

CHAPTER 139  
Employment Provisions

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#### CROSS REFERENCES

Workers' Compensation - see Ohio Const., Art. II, Sec. 35; Ohio R.C. Ch. 4123

Public Employees Retirement System - see Ohio R.C. Ch. 145

Expenses for attendance at conference or convention - see Ohio R.C. 733.79

Vacation credit - see Ohio R.C. 9.44

Ethics - see Ohio R.C. Ch. 102

#### 139.01 DISSEMINATION.

A copy of Chapter 139 of the Sunbury Codified Ordinance, printed in the form of an Employee Handbook, shall be issued to all employees including Police Department personnel. All employees will be provided a copy and shall sign a document issued by their Supervisor acknowledging that a copy of this chapter was received. It shall be the responsibility of the Administrator, Chief of Police and all other City supervisors to see that this provision is enforced.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.02 SAVINGS CLAUSE.

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

(Ord. 2011-11. Passed 7-6-11.)

#### 139.03 DEFINITIONS.

Unless otherwise indicated, the following definitions shall apply:

Hiring authority shall mean the Mayor, the Administrator and in certain instances, the City Council, as authorized by Ohio Revised Code, to make appointments to the several positions of the City of Sunbury. The Mayor and/or the Chief of Police is the hiring authority for the Police Department.

- (a) City shall mean the City of Sunbury, Ohio.
- (b) Exempt shall mean those employees who are not eligible for overtime compensation.
- (c) Nonexempt shall mean those employees who are eligible for overtime compensation.
- (d) Reinstatement shall mean the specific act of the hiring authority to hire a previous employee back into City employment. The act of reinstatement is an option of the appointment authority which grants employees all previously accumulated seniority. Employees who have been separated for disciplinary reasons are not eligible for reinstatement.

(e) Supervisor shall mean an individual who is employed in a position which involves overseeing and directing the work of lower level employees on a daily basis.

(f) Employee shall mean all persons employed by the City of Sunbury. Sunbury City Council members are not to be considered as employees for purposes of this chapter. (Ord. 2011-11. Passed 7-6-11.)

#### 139.04 EMPLOYMENT STATUS.

(a) All employees of the City shall be categorized as full-time, part-time, temporary, seasonal, intermittent, contractual or interim.

(1) Full-time employee - An employee who works 40 hours per week on a regularly scheduled basis or on the standard full-time workweek as designated by the Hiring Authority. In no case shall an employee be considered full-time if he/she works less than thirty (30) hours per week.

(2) Part-time employee - An employee who works less than full-time as designated by the Hiring Authority, but on a regularly scheduled basis.

(3) Temporary Employee - An employee who works in a position which is of temporary nature which position has a specified duration of time. Temporary employment can be on a full-time or part-time schedule.

(4) Intermittent employee- An employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. Such employees are called into work on an "as needed" basis.

(5) Seasonal employee- An employee who works on a reoccurring, but temporary, basis annually (e.g., recreational employees who only work during fair weather months).

(6) Independent Contractor- An individual who offers a specified service for a specific length of time. Such employees are not considered payroll employees. Such employees shall be compensated for only the actual service rendered.

(7) Interim employee - An employee who works for an indefinite period of time, fixed by the length of absence of an employee due to sickness, disability or any other approved leave of absence. The work period shall continue only during such period of sickness, disability or approved leave of absence.

(8) Auxiliary Police Officers - Refer to Section 129.01.

(b) Full-time employees shall be entitled to all benefits as provided by the City. Part-time, temporary, seasonal, contractual, interim and intermittent employees shall be entitled to only those benefits which are specifically extended to them in this chapter.

(c) All full-time employees may only work for one department within the City. This also applies to the Police Department. For purposes of this chapter, the billing clerk/receptionist is considered to be working for one department. The Mayor and/or

Administrator may deviate from this paragraph if deemed necessary for the best interest of the City. The purpose of this paragraph is to decrease overtime as much as possible.

(d) All employees should follow their chain of command within their department and the City as per the City Organizational Chart. Violation of this policy may result in disciplinary action up to and including termination of employment.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.05 SCOPE OF COVERAGE.

(a) This chapter applies to all employees of the City under direction of the Mayor. Violation of any policy in this chapter is grounds for disciplinary action up to and including termination of employment.

(b) Police Department personnel shall report only to the Chief of Police and Mayor. The Police Department SOP's may supersede this chapter only when required to be consistent with the Ohio Revised Code. Anything in this chapter involving the Police Department employees will be directed to the Chief of Police. (Example: remove the word Administrator and replace with Chief of Police). (Ord. 2011-11. Passed 7-6-11.)

#### 139.06 EQUAL EMPLOYMENT OPPORTUNITY POLICY.

The City of Sunbury believes in a policy of non-discrimination against any individual on the basis of race, creed, color, sex, disability, religion, handicap, age, or national origin, veteran status, or any other protected characteristic in accordance with applicable law. This policy applies to all terms and conditions of employment. As a result of the City's commitment to equal employment opportunity, it will continue to:

(a) Recruit, hire, train and promote persons in all job titles, without regard to race, creed, color, religion, sex, age, national origin, disability, veteran status or any other basis prohibited by law.

(b) Base decisions on employment so as to further the principle of equal employment opportunity.

(c) Ensure that promotional actions such as compensation, benefits, transfers, layoffs, return from layoff, and City sponsored training and education programs will be administered without regard to race, creed, color, religion, sex, age, national origin, disability, veteran status or any other basis prohibited by law.

(d) Ensure that personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and City sponsored training and education programs, will be administered without regard to race, creed, color, religion, sex, national origin, age, handicap, disability or veteran status.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.07 AMERICANS WITH DISABILITIES ACT.

(a) The City of Sunbury does not discriminate against a qualified individual with a disability because of the disability with regard to job application or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment.

(b) A qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

(c) A disabled employee or potential employee who requests reasonable accommodation should identify the specific job requirement that he or she believes should be modified through reasonable accommodation.

(d) The City of Sunbury will provide necessary reasonable accommodation if it can do so without undue hardship on the operation of the City of Sunbury.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.08 DUTIES.

Job descriptions to be performed by persons in the employment of the City of Sunbury shall be established by the City Administration with input of the employee's supervisor and the City Administrator. The Police Department employees' job descriptions shall be established by the Chief of Police. Job descriptions shall be reviewed periodically and updated as necessary. Revised job description shall be provided to the affected employees who shall acknowledge receipt in writing.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.09 MANAGEMENT RIGHTS.

