUSPENSIONS, AND REMOVALS

A. Reasons for Reduction, Suspension, and Removal

The tenure of every officer or employee in the classified service of the City shall be during good behavior and efficient service and no such officer or employee shall be reduced in pay or position, fined, suspended, or removed, or have the officer's or employee's longevity reduced or eliminated, except for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation

of a last chance agreement, or any other failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony.

B. Conviction of Felony

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

C. No Appeal from Disciplinary Action as a Result of Conviction of a Felony

An officer or employee may not appeal to the Commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. Any officer or employee convicted of a felony immediately forfeits any status as a classified employee on and after the date of the conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, except where the conviction for the felony is subsequently reversed or annulled.

D. Last Chance Agreement

As used in this section, "last chance agreement" means an agreement signed by both an appointing authority and an officer or employee of the appointing authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee. In an appeal of a removal order based upon a violation of a last chance agreement, the commission may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

9.02 LAYOFFS AND ABOLISHMENTS

E. Furloughs

The implementation of a voluntary or mandatory furlough is not a reduction in pay, a fine or a suspension for purposes of these rules and cannot be appealed.

F. Written Copy of Reduction, Fine or Suspension for more than Forty (40) Working Hours, or Removal

In any case of reduction, fine or suspension for more than forty (40) working hours, or removal, the appointing authority shall furnish such employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons therefore. Such order shall be filed with the commission within ten (10) calendar days after the effective date of the order.

9.04 APPEALS TO THE CIVIL SERVICE COMMISSION

A. Disciplinary Appeals

The Civil Service Commission (Commission) hears appeals from removals, suspensions, fines and reductions in pay or position for disciplinary reasons. Any classified employee who has been removed, suspended for more than forty (40) working hours, fined, or reduced in pay or position for a disciplinary reason has a right to file an appeal with the Commission.

In any case of reduction, fine or suspension for more than forty (40) working hours, or removal, the appointing authority shall furnish such employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons therefore. Such order shall be filed with the commission within ten (10) calendar days after the effective date of the order.

Within ten (10) calendar days following the filing of such order, the employee may file an appeal in writing with the Commission.

In the event such an appeal is filed, the Commission shall forthwith notify the appointing authority and shall hear such appeal within thirty (30) calendar days from and after its filing with the Commission, and it may affirm, disaffirm, or modify the judgment of the appointing authority. The Commission may appoint a trial board to hear such appeals.

B. Non-Disciplinary Appeals

The Commission has jurisdiction to hear several types of non-disciplinary appeals, including matters relating to reclassifications, layoffs, displacements and job abolishment's, non-disciplinary reductions, involuntary disability separations and denials of reinstatements, transfers, and resignations.

C. Involuntary Disability Separation

When an appeal from an involuntary disability separation is filed, the Commission will determine whether the appointing authority has complied with necessary procedural requirements and whether the evidence establishes that the employee is incapable of performing his or her essential job duties. The employee may rebut the appointing authority's evidence through witness testimony, the employee's own medical or psychological evidence, or both. A similar procedure is utilized in an appeal of an appointing authority's refusal to reinstate an employee wishing to return from a separation, although in a reinstatement appeal, the employee must demonstrate that he or she is once again capable of performing his or her essential job duties. A written appeal from an involuntary disability separation or refusal to reinstate must be filed with the Board within ten calendar days after the employee receives actual notice of the action separating the employee or refusing to reinstate the employee is filed with the Commission by the appointing authority.

D. Appeals Process

The hearings procedure for an appealing employee is set forth in Stow Civil Service Commission Rule X, as follows:

1. Time of Hearing; Notifications.

Upon receipt from an employee or officer in the classified service of the City of a timely appeal from an order of removal, reduction in pay or position, fine or suspension for more than forty (40) working hours, the Commission shall set a time and place to hear such appeal. The Commission shall notify the appropriate Appointing Authority, as well

as the employee, of the date and time of the hearing. An official record of the hearing shall be made by a court reporter.

2. *Amendments to Orders.*

Amendments to the orders of removal, reduction in pay or position, fine or suspension for more than forty (40) working hours may be made by the Appointing Authority at any time, provided the employee receives notification of the amended order prior to ten (10) calendar days before the time set for the hearing as herein provided.

3. *Rules of Evidence; Representation by Counsel.*

The production of evidence on the hearing of appeals and the Commission's decision thereof shall not be governed in general by the civil rules of evidence. The appellee and appellant may be represented by counsel.

