VILLAGE OF ENON

 PERSONNEL POLICY MANUAL

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**INTRODUCTION**

Welcome to the Village of Enon! We believe that each employee directly contributes to our growth and success. We hope you will take pride in being a member of our team.

This Personnel Policy Manual outlines the policies, programs, and benefits available to eligible employees. It also describes many of your responsibilities as an employee and some of the expectations we have of our employees.

The Personnel Policy Manual, however, is not intended to be comprehensive, nor does it address all of the possible applications of, or exceptions to, the general policies and procedures described herein. No personnel manual can anticipate every circumstance or question about every one of our policies. Therefore, the Village of Enon reserves the right to add new policies and to change or cancel existing policies at any time, as approved by the Village Council.

The Personnel Policy Manual will answer many questions you may have about your employment with the Village of Enon. It is important that you become familiar with the Personnel Policy Manual and refer to it throughout your employment. If you have any questions regarding the material in this Personnel Policy Manual, or specific questions concerning your eligibility for a particular benefit or the applicability of a particular policy to you, please contact your supervisor, the Village Administrator, or the Chief of Police.

We hope that your experience here will be challenging, enjoyable, and rewarding.



## Mission Statement

The Village of Enon delivers its public services in an effective and efficient manner to create a sense of community, enhance property values, and improve the quality of life for all residents and businesses in the Village.

## Employment At-Will Disclaimer Statement

This Personnel Policy Manual is not an employment contract. Except as otherwise provided by the Ohio Revised Code, employment at the Village of Enon is at-will. Just as employees reserve the right to leave their employment with the Village at any time with or without notice, the Village also retains the right to end the employment relationship with any employee, at any time, with or without notice. No representative of the Village, other than the Mayor, Village Council or the Police Chief, acting in compliance with the requirements of the Ohio Revised Code, has the authority to enter into an agreement that is contrary to the foregoing and such an agreement is only valid if it is committed to writing and adopted in a public meeting of the Village Council.

## Interpretation of Policies and Direction of Employees

The Mayor, Police Chief and Village Administrator, as applicable, are directly and indirectly responsible for all employees of the Village and shall have the authority to apply discretionary judgments in interpreting the policies outlined in this Personnel Policy Manual. In the event that the Mayor, Police Chief or Village Administrator are not available, the Fiscal Officer shall have discretionary authority to interpret policy and assume administrative duties for the Village.

## Facilities and Location

The Village of Enon has the following facilities and locations:

1. Enon Government Center - 363 Main Street

2. Enon Street Garage - 101 N. Scott Street

3. Enon Water Treatment Plant - 2825 Enon Road

4. Enon Well Field/Park - 2825 Enon Road

5. Enon Pump Station - Fairfield Pike

6. Enon Main Street Water Tower – 101 N. Scott Street

7. Enon Cardinal Tank - 900 Cardinal Drive

## Personnel Policy Manual Application – All Employees/Police Department

This Personnel Policy Manual applies to all eligible employees of the Village of Enon. The Village of Enon’s Police Department is also governed by a separate policy and the Ohio Revised Code regarding additional policies and procedures that are specific to the Police Department and its employees.

## Effective Date of Personnel Policy Manual

This Personnel Policy Manual is effective on **FEBRUARY 28, 2023.**

The policies contained in this Manual supersede any formerly published personnel policies of the Village of Enon. Village policies are always subject to modification as conditions change, and the Village Council may at its discretion change policies and employee benefits at any time. Future revisions of any policy approved by the Village Council will take precedence.

**ARTICLE I**

**GENERAL PROVISIONS**

## 1.1 Management Rights

The Village reserves the exclusive right to manage its affairs, and the Village retains and reserves unto itself, without limitation, all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the laws and constitution of the State of Ohio and of the United States. The Village reserves unto itself the following rights:

* The right to manage its affairs efficiently and economically, including the determination of quantity, quality, frequency and type of services to be rendered; the determination, purchase and control of the types and numbers of materials, machines, tools and equipment to be used; the selection of the location, number and type of its facilities and installations; and the addition or discontinuance of any services, facilities, equipment, materials or methods of operation.
* The right to hire and set the starting rate of pay for new employees, to determine the starting and quitting time and the number of hours to be worked, including overtime, lunch, coffee breaks, rest periods and clean up times, and to determine the amount of supervision necessary, work schedules and the method or process by which work is performed.
* The right to contract, subcontract and purchase any or all work, processes or services or the construction of new facilities or the improvement of existing facilities; to adopt, revise and enforce working rules and carry out cost control and general improvement programs; and to establish, change, combine or discontinue job classifications and prescribe and assign jobs duties, content, and classification and to establish wage rates for any new or changed classifications.
* The right to determine the existence or nonexistence of facts which are the basis of the decisions; to establish or continue policies, practices or procedures for the conduct of the Village and its services to the community, and, from time to time, to change or abolish such practices or procedures; the right to determine and, from time to time, redetermine the number, locations and relocations and types of its employees or to discontinue any performance of service by employees of the Village; to determine the number of hours per day or week any operation of the Village may be carried on; to select and determine the number and types of employees required; to assign such work to such employees in accordance with the requirements determined by management authorities; to establish training programs and upgrading requirements for employees; to establish and change work schedules and assignments; to transfer, promote or demote employees, or to lay off, terminate, or otherwise relieve employees from duty for lack of work or other reasons; to terminate if our insurance carrier refuses to cover employees under the Village’s automobile liability policy because of driving infractions and the ability to drive is part of the employee’s job description; to continue, alter, make and enforce rules for the maintenance of discipline; to suspend, discharge, or otherwise discipline employees and otherwise to take such measures as the Village may determine to be necessary for the orderly and efficient operation of the Village.

## 1.2 Ethics in Employment

Village employees hold a position of trust and are expected to maintain the highest of ethical standards. Ohio Revised Code Chapter 102 and Sections 2921.42 and 2924.43 prohibit public employees from using their influence to benefit themselves or their family members. All employees shall abide by the following standards regarding conflicts that confront public employees. They are not, however, intended to represent the entire scope of conflicts of interest or ethics issues.

* No employee shall use his or her official position for personal gain, or have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his official duties.
* No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Village, nor shall the employee use such information to advance the financial or other private interest of the employee or others.
* No employee shall accept any gift of value (Ohio Ethics Commission Information Sheet #7), whether in the form of service, loan, item, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the Village; nor shall an employee accept any gift, favor, or item of value that may tend to influence the employee in the discharge of his duties, nor shall any employee grant, in the discharge of his duties, any improper favor, service, or item of value.
* No employee shall represent private interests in any action or proceeding action against the interest of the Village in any matter in which the Village is a party.
* No employee shall engage in or accept private employment or service that is incompatible with the proper discharge of official duties or would tend to impair independent judgment or action in the performance of his official duties. Neither shall other employment, private or public, interfere in any way with the employee’s regular, punctual attendance, and faithful performance of his assigned job duties.
* Employees offered gifts or favors who are not sure if accepting the gift is a violation of the code of ethics should inform their supervisor of the gift offer.
* State law prohibits Village employees and officials from having a financial interest in companies that do business with the Village (with minor exceptions). Employees who have any doubt concerning a possible violation of these statutes are advised to consult a private attorney.

## 1.3 Equal Opportunity and Commitment to Diversity

The Village provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The Village expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

The Village is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the Village and are valued for their skills, experience, and unique perspectives. This commitment is embodied in Village policy and in the way we treat our employees and members of the public.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of the Village Administrator and/or Chief of Police. **If the Village Administrator or Chief of Police is the subject of the complaint, the employee should report the concern/complaint to the Mayor**. **If the Mayor is the subject to of the complaint, the employee should report the concern or complaint to a Council Member or the Village Solicitor**. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## 1.4 Americans with Disabilities Act (as amended)

The Village is committed to the fair and equal employment of individuals with disabilities under the ADA.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to apply for positions with the Village and, if hired, to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee with a disability may request an accommodation from the Village Administrator or Police Chief, as applicable, and engage in an informal process to clarify what the employee needs and to identify possible accommodations. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

The Village prohibits harassment or discrimination based on disability or because an employee has requested a reasonable accommodation. The Village also prohibits retaliation against employees for exercising their rights under the ADA or other applicable civil rights laws.

## 1.5 Immigration Law Compliance

The Village is committed to employing work authorized individuals and does not unlawfully discriminate on the basis of citizenship, immigration status, or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Village within the past three years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Village Administrator or Police Chief, as applicable. Employees and applicants for employment are protected from coercion, intimidation, interference, or any form of retaliation for raising a complaint or assisting in an investigation under this policy. Any incidences of such retaliation shall be immediately reported to the Village Administrator or Police Chief, as applicable, and will, if validated, be grounds for disciplinary action, up to and including termination.