(a) The City maintains the right to establish policies governing the work force for the City. Such policies shall be consistent with this chapter and all applicable State and Federal laws. These policies may include, but are not limited to: determination of methods and procedures, size of the work force, assignment of duties, hours of employment, compensation of personnel, hiring, discipline, promotion, transfer, the right to lay off employees for lack of work, lack of funds, reorganization, or due to job abolishment, and departmental regulations.

(b) These policies do not in any way affect the City's right to lay off, discipline or terminate an employee, nor do these policies affect the employee's right to leave the City's employment. Employment with the City is at will. Employment may be terminated at any time, with or without notice or with or without cause.

(Ord. 2011-11. Passe 7-6-11.)

#### 139.10 DISCIPLINARY ACTIONS.

(a) Discipline is a response to behavior contrary to the interests of the City, or unacceptable performance. The type and severity of disciplinary action will be determined at the discretion of the appropriate supervisor. In determining the type and severity of disciplinary action, the hiring authority may consider such factors as the nature and gravity of the problem, the employee's past disciplinary records and performance record, the employee's position, and any other factors the hiring authority believes are relevant.

(b) The guidelines listed here for imposing discipline are offered solely to assist the hiring authority in administering disciplinary action. The guidelines do not in any way limit the appropriate supervisor's discretion to administer disciplinary action of any type as the supervisor sees fit. As set forth above, nothing in this chapter is intended to bind the City contractually, and employees may not rely on this Disciplinary Action section or any other provision of this chapter as limiting the City's discretion to discipline or discharge. Although the City may follow a system of progressive discipline in some cases in order to help employees improve poor or declining job performance, by utilizing any such progressive procedures, the City does not in any way waive or limit its right to discipline or terminate employment as determined to be in the best interests of the City.

(c) The following types of disciplinary action may be imposed, as the supervisor deems appropriate, for instances of inappropriate conduct or performance:

(1) Verbal Counseling or Reprimand: This type of corrective action is generally applied to the first occurrence of a minor offense or performance problem. The purpose of the conference is to identify the rule violation or performance problem and discuss the behavior that is expected. Documentation of a verbal warning will be placed in the employee's personnel file.

(2) Written Counseling Report or Reprimand: A written counseling report is usually initiated when inappropriate conduct occurs after verbal counseling. However, a written report may be issued for the first instance of a substantive rule violation or performance problem without prior verbal counseling. This disciplinary action is a formal warning through which a supervisor documents a problem and typically cites the consequences for further violations. The counseling report/reprimand is reviewed with the employee and a copy of the document is placed in the employee's personnel file. The employee is generally offered the chance to acknowledge the reprimand by signature and may provide written comments in response to the reprimand. Depending on the circumstances of the discipline, and typically after an employee has received prior verbal and/or written counseling, the hiring authority may issue a "final" written warning, indicating that any further instances of misconduct or performance deficiencies may result in immediate termination.

(3) Suspension: A disciplinary suspension may be imposed for severe infractions or when an employee previously has received written counseling. A suspension is not a

prerequisite to termination; the supervisor may elect to terminate an employee's employment without initially imposing a suspension. The supervisor may impose a suspension during the investigation of an alleged offense, as the possibility of disciplinary action or more serious discipline is being considered. As with a written counseling report or reprimand, a suspension is documented and placed in the employee's personnel file, and an employee may provide written comments in response.

(d) Not all misconduct or infractions are subject to progressive discipline. Actions that constitute serious misconduct or improper performance of job duties may result in immediate suspension or discharge without prior warning.

(e) The employee has the right to appeal any disciplinary action and request review by the Mayor. The City Council reserves the right to review and/or overturn any suspensions or terminations. (Ord. 2011-11. Passed 7-6-11.)

#### 139.11 DISCIPLINE PRACTICES AND PROCEDURES.

(a) The City may take any of the following disciplinary actions as it deems appropriate for the particular offense:

- (1) Counseling Form
- (2) Oral Reprimand and Instructions in writing
- (3) Written Reprimand and Instructions
- (4) Suspension Without Pay
- (5) Pay Reductions
- (6) Terminations

(b) When discharge occurs, the employee will subsequently be paid for all time worked up to and including that day.

(c) The employee's immediate supervisor reserves the right to determine which disciplinary action is appropriate given the employee's conduct.

(d) Employment at the City of Sunbury is terminable, at will, at any time either by the employee or the hiring authority unless otherwise specified in the Ohio Revised Code. Said employment may be terminated with or without notice, or with or without cause.

(e) The employee has the right to appeal any disciplinary action and request review by the Mayor. The City Council reserves the right to review and/or overturn Section 139.12 (a) (4), (5) and (6) of Discipline Practices and Procedures above.

(Ord. 2011-11. Passed 7-6-11.)



### 139.12 SENIORITY.

(a) Seniority is defined, for the purposes of administering individual City Departments, as the length of continuous service with the City of Sunbury, Ohio. An authorized leave of absence does not constitute a break in service and seniority time continues to accumulate during the term of the leave, provided that the employee complies with rules and regulations governing his or her leave of absence, and that the employee is reinstated from the leave.

(b) Department seniority is a factor, but not the sole determination factor, for such purposes as scheduling vacation, selecting applicants for posted positions, scheduling shift assignments, layoffs, etc. Employees who are reinstated from layoff will retain all previously accumulated seniority, but will not be credited with seniority for time spent on layoff.

(c) Authorized leaves of absence will not be considered a separation and seniority will continue so long as the employee is reinstated from the leave. Vacation and sick leave benefits will not accrue while on authorized leave of absence, except as where required by applicable law.

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

(Ord. 2011-11. Passed 7-6-11.)

### 139.13 OUTSIDE EMPLOYMENT.

(a) Under no circumstances shall a full-time employee have other employment which conflicts with the policies, objectives and operations of the City. In addition, an employee shall not become employed with a second employer whose interests might be in conflict with those of the City.

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

(c) Full-time employment by the City shall be considered the employee's primary occupation, taking precedence over all other occupations.

(d) "Outside" employment shall be a concern to the City only if it adversely affects the employee's job performance. Two common employment conflicts which may arise are:

(1) Time Conflict- Defined as when the working hours required of a "secondary job" directly conflicts with the scheduled working hours of an employee's job with the City; or when the demands of a "secondary job" prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance of the City.

(2) Interest Conflict- Defined as when the employee engages in "outside employment" which tends to compromise his or her judgment, actions and/or job performance with the City or creates actual conflict with City interests.