4. *Resignation Before Final Action.*

The acceptance by an Appointing Authority of the resignation of a person discharged, before the final action by the Commission, will be considered a withdrawal of charges. Notice of such resignation shall be submitted by the Appointing Authority immediately, in writing, to the Commission. The separation of the employee thus resigning shall be entered upon the records of the Commission and the proceedings dismissed without judgment.

E. Appeal of Civil Service Commission Decision

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal from the decision of the Commission to the Court of Common Pleas in accordance with the procedure provided by Section 119.12 of the Ohio Revised Code.

In the case of the suspension, fine, demotion, or removal of any member of the police or fire departments under the rules of the commission, an appeal on questions of law and fact may be had from the decision of the Commission to the Court of Common Pleas. Such appeal shall be taken within thirty (30) calendar days from the date of notice of the finding of the Commission.

F. Collective Bargaining Agreement Supersedes for Union Eligible Employees

When there is a conflict between their CBA and this provision and the City of Stow Civil Service Rules and Regulations, employees who are subject to a Collective Bargaining Agreement shall be subject to their respective CBA for the layoff procedures. When there is no conflict, or the CBA is silent, the rules and regulations of the City of Stow Civil Service shall apply. Members of collective bargaining units shall reference their respective contract for the appeals process specific to their position.

9.05 RESIGNATION

A. Notice of Resignation

When an employee elects to resign from the City of Stow, the employee should notify the appointing authority through a written notice of resignation at least two (2) weeks before the effective date of resignation, unless the appointing authority waives this requirement.

B. Exit Interview

When an employee has resigned, or otherwise voluntarily terminated employment, the employee is requested to complete an exit interview, and to personally discuss the resignation with the Human Resources Director, prior to receiving a final paycheck. The exit interview is an opportunity for the employee to offer constructive criticism and insights to the employer relative to the operation of the office. The exit interview is voluntary; receiving a final paycheck is not conditioned on participating.

C. Updating an Address

An employee should notify the City if your address changes during the calendar year in which termination occurs so that your tax information will be sent to the proper address.

D. Withdrawal of Resignation

Once a resignation becomes effective or is accepted, either verbally or in writing, by the Appointing Authority, the resignation may not be withdrawn without the consent of the Appointing Authority.

E. Resignation Due To Job Abandonment

An employee shall be considered to have resigned and terminated their employment when the employee has:

1. Not reported to work without notifying the appropriate authority for three (3) consecutive scheduled work days (see also 4.13 Report Off); or,
2. Failure to return to work within three (3) consecutive scheduled work days without notifying the appropriate authority following the expiration of an approved leave of absence.

F. Resignation in Good Standing

A resignation shall be deemed by the appointing authority to be in good standing when the resignation is submitted in accordance with Section A of this policy, and the employee is not under investigation or subject to possible discharge or termination action at the time the employee leaves city service. Employees who are determined to have resigned in good standing will be considered for reemployment favorably should they ever reapply for employment with the City.

G. Resignation Not In Good Standing

A resignation shall be deemed not in good standing when the resignation is not submitted in accordance with Section A of this policy, or the employee is under investigation or subject to possible discharge or termination action at the time the employee leaves city service, unless otherwise agreed to by the appointing authority in a separation agreement. Employees who

are determined to have resigned not in good standing will not be considered for reemployment with the City.

H. Accepting a Resignation in Lieu of Termination

Employees who are removed from their positions often grieve or appeal such disciplinary action. Employees covered by collective bargaining agreements may only be removed for just cause and may grieve such removals under contractual grievances/arbitration procedures (except in the case of employees serving an initial probationary period). Non-probationary classified employees who are not covered by labor contracts may only be removed pursuant to section 124.34 of the Revised Code and may pursue appeal of their removals through the Stow Civil Service Commission.

As a result of such grievances or appeals, appointing authorities may deem it in the best interests of the City of Stow to settle such matters and foreclose the potential for grievances and/or appeal. Settlements may assist in avoiding a prolonged appeal process and the potential uncertainty or turmoil in the workplace. Settlement may also prevent the accrual of potential back pay liability, assist in speedily resolving the removal dispute and promote the speedy resolution of grievances as a whole. Appointing Authorities shall take the following into consideration before allowing a resignation in lieu of termination or separation settlements:

1. Appointing authorities should be extremely resistive to permitting resignations of any kind where employees are removed for actions which are criminal or quasi-criminal in nature. Appointing authorities should be especially resistive to allowing the employee who has been charged with a crime related to employment to resign.
2. Even in the most egregious cases, however, resignation as a part of settlement may at times be a viable option. For example, witness availability or witness reliability may be a problem, as may be certain procedural matters. In cases where a resignation-settlement is desired for actions of a criminal or quasi-criminal nature, the resignation should be designated, "Resigned -- not recommended for rehire." This language should appear in any settlement agreement, so that the employee has notice of the descriptive language, and it shall be designated as such in the employee's personnel files. The employee shall also be informed that this designation will appear to outside employers checking referenced and employment history.
3. Other potential removals may be for actions which do not connote criminal or quasi-criminal behavior. Such actions may include absenteeism, tardiness, and insubordination, failure to meet or maintain minimum qualifications, inefficiency, or neglect of duty. Such resignations may be designated "Resigned - not in good standing". If so designated, this language should appear in any settlement agreement, so that the employee has notice of the descriptive language, and it shall be designated as such in the employee's personnel files. The employee shall also be informed that this designation is included that it will appear to outside employers checking referenced and employment history. If not specifically included, the former employee's status will appear to outside employers as a resignation with no other designation.
4. It is understood that each removal must be viewed on a case-by-case basis, and appointing authorities must have some flexibility in permitting resignations with and

without restrictive language. Appointing authorities are strongly encouraged to utilize these guidelines, while at the same time making decisions which will best assist them in serving the City of Stow.

5. In the event an Appointing Authority deem it in the best interests of the City of Stow to settle such matters and foreclose the potential for grievances and/or appeal, the settlement shall be reduced to writing and executed by the Appointing Authority on behalf of the City, the employee, and if applicable the employee's exclusive representative under a Collective Bargaining Agreement.

I. Letter of Reference

The City does not provide a "letter of reference" to former employees. Instead, upon request, we will confirm our employees' dates of employment, salary history, and job title.

9.06 REINSTATEMENT

A. Reinstatement - Resignation

Any permanently appointed employee who has resigned in good standing, having served the required probationary period, may be reinstated by an appointing authority without requisition upon the Civil Service Commission to the same or a similar position at any time within one year from the date of such resignation, provided there are no employees of the department who have been laid off and whose names appear on the eligibility list for the class. A written notice of such request for reinstatement shall be sent to the Commission.

Should an employee resign and subsequently be rehired following a break in service, the employee must serve a new initial probationary period.

An employee that is reinstated from resignation following a break in service shall be given an appointment date based on the date of reinstatement. Such employees are considered new employees from the effective date of their most recent reemployment.

B. Reinstatement - Separation

Any person who has been separated from employment with the City of Stow without delinquency or misconduct on the person's part may be reinstated within one year from the date of that separation to a vacancy in the same office or in a similar position in the same department, except that a person in the classified service of the state only may be reinstated with the consent of the Civil Service Commission.

But, if that separation is due to injury or physical or psychiatric disability, the person shall be reinstated in the same office held or in a similar position to that held at the time of separation, within thirty days after written application for reinstatement, if the person passes a physical or psychiatric examination made by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife showing that the person has recovered from the injury or physical or psychiatric disability, if the application for reinstatement is filed within two years from the date of separation, and if the application is not filed after the date of service eligibility retirement. The physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife shall be designated by

the appointing authority and shall complete any written documentation of the physical or psychiatric examination.

9.07 DEATH OF AN EMPLOYEE

A. General

The death of an employee will be a traumatic event for all who are touched by it. The following policy is a guideline for steps to consider upon the death of an employee. Based on the circumstances, there will be great flexibility in applying these guidelines to give proper consideration to the feelings of the family, employees, and any others who are affected.

B. Guidelines

1. *Appointing Authority*

The appropriate Appointing Authority will generally be responsible for implementing the appropriate steps upon the death of an employee.

2. *HR Department*

The Law Department will be responsible for any legal issues.

3. *Finance Department*

- a. Amounts owed to the deceased employee will generally be paid to the estate.
- b. Notices concerning benefits will normally be sent to the named beneficiary.
- c. Questions about benefits from family members should be directed to the Finance Department, which will coordinate with the insurance carriers. Generally, statements about coverage or benefits should not be made until after confirmed in writing by the carrier. If the employee had a contract, statements regarding benefits under the contract should be made only after consultation with the Law Department.
- d. At the request of the family, one family member may be designated to receive all notices. Usually, such arrangements should be confirmed in writing.