## 1.6 Pregnancy Discrimination Act

The Village is committed to the fair and equal treatment of its employees who are affected by pregnancy, childbirth, and related conditions. The Village complies completely with the Pregnancy Discrimination Act (PDA) and does not discriminate in any way on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions must be treated the same as other persons not so affected but similar in their ability or inability to work.

**1.6.1 Right to Continue Working:**

Employees who are pregnant are entitled to continue working in their current capacity with the Village unless the pregnancy interferes with the pregnant employee’s ability to perform her job. The determination of whether pregnancy interferes with the pregnant employee’s ability to perform her job will be based on objective, verifiable skills required on the job and not vague, subjective standards.

**1.6.2 Leave and Reasonable Accommodation:**

In addition to the benefits and protections afforded by this policy and the PDA, employees who are affected by pregnancy, childbirth, or related medical conditions are protected by, and entitled to the benefits of, the Village’s policies related to Sick Leave, Paternity Leave, Lactation Breaks, as well as the Americans with Disability Act.

Employees who are affected by pregnancy, childbirth, or related conditions will be treated in the same manner as other employees who are temporarily unable to perform the functions of their jobs. Employees should review those sections for information concerning leave, accommodation, and related matters.

**ARTICLE II**

**EMPLOYMENT**

**2.1 Nature of Employment – At Will**

The Village of Enon is an at-will employer. This means that employees have the right to terminate their employment at any time without cause or notice and that the Village has the right to terminate the employment of any employee at any time with or without cause or notice.

Nothing in this Personnel Policy Manual creates or is intended to create an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no Village employee is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship. Only a written agreement, adopted at a public meeting of the Village Council and signed by the Mayor, can legally create an agreement for employment for any specified period of time.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended to and do not create an employment contract for any specific period of time.

The Police Department employees are separately governed by the Enon Police Department Policies and Procedures Manual and the Ohio Revised Code.

**2.2 Chain of Command**

The Village strives to achieve operational effectiveness from an organizational perspective, and to ensure that appropriate information is transmitted to the proper administrative officials through the proper organizational channels. Information is be directed to the proper officials in the proper manner in order for the Village to effectively address organizational concerns, solve problems, and provide higher levels of service to meet the ever-increasing demand for such service levels from the community we serve.

Written communications shall either: (1) originate with and be signed by the appropriate department/division head; or (2) be transmitted to the appropriate department/division head through proper channels. Those communications should then be reviewed, revised, etc. and signed by the department/division head prior to transmittal to the Village Administrator.

Under no circumstances shall any written or verbal communications, inquiries, etc. be transmitted to the Mayor and/or member of Village Council unless the Village Administrator and/or Chief of Police, as applicable, has been informed of such communication and has given prior approval of the transmittal. To maintain effective Council-Administrator/Chief of Police relations, the Administrator and/or Chief of Police, as applicable, need to, at all times, be informed of any communication prior to its transmittal to Council, in the event Council Members require an explanation from the Administrator or Chief of Police, regarding such information.

**2.3 Employee Relations**

The Village of Enon is committed to providing working conditions, wages, and benefits to its employees that are competitive and designed to attract and retain qualified employees. In addition, the Village encourages employees to communicate openly and directly with their supervisors. If employees have concerns about working conditions or compensation, they are welcome to voice these concerns openly and directly first to their supervisors unless the Personnel Policy Manual directs otherwise for specific policy concerns, such as, but not limited to, discrimination/harassment, then to the Village Administrator and/or Chief of Police, as applicable.

**2.4 Employment Classifications**

All employees of the Village of Enon are categorized as exempt (salaried) employees, non-exempt full-time hourly employees, part-time non-exempt hourly employees, or part-time non-exempt daily employees.

**2.4.1 Exempt/Non-exempt Employees**

This Personnel Policy Manual uses the terms “Exempt” or “Non-exempt” in reference to employees. EXEMPT employees are those employees who are exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act, while NON-EXEMPT employees are those employees who are subject to the minimum wage and overtime requirements of the Fair Labor Standards Act.