(e) Should the Mayor feel that an employee's outside employment is adversely affecting the employee's job performance, the Mayor may recommend that the employee refrain from such activity. However, any conflict, policy infraction, or other specific offense which is the direct result of an employee's participation in outside employment shall be disciplined in such a manner that is consistent with the policies set forth in this chapter.

(Ord. 2011-11. Passed 7-6-11.)

### 139.131 POSITIONS AND PAY RANGES.

Each employee's compensation, including wages and benefits, shall be evaluated by their Department Director and the City Administrator utilizing an annual performance review process.

Any such change in an employee's compensation shall be based on City finances, an employee's level of education and performance, attendance, certification/licensure, knowledge, skills and abilities, variety and scope of responsibilities, physical and mental demands, the range of which shall be set forth in Council-approved salary range detailed in the job descriptions for each employee.

(Ord. 2017-04. Passed 3-29-17; Ord. 2018-11. Passed 7-18-18; Ord. 2018-18. Passed 9-19-18; Ord. 2019-07. Passed 4-3-19; Ord. 2021-04. Passed 4-7-21; Ord. 2021-39. Passed 8-4-21; 2021-58. Passed 12-1-21; Ord. 2022-18. Passed 4-6-22.)

### 139.14 RESIGNATION.

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

(b) Any employee who resigns is encouraged to give his/her reason for resigning and to discuss with his/her supervisor any working conditions which he/she feels are unsatisfactory.

(c) A formal letter of resignation shall be required by the City.

(d) Failure to give proper notification shall result in ineligibility for reinstatement and sick leave conversion.

(e) A person who resigned in good standing remains eligible for reinstatement, at the discretion of the Hiring Authority, in his/her former type of position within one year following resignation, provided the person remains qualified to perform the duties of the

position, the old position or a similar position is vacant, and such reinstatement would be in the interests of the department.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.15 EMPLOYEE ATTENDANCE.

(a) The Department Head shall establish daily work schedules and maintain daily employee attendance records. The Department Head will review all time cards to insure prompt attendance from all employees and to monitor potential tardiness of employees. The Department Head is required to report any employee being tardy for work to the Administrator.

(b) Employees may take two 15 minute break periods each full work day. Break periods shall be considered a privilege and not a right and shall never interfere with the proper performance of the work responsibilities of the department. Such breaks shall be considered as part of the employee's work time. Breaks shall not abut the start or end of the work shift or the start or end of lunch. Break time is not cumulative.

(1) Attendance Policy. Regular and prompt attendance is one of the most important characteristics of any employee. The varied and complex functions of the City cannot be conducted smoothly unless the City can rely on the timely and dependable services of the employee.

(2) Absence/tardiness. If, for any reason, an employee is unable to report for work at the usual starting time, the employee's supervisor, or if the supervisor is unavailable, the employee's department head, or if the department head is unavailable, the City Administrator must be notified at least one hour before the start of the employee's shift, stating a specific reason for the absence. All employees are required to be on time and ready for work at the beginning of their set work hours. Employees that are late to work are subject to disciplinary action. In cases of illness and if deemed appropriate, a physician's statement may be required of the employee.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.16 HOURS OF WORK.

(a) The normal work day for City employees shall be eight (8) hours. Employees working out of the Municipal Building shall work hours as established by the City Administrator to meet the business needs of the City and provide for minimum hours of operation between 8:00 a.m. until 4:30 p.m. All other departments' hours shall be established by the Department Heads with the prior approval of the Administrator. The Mayor and/or Administrator may deviate from these hours if deemed necessary for the best interest of the City.

(b) Employees shall be required to perform the functions of their positions as required by their schedules. Employees who are habitually late, leave early or otherwise do not perform their responsibilities as assigned may be subject to disciplinary action up to and including termination of employment. All employees are required to clock in/out at the start and end of each workday. At no time will any employee clock in/out another employee. This will be grounds for immediate termination. (Ord. 2011-11. Passed 7-6-11.)

#### 139.161 CALL-IN WORK

Non-exempt employees may occasionally be required to come in to work for an urgent matter when the employee is not scheduled to work. Such "call-ins" will be paid at the employee's regular rate of pay (or the overtime or holiday rate, as applicable) and will be paid for a minimum of three (3) hours beginning at the time stated by the employee's supervisor. If the employee is required to work more than three (3) hours during the call-in, the employee will be compensated according to the total number of hours worked.

#### 139.17 DRESS.

(a) The City reserves the right to prescribe appropriate dress and grooming, and to set standards which are in the best interests of the department.

(b) The City requires that an employee's clothing and overall appearance be appropriate, in good taste, and present a favorable public image. The Administrator shall formulate policies relative to uniforms, dress codes and appearances. Uniforms will be furnished by the City to those employees required to wear uniforms.

(c) Clothing shall be conducive to the safe and effective performance of required job duties.

(d) All employees will be required to wear a City of Sunbury photo ID card displaying their full name and title with the City. All cards will be furnished by the City. Upon termination of employment, all ID cards must be returned to the City. Police Department personnel will be issued an ID card but will not be required to wear while in uniform.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.171 CLOTHING ALLOWANCE.

All service employees and supervisors shall receive an annual clothing allowance. For purposes of this section, service employees are defined as those working in the following departments/capacities: Street, Service, Utilities, Cemetery, Buildings & Wastewater. The annual allowance is \$500 per employee per year (\$750 in the employee's first year), and is subject to change. A pro-rata portion of this amount may be allocated to an individual employee based on their date of hire, and is under the discretion of the City Administrator.

This one-time payment shall be made in the second week in February of each year. The payment will be made to the employee separate from normal payroll payments. These

funds are being paid to the employee for the purchase and/or upkeep of clothing items desired by the employee to assist in the performance of their job duties.

It is understood that employees are responsible for reporting and complying with any IRS tax requirements, if any, related to this clothing allowance.

#### 139.18 LUNCH PERIOD.

(a) Lunch periods for employees are one-half hour in length, depending upon the employee's work schedule and preference. The employee's immediate supervisor will discuss and set the employee's lunch schedule at the time the employee's work schedule is set. All employees are required to clock out/in for lunch break except for Police Department Personnel.

Neither supervisors nor employees may arrange for a lunch period of less than the employee's scheduled lunch break, nor may employees forego the lunch period in order to shorten the work day or to accumulate hours in active pay status with a goal of obtaining overtime compensation. Violation of this policy may constitute grounds for disciplinary action, up to and including discharge.