4. *Department Head or Immediate Supervisor*

Normally, the immediate supervisor and the Department Head will inventory any personal belongings and arrange for delivery to family members. Family members may also wish to come in and pick up personal belongings directly from the office.

5. *Notifications*

Proper notices will be provided to:

- OSHA
- Workers' Compensation insurance carriers
- Health insurance carriers
- Life insurance carriers
- Pension plan administrators
- Any other benefit providers.

The notices will normally include the name of the deceased, date of death, cause of death (if known), whether death occurred in the course of employment, whether there

is an issue of death occurring in the course of employment, and identity of the appropriate Appointing Authority to contact for additional information.

6. *Media Inquiry*

Any news media inquiries will be handled in accordance with the City's media policy. Normally, details of the death will not be released to the media by the City.

C. Paying Respects

1. Usually, after consultation with family members, employees will be notified of the death, funeral arrangements and any suggestions for memorial gifts.
2. Generally, employees will be able to take time off with pay to attend the funeral of a coworker. Employees in critical positions who desire to attend the funeral may switch schedules with others who do not plan to attend.
3. The City will consider the appropriate manner in which to pay its respects. This may take the form of floral arrangements, memorials, observance of a moment of silence, or other appropriate actions.

D. Death During Working Hours

1. *Family Notification*

Family members are to be notified promptly if a death occurs on the job during working hours. Generally, the notice should be delivered in person, circumstances permitting.

2. *Potential Liability*

If there appears to be a possibility that the City may be liable for the death (beyond normal benefits), then the Law Department is to be consulted concerning all communications regarding the death. Similarly, if questions exist over what benefits may be due (e.g., was the death work related?) or who are the beneficiaries (e.g., spouse or children), the Law Director is to be involved as soon as practical.

3. *Additional Issues*

Depending upon the circumstances, the following may occur:

- An investigation by the City of the death
- Arranging for counseling for employees who witnessed the death
- Review of safety procedures
- Review of emergency procedures
- Cooperation with OSHA investigators
- Cooperation with police investigators
- Cooperation with insurance investigators

9.08 VOLUNTARY DISABILITY SEPARATION

A. Request a Voluntary Disability Separation

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

B. Inability to Perform Essential Functions

An employee who applies for a voluntary disability separation must be determined unable to perform the essential job duties of his or her position:

- By a fitness for duty report under [5.08](#) “Fitness for Duty”;
- By his or her own physician and/or psychologist;
- By a Bureau of Worker’s Compensation physician and/or psychologist;
- By a physician and/or psychologist from their appropriate public retirement system; or in other circumstances.

C. Standards for Physicians and/or Psychologists

Any physician utilized, either by the City or the employee, must be a licensed doctor of medicine or osteopathy who has completed residency training in an accredited medical training program and/or is American Boards of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board certified or international equivalent.

Any psychologist utilized, either by the City or the employee, must be a licensed psychologist with education, training, and experience in the forensic and/or diagnostic evaluation of mental and emotional disorders.

D. Submission to Examination

The City may grant an employee’s request for a voluntary disability separation, or may require the employee to submit to a physical, medical, and/or psychological examination(s).

E. Utilization of Leave

Prior to an involuntary disability separation order, an employee shall be permitted to utilize any accrued but unused sick leave, personal leave, compensatory leave, vacation leave, or other leave, all as set forth under applicable City ordinances, policies, and/or Collective Bargaining Agreement. If the examination(s) and/or substantial credible medical evidence of the employee’s disabling illness, injury or condition supports the employee’s request, the City shall grant the employee’s request for a voluntary disability separation.

F. Waiver of Pre-Separation Hearing

An employee who requests a voluntary disability separation waives the right to a pre-separation hearing to approve the employee’s request. If the medical examination does not support the employee’s request, the appointing authority shall not approve the employee’s request for a voluntary disability separation.

G. Notice of Final Determination

At the time the City makes a final determination whether to separate an employee on the basis that the employee is incapable of performing the essential job duties of the employee’s assigned position due to the disabling illness, injury or condition, the City shall:

- Provide an involuntary disability separation order to the employee; and,
- Notify the employee of the required procedures to apply for reinstatement; and,
- Notify the employee of his/her appeal rights.

The effective date of separation, for purposes of reinstatement, shall be based on the date on which the employee was no longer performing in active work status due to the disabling illness, injury or condition.

H. FMLA Eligibility

Following an appointing authority issuing an involuntary disability separation order, the employee may be eligible for Family Medical Leave (FMLA). If an employee applies for and is approved for FMLA leave, the employee shall be required to utilize any accrued but unused sick leave, personal leave, compensatory leave, vacation leave, or other leave, all as set forth under this Agreement concurrent with said FMLA leave.

If an employee:

1. Does not request FMLA leave; or,
2. Requests FMLA but is not approved for FMLA leave; or
3. Is approved for FMLA leave and then exhausts his or her FMLA leave; then, the employee will be compensated for accrued but unused leave in accordance with City policy (policies).

I. Application for Disability Benefits

An employee who has been voluntarily disability separated based upon lack of fitness for duty is not prohibited from applying for disability benefits through either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), as applicable.

J. Right to Reinstatement

An employee who is granted a voluntary disability separation shall retain the right to be reinstated to the employee's previous position and salary or to a position and salary similar thereto, unless the employee was dismissed or resigned in lieu of dismissal for dishonesty, misfeasance, malfeasance, or conviction of a felony, for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition.

K. Reinstatement from Disability Separation

1. *Application for Reinstatement*

After three (3) months of the employee no longer performing in active work status due to the disabling illness, injury or condition, the employee may make a written request to the City for reinstatement from a disability separation. The employee's request for reinstatement shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the employee's essential job duties.

An employee is not eligible for reinstatement if the request occurs later than three (3) years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition.

2. *Review of Application for Reinstatement*

- a. Upon receiving a request for reinstatement, the City shall either reinstate the employee or require the employee to submit to a medical or psychological examination in accordance with 5.08 "Fitness for Duty." The City will review the medical evidence

submitted by the employee, and if applicable, the results of a medical or psychological examination conducted in accordance with 5.08 "Fitness for Duty," and make an initial determination of whether or not the employee is capable of performing the essential duties of the employee's position.

- b. The City shall notify the employee of its determination to approve or deny the reinstatement request no later than sixty (60) days after it receives the employee's written request.
- c. An employee shall not make subsequent requests for reinstatement more than once every three (3) months from the date the employee is notified of a reinstatement denial.
- d. If the appointing authority initially determines that the employee is once again capable of performing the essential job duties of the employee's position, the appointing authority shall reinstate the employee.
- e. If the City determines that reasonable cause exists to conclude that the employee remains incapable of performing the essential job duties of the employee's position, the City shall notify the employee, who shall have the ability to request a pre-reinstatement hearing.

3. *Pre-reinstatement Hearing*

- a. An employee shall request a pre-reinstatement hearing within seven (7) calendar days of notification by the City that it has determined that the employee remains incapable of performing the essential job duties of the employee's position.
- b. Upon request for a pre-reinstatement hearing, the employee shall be provided written notice at least seven (7) calendar days in advance of the pre-reinstatement hearing. Prior to the pre-reinstatement hearing, the employee has a right to examine the City's evidence of continuing disability.
- c. At the pre-reinstatement hearing, the employee may rebut the City's evidence and present testimony and evidence on the employee's own behalf.
- d. The City will weigh the testimony presented and evidence admitted at the pre-reinstatement hearing to determine whether the employee is able to perform the essential job duties of the employee's assigned position.
- e. If the City finds the employee capable of performing the essential duties of the employee's position, then the City shall reinstate the employee.
- f. If the City still finds that reasonable cause exists to conclude that the employee is incapable of performing the essential duties of his or her position due to the disabling illness, injury, or condition, then the City will not reinstate the employee.

L. *Appeal from Reinstatement Denial*

If a request for reinstatement is denied following the pre-reinstatement hearing, the employee may appeal the City's determination in writing to the Civil Service Commission within ten (10) calendar days of receiving a reinstatement denial from the City, provided that the employee has not previously appealed their disability separation determination or a previous denial of a request for reinstatement (unless the employee has since been deemed by either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), as applicable, and/or other State of Ohio entity to no longer be deemed disabled, in which case the employee may again seek reinstatement).

If an appeal is made pursuant to this article, the Civil Service Commission, and/or any other adjudicative entity to whom the issue(s) is (are) ultimately appealed, may vacate a reinstatement denial and may order that the employee be returned to active employment with the City, under the condition that the employee is first found to be able to perform the essential job duties of the employee's position by a physician and/or psychologist.

M. Reinstatement

If the City determines that the employee is to be reinstated, then the employee has a right to be assigned to the previous position and salary or to a position and salary similar to it, with all previous rights, including civil service status if applicable. If the classification the employee held at the time of disability separation no longer exists, is no longer utilized by the City, or has been filled utilizing the "key" employee exception as set forth in FMLA or otherwise filled, then the employee shall be placed in a similar classification, with comparable compensation and/or benefits as his or her former position.