(b) Approved lunch periods are not considered as work time. Each employee shall be completely relieved from work duty for that time period. This paragraph does not apply to the Police Department.

(c) Lunch periods are not paid, excluding the Police Department. Lunch periods which are interrupted by authorized calls to duty must be paid time, since the employee would not be considered to be relieved of all duties. (Ord. 2011-11. Passed 7-6-11.)

#### 139.19 PAY PERIOD.

(a) There are normally twenty-six (26) pay periods per year. All employees are to be paid every other Friday for the two week pay period immediately preceding pay day. The biweekly payroll period for all employees is from 12:01 a.m. Monday through 12:00 midnight on the second Sunday.

(b) If a holiday occurs on a Friday in which a pay day falls, pay checks will be issued on the preceding Thursday, except under extenuating circumstances, in which case pay checks will be issued as soon as they are available.

(c) The Director of Finance is to receive any questions from the employee's supervisor regarding an employee's pay and is responsible for making the necessary explanations or inquiries to resolve the matter.

(d) Pay advances of any kind are not permitted.

(e) All employees will be issued a copy of their bi-weekly timesheet to keep for their records.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.20 OVERTIME APPROVAL.

(a) All overtime must be pre-approved by the Department Head/Administrator. Employees who work overtime without receiving prior authorization may be subject to disciplinary action up to and including termination of employment.

(b) Overtime shall be paid to all hourly employees at one and one-half times the hourly rate for all authorized workers for time worked in excess of forty (40) hours per week. For purposes of this section, time worked shall include only that time spent on duty as defined by the Fair Labor Standards Act (FLSA), plus time compensated but not actually worked for jury duty, vacation and holidays, but shall not include any other uncompensated periods or time which is compensated but not actually worked, including but not limited to, sick leave, compensatory time off or any other paid or unpaid leave of absence. The employee shall not be paid for overtime work that has not been pre-approved by the supervisor. Nothing in this Chapter shall be construed to require the payment of overtime and/or other premium payment more than once for the same hours worked and/or credited.

(Ord. 2014-03. Passed 2-19-14.)

#### 139.21 PAYROLL DEDUCTIONS.

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

(1) PERS/PFPF- The State law requires that employees contribute to the Public Employees Retirement System or the Police and Fire Pension Fund, rather than Social Security.

(2) Income Taxes- Federal and State laws and some City ordinances require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the City personnel office by the Ohio Department of Taxation and various Ohio cities, and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the personnel office of any dependency change whenever such change occurs.

(3) Medicare- Employees hired on or after April, 1986 must participate in Medicare. Payroll deductions as established by Federal laws will be made by the City.

(4) Miscellaneous- Examples may include, but are not limited to, garnishments, deferred compensation, child support, medical insurance, supplemental insurance, recoupment of overpayments, etc. The City may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, or at irregular intervals, or for other cause which the City deems not in the best interests of the City. All requests for

payroll deductions must be presented to the Hiring Authority. The City will not make any deductions which potentially interfere with an employee status as exempt or non-exempt under the Fair Labor Standards Act. If an employee feels a deduction has been made in error, the employee shall notify their supervisor immediately to investigate the problem.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.22 ADVANCEMENTS IN PAY/PROMOTIONS.

(a) A promotion is an advancement within the same department or division from one pay rate to a higher pay rate with a change in class title and job description.

(b) The City Administrator, and in the case of the Police Department, the Chief of Police may recommend to the Mayor annual pay rate increases in accordance with annual appropriations approved by Council. Department heads are required to budget for potential pay increases.

(c) Pay increases shall be based upon satisfactory performance evaluations. The Mayor, with the approval of Council, may annually award increases within the confines of budget approval. A pay for performance increase is an increase in the position's pay rate above the annual increase amount without a change in job title and/or job description. Pay for performance increases shall be based upon satisfactory performance evaluation. The Mayor may award merit increases within the confines of budget approval. After the new employee's six month evaluation, the employee may be awarded a pay increase based upon performance evaluation. The same applies after the employee's 12 month evaluation.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.23 PERFORMANCE EVALUATION.

(a) A written performance evaluation provides supervisors with an effective mechanism to measure and communicate levels of job performance to their employees. It provides the employee with documented, constructive feedback concerning current job performance. Documented performance evaluation serves as a basis for important management decisions regarding training needs, job assignments, promotion, pay increases and retention of employees. The work performance of each full time employee shall be evaluated in accordance with established procedures.

(b) Each employee will be in a probationary period during his/her first twelve (12) months of employment. Each employee will be evaluated within the first twelve months of employment as follows:

- (1) Within 90 days after commencement of employment;
- (2) Within 180 days after commencement of employment.

(c) Each full-time employee shall receive an annual performance evaluation at such date as the Hiring Authority may determine. Additional evaluations may be made if authorized by the Hiring Authority.

(d) Each employee shall have the opportunity to meet with his/her immediate supervisor and the Administrator. In the case of the Police Department, the employee shall have the opportunity to meet with his/her immediate supervisor and the Police Chief to discuss his/her performance evaluation. Each performance evaluation shall have signatures acknowledging receipt of the review. Signatures shall be from the employee, the immediate supervisor and the Administrator/Chief of Police.

(e) Pay for performance shall be effective at the beginning of a pay period nearer to the effective date of increase.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.24 PERSONNEL FILES.

(a) The Director of Finance shall maintain official personnel files on all employees of the City except the Police Department Personnel. The Chief of Police and/or designee shall maintain all personnel files of Police Department personnel. Such files shall include, but may not be limited to, individual employment data; payroll information; work time schedules; records of additions or deductions paid; application forms; records pertaining to hiring, promotion, demotion, transfer, layoff, termination, disciplinary action, etc.

(b) Nothing herein shall prevent the dissemination of impersonal statistical information.

(c) An employee shall have a right of reasonable inspection of his/her official personnel file.

(d) Employees must advise the City of any change in name, address, marital status, telephone number or number of exemptions claimed for tax purposes.

(e) All oral reprimands, written reprimands, documentation regarding disciplinary action will be maintained in each employee's personnel file throughout their period of employment. Medical records must be maintained in a separate file.

(f) Standardized counseling forms may be used by an employee's supervisor and will be placed in the employee's personnel file.

(g) Nothing shall be placed in the employee's personnel file regarding disciplinary action without the employee's prior knowledge.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.25 INSPECTION AND RELEASE OF EMPLOYMENT/PAYROLL RECORDS.



(a) This office, 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 Sunbury are public unless they are specifically exempt from disclosure under the applicable provisions of the Ohio Revised Code.

(b) It is the policy of the City of Sunbury that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section below regarding setting forth the e-mail policy). Record retention schedules are to be updated regularly and posted prominently.

(c) Each request for public records should be evaluated for a response using the following guidelines:

(d) 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 must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

(e) 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. It is this office's general policy that this information is not to be requested.

(f) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

(g) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be made as quickly as the equipment allows. If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up. All requests for public records must either be satisfied (see subsection (d) hereof) or be acknowledged in writing by the City of Sunbury within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:

- (1) An estimated number of business days it will take to satisfy the request.
- (2) An estimated cost if copies are requested.
- (3) Any items within the request that may be exempt from disclosure.

(h) The maximum amount of public records request available to a person or entity requesting transmission by United States mail is 10 per calendar month unless the person or entity certifies to the City of Sunbury in writing that the person does not intend to use or forward the requested records, or the information contained in them for commercial purposes. For purposes of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or non-profit education research.

(i) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

(j) Those seeking public records will be charged only the actual cost of making copies.

(k) The charge for paper copies is 5 cents per page.

(l) The charge for downloaded computer files to a compact disc is \$1.00 per disc.

(m) There is no charge for documents e-mailed.

(n) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

(o) Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

(p) Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see subsection (a) hereof) and to copy them to their business email accounts and/or to the office's records custodian.

(q) The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

(r) The City of Sunbury recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, (the public office's) failure to comply with a request may result in a court ordering the City of Sunbury to comply with the law and to pay the requester attorney's fees and damages. (Ord. 2011-11. Passed 7-6-11.)

139.26 HEALTH CARE BENEFITS.

The City of Sunbury offers a comprehensive health care benefit package including medical, dental and vision coverage to all permanent full-time employees.

(Ord. 2011-11. Passed 7-6-11.)

139.261 HEALTH INSURANCE.

Co-payments. Each City of Sunbury employee or other covered family member participating in the City of Sunbury Health Insurance Benefits Program, excluding elected officials, shall be subject to co-payments as required by the approved plan.

(Ord. 2016-30. Passed 12-21-17.)

139.261 HEALTH SAVINGS ACCOUNT FUNDING POLICY

(a) For all current full-time employees who are enrolled in the City of Sunbury’s health care coverage, a Health Savings Account (HSA) will be established in their name and funded according to the following annual timeline:

- 50% on January 1
- 50% on July 1

See the current year benefits book for HSA funding amounts.

(b) Newly hired full-time employees will be eligible to elect and be covered by health care coverage, including dental and vision benefits, on their first day of employment.

**Health Savings Account contributions for new employees**

When a new employee elects health care coverage, the City of Sunbury will open a Health Savings Account (HSA) in the employee’s name. The amount funded by the City to the employee’s HSA will be equal to the plan year benefits of current employees if the employee’s start date is in the first quarter of the calendar year. If the start date is after the first quarter, the new employee will receive a pro-rated amount in their first year. The following funding schedule will apply to employees in their first year of employment:

Hire Date	Percentage of annual HSA funding	Timing of HSA funding
Jan 1 – Mar 31	100%	50% no later than the 15 <sup>th</sup> day of employment; 50% on July 1

Apr 1 – Jun 30	75%	50% no later than the 15 <sup>th</sup> day of employment; 50% on Oct 1
July 1 – Sept 30	50%	50% no later than the 15 <sup>th</sup> day of employment; 50% on Dec 1
Oct 1 – Dec 31	25%	100% no later than the 15 <sup>th</sup> day of employment

The Health Savings Account Funding Policy is subject to annual review and may change at any time.

### 139.27 RETIREMENT PLAN.

(a) All employees of the City who are not exempted are required by law to participate in the Ohio Public Employees Retirement System or Police and Fire Disability and Pension Fund. These programs are entirely independent of the Federal Social Security System.

(b) If employees should have any questions regarding this program, they should call or write to the address below and include their Social Security number. The address is:

Public Employee Retirement System

277 East Town Street

Columbus, Ohio 43215

Phone: (614) 466-2085

Or

Police and Fire Pension Fund

230 East Town Street

Columbus, Ohio 43215

Phone: (614) 228-2975

(Ord. 2011-11. Passed 7-6-11.)

### 139.28 MEDICAL EXAMINATION.

(a) A physical examination by a qualified physician may be required by the Hiring Authority, post-offer of employment, of all entering employees to determine the prospective employee's ability to safely and effectively perform the essential functions of his/her position with or without a reasonable accommodation.

(b) The Hiring Authority shall select the physician to administer the examination and shall pay the cost.

(c) City employees may be required to submit to a medical examination during their period of employment with the City to determine current fitness for duty. Such an examination is intended to ensure that the employee continues to be physically and mentally able to perform the essential duties of his or her position. The Hiring Authority shall assume the cost of such required examinations that exceed the employee's benefit plan. The employee shall be responsible for attending the examination, and shall cooperate with the physician in order that the report of examination may be delivered to the Hiring Authority.

(Ord. 2011-11. Passed 7-6-11.)

### 139.29 SUBSTANCE ABUSE TESTING

The employee agrees to be subject to the terms of the City's Drug Free Workplace Policy. The Employer reserves the right to modify the Drug Free Workplace Policy. A copy of the Drug Free Workplace Policy shall be made available to all employees.

### 139.30 HARASSMENT AND IMPROPER WORKPLACE BEHAVIOR POLICY.

(a) Introduction. The City of Sunbury is committed to work environment free of inappropriate and disrespectful conduct and communication of a sexual nature. Consequently, and in an effort to avoid even the appearance of impropriety, this policy against harassment in some respects exceeds the requirements of applicable law.

The City of Sunbury strongly opposes sexual harassment in any form. Sexual harassment in the work place by the manager, employee or non-employee, including any vendor or customer, will not be tolerated. Sexual harassment is against City policy and is a violation of Title VII of the Civil Rights Act of 1964, as well as the applicable laws of the State.

(b) Prohibited Conduct. Sexual harassment refers to behavior of a sexual nature that is not welcome, is personally offensive, debilitates morale or interferes with the work performance and effectiveness of its victims. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitutes harassment when:

(1) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting such individuals; and/or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

If comments or conduct of a sexual nature are unwelcome by an individual, they may constitute harassment.

(c) Enforcement Procedure. All supervisors are responsible for implementation of the City's nondiscrimination policies for ensuring that all employees they supervise have knowledge of and understand the policies, and for taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with the policies. All employees are strongly encouraged to use this complaint procedure if they believe they have been subjected to discrimination and/or harassment or have knowledge of any discrimination and/or harassment in the workplace.