N. Failure to Apply for Reinstatement

An employee who fails to apply for reinstatement within two (2) years from the date that the employee was no longer in active work status due to a disabling illness, injury, or condition shall be deemed permanently separated from service. However, if the employee has been granted disability benefits by a state retirement system, the requirements of this provision shall apply for up to the maximum number of years established by their respective retirement system, except that a licensed practitioner shall be appointed by the public employees' retirement board and application for reinstatement shall not be filed after the date of service eligibility retirement.

O. Employee Receiving Disability Benefits on Leave of Absence

An employee who has applied for and received a disability retirement from either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), as applicable, shall be considered on leave of absence from the recipient's position of employment for the period of time established by the respective system following the effective date of the recipient's disability benefit, notwithstanding any contrary provisions of this policy.

P. Restoration to Service by Retirement System

If either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F) certifies to the City that the employee is no longer incapable of resuming service, at the recipient's request, the City shall restore the recipient to the previous position and salary or to a position and salary similar to it, with all previous rights, including civil service status if applicable. However, the employer is not required to restore the recipient to employment if, prior to either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), as applicable, certifying to the City that the recipient is no longer incapable of resuming service, the recipient was discharged for just cause for disciplinary reasons, or the recipient voluntarily resigned in lieu of discharge for just cause for disciplinary reasons.

9.09 INVOLUNTARY DISABILITY SEPARATION

A. Inability to Perform Essential Functions

An employee who has been initially determined unable to perform the essential job duties of his or her position:

- By a fitness for duty report under [5.08 "Fitness for Duty"](#);
- By his or her own physician and/or psychologist;
- By a Bureau of Worker's Compensation physician and/or psychologist;
- By their respective state retirement system physician and/or psychologist; or in other circumstances, may be involuntarily disability separated from employment with the City. An involuntary disability separation is not discipline in nature, and shall not be used as a substitute or in place of discipline.

B. Standards for Physicians and/or Psychologists

Any physician utilized, either by the City or the employee, must be a licensed doctor of medicine or osteopathy who has completed residency training in an accredited medical training program and/or is American Boards of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board certified or international equivalent.

Any psychologist utilized, either by the City or the employee, must be a licensed psychologist with education, training, and experience in the forensic and/or diagnostic evaluation of mental and emotional disorders.

C. Utilization of Leave

Prior to an involuntary disability separation order, an employee shall be permitted to utilize any accrued but unused sick leave, personal leave, compensatory leave, vacation leave, or other leave, all as set forth in this Employee Handbook and/or appropriate Collective Bargaining Agreement.

D. Pre-Separation Hearing

The City shall conduct a pre-separation hearing prior to making a final determination whether to separate an employee on the basis that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition. The employee shall be provided written notice of the hearing at least seven (7) calendar days in advance of the hearing. Prior to the pre-separation hearing the employee has the right to examine the City's evidence of disability. At the hearing the employee has the right to rebut the City's evidence, and to present testimony and evidence on the employee's own behalf.

If an employee chooses to exercise their right to submit to a fitness for duty examination of a physician and/or psychologist of the employee's choice pursuant to 5.08 Fitness for Duty Policy, the hearing shall be continued for a reasonable period of time to allow for the fitness for duty examination of a physician or psychologist of the employee's choice to be completed. Upon receipt of the report(s) and documentation that was created or reviewed in generating the report(s) of the employee's fitness for duty examination, the pre-separation hearing shall be scheduled. The employee will be provided written notice of the date of hearing at least seven (7) calendar days in advance of the hearing.

E. Determination After Pre-separation Hearing

If the City determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform his or her essential job duties. If the City determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that there is substantial, credible medical evidence that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition, then the appointing authority shall issue an involuntary disability separation order.

F. Notice of Final Determination

At the time the City makes a final determination whether to separate an employee on the basis that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition, the City shall:

- Provide an involuntary disability separation order to the employee; and,
- Notify the employee of the required procedures to apply for reinstatement; and,
- Notify the employee of his/her appeal rights.

The effective date of separation, for purposes of reinstatement, shall be based on the date on which the employee was no longer performing in active work status due to the disabling illness, injury or condition.

G. FMLA Eligibility

Following an appointing authority issuing an involuntary disability separation order, the employee may be eligible for Family Medical Leave (FMLA). If an employee applies for and is approved for FMLA leave, the employee shall be required to utilize any accrued but unused sick leave, personal leave, compensatory leave, vacation leave, or other leave, all as set forth under this Agreement concurrent with said FMLA leave.