The initiation of a complaint, in good faith, shall not under any circumstances be grounds for discipline. It is a violation of City policy and applicable law for an individual to be disciplined or otherwise disadvantaged as a result of the good faith resort to this complaint procedure.

(d) Definitions.

(1) "Employee" includes all personnel.

(2) "Sexual Harassment" includes any unwarranted or repeated verbal physical sexual advances, sexually explicit, provocative or suggestive statements, innuendo or comments, or sexually oriented conduct or physical conduct, made by another employee which are reasonably offensive or objectionable to the recipient or which reasonably causes the recipient discomfort or humiliation or which reasonably interferes with the recipient's work performance.

(3) This policy also covers other harassment which includes any conduct, words or action based on race, creed, color, religion, sex, age, national origin, handicap, disability or veteran's status, which reasonably causes the recipient discomfort or humiliation, or which is reasonably offensive or objectionable to the recipient or which reasonably interferes with the recipient's work performance.

(4) "Shall" is mandatory, not permissive.

(e) Complaint Procedures.

(1) We encourage all employees to attempt to resolve the problem by informing the person doing the harassment or creating the hostile environment to cease and desist. If the employee feels uncomfortable doing so, or if talking to the person does not solve the problem, the employee should report their concerns to any supervisor, the City Administrator, the Mayor or the Director of Law.

(2) A complaint of sexual harassment or unwanted conduct shall be promptly investigated. Every effort will be made to handle all such complaints in fair, impartial and speedy manner, with concern for the principles of fairness. In order to protect both the

person making the complaint and the person(s) against whom the complaint is made, every reasonable effort will be made to handle all complaints in a confidential and discreet manner.

(3) All supervisory personnel shall be expressly responsible for immediately reporting any occurrences they witness or of which they become aware.

(4) Retaliatory action or conduct of any kind taken by any employee of the City of Sunbury against an employee as a result of that employee having sought redress under this policy and procedure is strictly prohibited and shall be regarded as a separate and distinct violation of this policy.

(5) Any questions, concerns or other inquiries regarding the conduct that is prohibited by this policy or the procedures contained herein shall be directed immediately to the City Administrator, Mayor or Director of Law.

(f) Non-Compliance. Failure to comply with the provisions of this section may result in appropriate disciplinary action up to and, including discharge.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.31 WORKERS' COMPENSATION.

State law provides that every City employee is eligible for Workers' Compensation for injuries arising out of or in the course of his or her employment. Requirements for administering Workers' Compensation are as follows:

(a) Should an employee be injured during the course of employment with the City, the employee must notify his or her supervisor immediately and his or her supervisor shall then notify the City Administrator and shall complete an injury form the same day the injury occurred. This report shall be completed, regardless of the apparent seriousness of the injury, and regardless of whether medical attention is required. Such report shall be forwarded to the Mayor no longer than 24 hours after the accident.

(b) Should an employee's injury require medical attention, the supervisor shall provide the injured employee with all necessary forms which shall be completed by the employee and the attending physician. All forms should be forwarded to the City Administrator immediately. The City reserves the right to provide a physician for all work related injuries.

(c) In the event of serious injury, the injured employee's supervisor shall notify the City Administrator immediately so that, if necessary, an investigation may be initiated.

(d) Workers' Compensation claim forms shall be completed by the department for the purpose of initiating compensation claims for injured employees. If possible, the injured employee shall go to his or her department head for assistance in completing the form.

(e) The City Administrator must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to the City Administrator their expected date of return (if known).

(f) Any documents received from the injured employee, his or her physician, hospital or the State, regarding a Worker's Compensation claim must be immediately forwarded to the Mayor or designee.

(g) Employees who are injured in the line of duty and must leave work before completing their work period shall be paid at their regular compensatory rate for the balance of time left in their scheduled workday.

(h) Anyone found falsifying BWC documents will be terminated from employment.

(Ord. 2011-11. Passed 7-6-11.)

### 139.32 SICK LEAVE.

(a) An employee may request sick leave for absences resulting from illness as described below, provided that the employee follows the proper notification policy for his/her department. Sick leave may be requested for the following reasons:

(1) Illness or injury of the employee or a member of his/her immediate family.\*\*

(2) Exposure of employee or a member of his/her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of the other.\*\*

(3) Medical, dental or optical examinations or treatments of employee or a member of his/her immediate family.\* The employee is expected to schedule the appointment in such a manner as to cause the least amount of disruption to his or her working schedule and loss of time (e.g., first thing in the morning or last available time in working day).

\* For purposes of this policy, the "immediate family" is defined as only: mother, father, child, step-child, spouse, or other relative residing in the employee's household.

\*\* Absences due to sickness or exposure to contagious disease of the employee or a member of the immediate family shall not exceed three (3) days, unless authorized by the employee's immediate supervisor in writing.

(4) Sick time must never be used in place of any other earned time off. Sick time is used if you are unable to report to work for the above reasons. Abuse of sick time will be grounds for disciplinary action up to and including immediate dismissal.

(b) The City maintains the right to investigate any employee's absence. Employees may be required to furnish proof of illness as evidenced by a physician's statement or other satisfactory written statement of the employee as required by the City Administrator.



(c) Full-time employees accrue sick leave at the rate of 3.69 hours per pay period. Sick leave cannot be used prior to it being accrued.

(d) Only full-time employees may accrue sick leave.

(e) The amount of sick leave time any one employee may accrue is unlimited.

(f) Minimum sick leave shall be one (1) hour. Sick leave may be charged in half-hour increments following the first hour.

(g) Full-time employees absent on sick leave shall be paid at the same basic hourly, daily or biweekly rate as when they are working.

(h) Any employee requesting sick leave must inform his/her supervisor of the fact as soon as possible of the taking of each day of sick leave and in no event later than one hour before the start of the employee's regularly scheduled shift each day. The employee must give the reason for his/her sick leave and location of convalescence, if different than the home address. Failure to do so may result in denial of sick leave for the period of absence and result in disciplinary action. If the supervisor cannot be reached, the employee should notify their department's voice- mail system and leave a message for their supervisor.

(i) Vacation leave may be used for sick leave purposes, at the employee's request with the approval of the Hiring Authority, after sick leave is exhausted. Employees who have exhausted all sick leave and vacation leave credits may, at the discretion of the Hiring Authority, be granted a personal leave of absence without pay for a period not to exceed thirty (30) days. Illnesses exceeding thirty(30) days will be considered Disability Leave as outlined in this manual.