If an employee:

- a. Does not request FMLA leave; or
- b. Requests FMLA but is not approved for FMLA leave; or
- c. Is approved for FMLA leave and then exhausts his or her FMLA leave; the employee will be compensated for accrued but unused leave in accordance with City policy (policies).

H. Appeal of Involuntary Disability Separation Determination

An employee may appeal in writing to the Civil Service Commission within ten (10) calendar days of receiving an involuntary disability separation order from the City.

If an appeal is made pursuant to this article, the Civil Service Commission, and/or any other adjudicative entity to whom the issue(s) is (are) ultimately appealed, may vacate a disability separation determination and may order that the employee be returned to active employment with the City, under the condition that the employee is first found to be able to perform the essential job duties of the employee's position by a physician and/or psychologist.

I. Application for Disability Benefits

An employee who has been involuntarily disability separated based upon lack of fitness for duty is not prohibited from applying for disability benefits through either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), as applicable.

J. Reinstatement from Disability Separation

1. Application for Reinstatement

After three (3) months of the employee no longer performing in active work status due to the disabling illness, injury or condition, the employee may make a written request to the City for reinstatement from a disability separation. The employee's request for reinstatement shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the employee's essential job duties. An employee is not eligible for reinstatement if the request occurs later than three (3) years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition.

2. Review of Application for Reinstatement

- a. Upon receiving a request for reinstatement, the City shall either reinstate the employee or require the employee to submit to a medical or psychological examination in accordance with 5.08 "Fitness for Duty." The City will review the medical evidence submitted by the employee, and if applicable the results of a medical or psychological examination conducted in accordance with 5.08 "Fitness for Duty," and make an initial determination of whether or not the employee is capable of performing the essential duties of the employee's position.
- b. The City shall notify the employee of its determination to approve or deny the reinstatement request no later than sixty (60) days after it receives the employee's written request.
- c. An employee shall not make subsequent requests for reinstatement more than once every three (3) months from the date the employee is notified of a reinstatement denial.
- d. If the appointing authority initially determines that the employee is once again capable of performing the essential job duties of the employee's position, the appointing authority shall reinstate the employee.
- e. If the City determines that reasonable cause exists to conclude that the employee remains incapable of performing the essential job duties of the employee's position, the City shall notify the employee, who shall have the ability to request a pre-reinstatement hearing.

3. Pre-reinstatement Hearing

- a. An employee shall request a pre-reinstatement hearing within seven (7) calendar days of notification by the City that it has determined that the employee remains incapable of performing the essential job duties of the employee's position.
- b. Upon request for a pre-reinstatement hearing, the employee shall be provided written notice at least seven (7) calendar days in advance of the pre-reinstatement hearing. Prior to the pre-reinstatement hearing the employee has a right to examine the City's evidence of continuing disability.
- c. At the pre-reinstatement hearing, the employee may rebut the City's evidence and present testimony and evidence on the employee's own behalf.

- d. The City will weigh the testimony presented and evidence admitted at the pre-reinstatement hearing to determine whether the employee is able to perform the essential job duties of the employee's assigned position. e) If the City finds the employee capable of performing the essential duties of the employee's position, then the City shall reinstate the employee.
- f. If the City still finds that reasonable cause exists to conclude that the employee is incapable of performing the essential duties of his or her position due to the disabling illness, injury, or condition, then the City will not reinstate the employee.

K. Appeal from Reinstatement Denial

If a request for reinstatement is denied following the pre-reinstatement hearing, the employee may appeal the City's determination in writing to the Civil Service Commission within ten (10) calendar days of receiving a reinstatement denial from the City, provided that the employee has not previously appealed their disability separation determination or a previous denial of a request for reinstatement (unless the employee has since been deemed by either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), as applicable, and/or other State of Ohio entity to no longer be deemed disabled, in which case the employee may again seek reinstatement).

If an appeal is made pursuant to this article, the Civil Service Commission, and/or any other adjudicative entity to whom the issue(s) is (are) ultimately appealed, may vacate a reinstatement denial and may order that the employee be returned to active employment with the City, under the condition that the employee is first found to be able to perform the essential job duties of the employee's position by a physician and/or psychologist.