(j) An employee who wrongfully uses sick leave, or anyone found falsifying sick leave records, will be subject to immediate dismissal from employment.

(k) Altering a physician's certificate or falsification of a written, signed statement shall be grounds for immediate dismissal.

(l) If an employee voluntarily terminates employment with the City other than retirement or is terminated by the City, he/she is not entitled to his/her sick time.

(Ord. 2011-11. Passed 7-6-11.)

### 139.33 SICK LEAVE CONVERSION.

Upon service or disability retirement, each employee shall be paid twenty-five (25%) percent of the unused sick leave accrued to his/her credit, provided that the maximum which shall be paid and received shall be two hundred forty (240) hours. Such pay shall be payable at the end of the next scheduled pay period. Payment of sick leave under this provision shall result in the elimination of all sick leave credit accrued but unused by the employee at the time the payment is made. In the case of the death of an employee, the rate

of compensation shall be as provided in Ohio R.C. 124.384 or at the rate of one (1) hour of pay for every two (2) hours of accumulated balance.

Sick Leave Used	Conversion
0-8 hours	40 hours Maximum
8-16 hours	30 hours Maximum
16 hours up to 24 hours	16 hours Maximum

(Ord. 2011-11. Passed 7-6-11.)

#### 139.34 HOLIDAYS.

(a) All employees are entitled to the following holidays:

1. New Years Day
2. Martin Luther King, Jr. Day
3. Presidents' Day
4. Memorial Day
5. Juneteenth
6. Independence Day (Fourth of July)
7. Labor Day
8. Veterans Day
9. Thanksgiving Day
10. Day after Thanksgiving
11. Christmas Eve
12. Christmas Day

13. ½ Day on New Year's Eve

(b) If a holiday falls on Sunday, it will be observed on the following Monday; if a holiday falls on a Saturday, it will be observed on the preceding Friday.

(c) In observance of each authorized holiday, both full-time and part-time employees will normally be granted the day off from work. Full-time employees shall

receive straight time holiday pay for each authorized holiday. Part-time or seasonal employees are not entitled to paid holidays and shall receive no pay.

(d) If a holiday occurs while an employee is on vacation, such a vacation day will not be charged against his or her vacation leave.

(e) Employees must be in paid status or using compensatory time on the day before and day after the holiday in order to be eligible for pay on the above holidays. The term "paid status" for purposes of this section shall include actual work as well as all hours while on the following leaves if paid and approved: comp time, vacation time, holiday leave and sick leave. Employees who use sick leave on the day before or after a holiday shall be required to furnish proof of illness by furnishing a doctor's statement. Employees who fail to provide the above statements will not be considered in a paid status and shall forfeit the holiday pay or any compensatory time awarded in lieu of holiday pay. (For purposes of this section the day before refers to the last regularly scheduled workday, and the day after refers to the next regularly scheduled workday from the day on which the holiday is observed.)

(f) All full-time employees working a forty (40) hour work week who work on the actual holiday itself will receive two and one-half (2-1/2) their normal hourly rate for each hourly holiday time worked.

(g) Each individual employee shall be entitled to one (1) floating personal day annually which will be exercised at any time by the Employee upon the approval of his or her supervisor. Should an employee work on a scheduled personal day, overtime shall be paid. The personal day shall be rescheduled with the approval of the Employee's supervisor. The employee's personal day must be requested no less than two (2) weeks prior to the day off being requested.

(Ord. 2011-11. Passed 7-6-11.)

### 139.35 VACATION.

(a) All full-time employees of the City shall be entitled to one week (40 hours) of vacation following the completion of six months of service with the City. Commencing on an employee having completed six months of service with the City, vacation time shall accrue and be credited per pay based upon an employee's years of service as a regular full-time employee as follows:

YEARS OF CONTINUOUS  
ACTIVE SERVICE

6 months through and  
including fifth full year of  
service

ACCRUAL OF VACATION TIME

3.077 hrs. per pay (80 hrs. per year)

Six years through and including tenth full year of service	4.615 hrs. per day (120 hrs. per year)
Eleven years through and including twentieth full year of service	6.154 hrs. per pay (160 hrs. per year)
Twenty-first year or more of service	6.154 hrs. per pay plus .308 hrs. per pay for each additional year of service beyond year twenty (extra one day per year of service beyond twenty year)

(b) Notwithstanding the foregoing, upon break in service, no vacation time shall accrue or be credited unless and until the employee is in active service with the City. The employee may, with the prior approval of the Department Head, take vacation time, which shall be scheduled with employee's supervisor, subject to the following terms and conditions:

(1) At no time will vacation time be scheduled for less than a one-half (1/2) work day. In certain instances, the Department Head may authorize vacation time in one (1) hour increments. All vacation time must be requested no less than two weeks prior to the day off being requested by an employee.

(2) Commencing January 1, 2010, employees may only carry over vacation time from one calendar year to the next with the prior written approval of the Mayor. In no event can an employee's total annual vacation carry over exceed one year's vacation time for that employee.

(3) Vacation preferences will be subject to the Supervisor's approval and shall be scheduled with the Supervisor not later than March 1 of each calendar year, and unless otherwise directed by the Supervisor, only one (1) employee of each shift of a department shall be permitted to take vacation time during any one period, with preference being given to that individual having the greater number of continuous years of active service with the City. Deviation from this policy is at the discretion of the Administrator and Chief of Police.

(4) Scheduled vacation preferences may, with the Supervisor's approval, be changed; provided that such change does not result in changing, altering or otherwise affecting the previously scheduled vacation preferences of any other employee.

(5) If the employee fails to schedule a vacation preference on or before March 1 of each calendar year, the employee may, with the Supervisor's approval, schedule vacation after such time, provided that such scheduling does not result in changing, altering or otherwise affecting the previously scheduled vacation preferences of any other employee.

(6) This provision is not intended to and shall not be construed to limit the rights of the employee to use previously earned and accrued vacation leave.

(7) Eligible employees must take a vacation in a minimum unit of five consecutive days at least once a year.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.36 COMPENSATORY TIME.

All full-time employees may elect to utilize compensatory time in lieu of cash payment for overtime hours worked. The employee may select number of hours to be converted to comp-time or to be paid. The employee may not accrue more than twenty-four (24) hours.\* Comp-time may be taken off in not less than half-day increments (before lunch or after lunch) if staffing is suitable and the employee's supervisor gives prior approval. The Director of Finance is responsible to keep accurate records of time accrued and used. Time off using comp-time must be requested as far in advance as possible of the day off requested. Only one (1) employee of each shift of any department shall be permitted to take off on either comp-time or vacation time. If an employee moves to an exempt position, the employee is required to cash out all accrued comp-time prior to moving to that position.

\*Employees with in excess of 24 hours accrued comp-time as of the effective date of this section will be permitted to obtain said comp-time, but may not accrue additional comp-time until their comp-time bank does not exceed 24 hours total including additional accrued comp time. Any comp-time not used within 180 days from the effective date of this section shall be paid out to the employee by the Director of Finance..

(Ord. 2011-11. Passed 7-6-11.)

#### 139.37 MILITARY LEAVE.

Military leave for City of Sunbury employees shall be as provided in Ohio R.C. 5923.05 and future amendments thereto. (Ord. 2011-11. Passed 7-6-11.)

#### 139.38 COURT LEAVE.

(a) If a full time employee is called for court jury duty or subpoenaed to testify in a court of law for legal proceedings which he or she has not initiated or is not a private party to during any portion of the employee's regular scheduled working day, that employee will receive his/her regular salary or wage in full for such portion of the employee's regularly scheduled working day that is missed. A copy of the subpoena or call to jury duty must be presented to the employer in order to be eligible for this benefit.

(1) The employee will receive his/her regular salary or wage in full for such time they are away from the City.

(2) There will be no reimbursement by the employee to the City of any monies received by the employee from the court or compensation for court service.

(b) The employee will be expected to report for work following jury duty if the employee's working day is not completed or before or after testifying, if time remains in the employee's regularly scheduled working day.

(c) If an employee is called for court jury duty or subpoenaed to testify in a court of law, outside of his/her regularly scheduled working hours, all monies received as compensation for such court service shall be retained by the employee.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.39 FUNERAL LEAVE.

Any eligible employee may be granted paid funeral leave upon approval of the department head for a maximum of 24 scheduled consecutive working hours in the event of a death of an immediate family member. For purposes of this policy, the "immediate family" is defined as only: mother, father, step-parent, child, step-child, spouse, or any other blood relative residing in the employee's household. In the event of death to the employee's mother-in-law, father-in-law, grandparent, spouse's grandparent, grandchild, sister, brother and spouse's sibling, the employee is entitled to paid funeral leave upon approval of the department head for a maximum of 24 scheduled consecutive working hours. (Ord. 2011-11. Passed 7-6-11.)

#### 139.40 LEAVE WITHOUT PAY.

(a) The Mayor may grant a leave of absence without pay and health insurance to any employee for a duration of thirty (30) days for any personal reason of the employee.

(b) Whenever the employee is granted a personal leave of absence, it shall be the employee's obligation to assume the responsibility for payment of insurance benefits normally paid by the City. Such requirement shall be at the employee's option; however, if dropped during the leave period, the employee is not eligible for continued benefits upon return to work, until the next open enrollment period. Vacation leave and sick leave will not be accrued during such leaves of absence.

(c) The authorization of a leave of absence without pay is a matter of administrative discretion. The Mayor will decide in each individual case if a leave of absence is to be granted.

(d) Except for emergencies, employees must request such personal leave sixty (60) days prior to commencement of the desired leave so that various departmental functions may proceed properly.

(e) Upon completion of a leave of absence, the employee is to be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave will be terminated or reassigned upon the reinstatement of the employee from leave. Any employee displaced by a reinstated employee will be considered for other vacancies.

(f) An employee may return to work before the scheduled expiration of leave if requested by the employee and agreed to by his/her department head. If an employee fails to return to work at the expiration of an approved leave of absence, the employee will be deemed to have resigned unless a disability leave or retirement is granted.

(g) A full-time employee may request a leave of absence without pay for maternity purposes by submitting such request in writing to the City with a signed physician's statement.

(1) The leave of absence will begin on the date the physician states that the employee can no longer perform the substantial and material portion of her duties.

(2) The leave of absence will end on the date on which the physician releases the employee as medically able to return to work.

(3) The employee may request that accrued sick leave or vacation be used during the period of leave.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.41 VOLUNTARY REDUCTION.

If an employee becomes physically or mentally unable to perform the essential duties of his/her position with or without reasonable accommodation, but is still able to perform the duties of a vacant, lower level position, the employee may request such voluntary reduction. Such request is subject to the approval of the Mayor and shall be in writing.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.42 MILEAGE REIMBURSEMENT.

(a) Council hereby adopts and formalizes its mileage reimbursement rates to be paid to employees and officials of the City at the current IRS rate per mile.

(b) Any employee wishing to be reimbursed for mileage incurred must:

(1) Seek formal prior approval from its supervisor and/or the Administrator for the specific task, the performance of which the employee reasonably expects to incur travel expenses.

(2) In order to give rise to the obligation of the City to issue payment, submit a mileage log to the Director of Finance requesting reimbursement and identifying the supervisor from whom permission had been secured.

(c) Any public official wishing to avail himself of the reimbursement request must obtain the written approval from the Mayor and submit a contemporaneous log to the Director of Finance for payment. (Ord. 2011-11. Passed 7-6-11.)

#### 139.43 TOBACCO POLICY.

Smoking or use of tobacco products is prohibited in City owned buildings, vehicles and facilities. This policy includes all employees of the City. Violation of this policy shall result in disciplinary action up to and including termination of employment.

(Ord. 2011-11. Passed 7-6-11.)

#### 139.44 CELLULAR PHONE POLICY.

The use of personal cell phones while on the clock with the City of Sunbury is strictly prohibited. Cellular phones used by the Police Department, Department Heads and the Administrator for City business is acceptable. Cell phones may be used by any employee to report an emergency. (Ord. 2011-11. Passed 7-6-11.)

#### 139.45 ELECTRONIC COMMUNICATION AND INTERNET ACCEPTABLE USE POLICY.

For purposes of this section, the Administration of the City of Sunbury, under the direction of the Mayor, upon consultation with the IT Committee and on the approval of Sunbury City Council shall enact and implement an "Electronic Communication and Internet Acceptable Use Policy" which will outline the appropriate and inappropriate use of the City of Sunbury's electronic communication resources, including the World Wide Web, electronic mail, the internet, FTP (file transfer protocol), fax, telephones and mobile telephones. All City employees shall be provided with a copy of this document. All City employees shall become familiar with its terms and adhere thereto, or face disciplinary action as provided therein.

(Ord. 2011-11. Passed 7-6-11.)