L. Reinstatement

If the City determines that the employee is to be reinstated, then the employee has a right to be assigned to the position in the classification the employee held at the time of disability separation, or to a position and salary similar to it, with all previous rights, including civil service status if applicable. If the classification the employee held at the time of disability separation no longer exists, is no longer utilized by the City, or has been filled utilizing the "key" employee exception as set forth in FMLA or otherwise filled, then the employee shall be placed in a similar classification, with comparable compensation and/or benefits as his or her former position.

M. Failure to Apply for Reinstatement

An employee who fails to apply for reinstatement within two (2) years from the date that the employee was no longer in active work status due to a disabling illness, injury, or condition shall be deemed permanently separated from service. However, if the employee has been granted disability benefits by a state retirement system, the requirements of this provision shall apply for up to the maximum number of years established by their respective retirement system, except that a licensed practitioner shall be appointed by the public employees' retirement board and application for reinstatement shall not be filed after the date of service eligibility retirement.

N. Employee Receiving Disability Benefits on Leave of Absence

An employee who has applied for and received a disability retirement from either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund

(OP&F), as applicable, shall be considered on leave of absence from the recipient's position of employment for the period of time established by the respective system following the effective date of the recipient's disability benefit, notwithstanding any contrary provisions of this policy.

O. Restoration to Service by Retirement System

If either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), as applicable, certifies to the City that the recipient is no longer incapable of resuming service, at the recipient's request, the City shall restore the recipient to the previous position and salary or to a position and salary similar to it, with all previous rights, including civil service status if applicable. However, the employer is not required to restore the recipient to employment if, prior to either the Ohio Public Employees Retirements System (OPERS) or the Police and Fire Pension Fund (OP&F), as applicable, certifying to the City that the recipient is no longer incapable of resuming service, the recipient was discharged for just cause for disciplinary reasons, or the recipient voluntarily resigned in lieu of discharge for just cause for disciplinary reasons.

APPENDIX (Forms Library)

[ADA Reasonable Accommodation Request Form.pdf](#)

[AOS Acknowledgement.pdf](#)

[1 Benefits Guide 2025 FINAL.pdf](#)

[Drug Free workplace policy acknowledgement.pdf](#)

[Ease@Work EAP flyer.pdf](#)

[Ethics.pdf](#)

[Exit Interview.pdf](#)

[FSAs Enrollment Form. pdf](#)

[I-9 Form.pdf](#)

[Lactation-Accommodation-Request-Form.pdf](#)

[Leave Donation Legislation.pdf](#)

[DONOR Leave Donation Form.pdf](#)

[DONEE Leave Donation Request form.pdf](#)

[Physician Certification \(non-FMLA\).pdf](#)

[Life Insurance Claim Form.pdf](#)

[Life Insurance Beneficiary Designation Change Form.pdf](#)

[Medical Mutual Enrollment-Form final.pdf](#)

[MVA Driving Policy.pdf](#)

[MVR Request Form.pdf](#)

[Ohio Ethics Law & Related Statutes - June 2023.pdf](#)

[Performance Appraisal Qualitative Evaluation Form.pdf](#)

[Performance Appraisal Qualitative Evaluation Form-UNION.pdf](#)

[Performance Appraisal Self Assessment.pdf](#)

[Probationary Period Performance Evaluation Form.pdf](#)

[Personnel Policies and Procedures Manual Acknowledgement.pdf](#)

[Prior Service Certification Form.pdf](#)

[Religious Accommodation Request Form.pdf](#)

[Remote Work Request form.pdf](#)

[Request for Outside Employment form.pdf](#)

[Spousal Notice \(health insurance\).pdf](#)

[SSA-1945.pdf](#)

[Voluntary Furlough Leave Application Form.pdf](#)

Family Medical Leave Act forms:

Poster that describes your rights, [click here](#)

Certification of Health Care Provider for **Employee's Serious Health Condition** under the Family and Medical Leave Act, use **WH-380-E** by [clicking here](#)

Certification of Health Care Provider for **Family Member's Serious Health Condition** under the Family and Medical Leave Act, use **WH-380-F** by [clicking here](#)

Certification for **Military Family Leave for Qualifying Exigency** under the Family and Medical Leave Act Professional Development Request Form, use **WH-384** by [clicking here](#)

Certification for Serious Injury or Illness of a
Current Servicemember for Military Caregiver

Leave under the Family and Medical Leave Act, use
WH-385 by [clicking here](#)

Certification for Serious Injury or Illness of a
Veteran for Military Caregiver Leave Wage and
Hour Division (Family and Medical Leave Act), use
WH-385-E by [clicking here](#)