* + 1. **Exempt (Salaried) Employees**
1. An employee appointed to an exempt (salaried) position as created by Council. The employee shall fulfill the duties and responsibilities as set forth in the job description for the salary approved by Council.
2. The employee is eligible for all benefits as outlined in this Personnel Policy Manual and approved by Council.
3. The salaried positions are defined by ordinance as established by the Village Council at the organizational meeting held in January of each year or by amended ordinance during the year.

**2.4.3 Non-Exempt Full-time Hourly Employees**

1. An employee appointed to a non-exempt full-time hourly position as created by Council. The employee shall fulfill the duties and responsibilities as set forth in the job description for the hourly rate approved by Council. Additional hours (generally above 40 hours per week) required and approved by a Supervisor shall be subject to overtime provisions.
2. The employee is eligible for all benefits as outlined in this Personnel Policy Manual and approved by Council.
3. The non-exempt full-time hourly positions are defined by ordinance.

**2.4.4 Non-Exempt Part-time Hourly Employees**

1. An employee appointed or assigned to a non-exempt part-time hourly position as created by Council. The employee shall fulfill the duties and responsibilities as set forth in the job description for the hourly rate approved by Council. The employee is scheduled to work 30 hours or less per week, but is entitled to overtime pay if the employee works more than 40 hours per week.

B. The non-exempt part-time hourly positions are defined by ordinance.

* + 1. **Non-Exempt Part-time Daily Employees**
1. An employee appointed or assigned to a non-exempt part-time daily position as created by Council. The employee shall fulfill the duties and responsibilities as set forth in the job description for the daily rate approved by Council. The employee is not guaranteed a minimum number of days.
2. The non-exempt part-time daily position is defined by ordinance.

## 2.5 Position Descriptions

It is the policy of the Village to develop unique position descriptions for each position. The Village Administrator and Police Chief, as applicable, will generally develop and maintain the position descriptions. Within each position, there may be multiple assignments. The descriptions will detail the unique duties and responsibilities of each assignment.

Position descriptions should be considered living documents and should be reviewed and evaluated for modification. This should occur at least annually, and any time duties or expectations of a specific position substantially change. Position descriptions should be reviewed prior to hiring to ensure the applicant’s knowledge, skills and abilities are consistent with the current performance expectations of the position. Employees should review their position description to ensure that they adequately described their job duties and should report any discrepancies to their supervisors.

Supervisors should review job descriptions regularly and utilize such description in conducting evaluations and reviews.

**2.6 Hiring Process**

### **2.6.1 Posting/Advertising of Open and New Positions**

The Village will advertise open and new positions. Employees are encouraged to apply for any open or new position for which they are qualified, and the Village will post all such positions so that employees are aware of all job opportunities within the Village. Employees will be judged solely on their qualifications, and they must compete with outside applicants for any position.

### **2.6.2 Application**

The Village requires all job applicants to fill out an Application Form, a sample of which is provided in the Appendix. The Village relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### **2.6.3 Nepotism**

It is the policy of the Village not to hire immediate relatives of members of the Council or current employees. Immediate relatives currently employed by the Village may not supervise one another. Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the Village provided they don’t work in a direct supervisory relationship with each other, and the employment will not pose difficulties for supervision, security, safety, or morale. If employees who marry or live together do work in a direct supervisory relationship with each other, the Village will attempt to reassign one of the employees to another position for which the employee is qualified if such a position is available. If no such position is available, the employees will be permitted to determine which one of them will resign from employment with the Village.

For the purpose of this policy, “immediate relative” is defined as spouse, parent, sibling, child, aunt, uncle, and in-law or step equivalents or any other person living in the same household as the employee, and a “domestic partnership” is defined as a committed relationship between two individuals who are sharing a home or living arrangements.

This policy will not affect the status of any employee hired by the Village prior to the initial adoption of this policy.

### **2.6.4 Background Checks**

Prior to extending an offer of employment, the Village will conduct a detailed reference, background, credit, criminal background check (collectively, “background check”) of an applicant or employee. All background checks will be conducted in compliance with the Fair Credit Reporting Act. Successful completion of the background check is a condition of employment.

The Village may also conduct a background check at other times during employment with the Village (e.g., prior to promotion to new position or upon application for a vacant or new position), as it deems appropriate. Employees will be notified when a background check will be required or conducted.

### **2.6.5 Appointment**

All appointments to the Village are made by the Mayor, with the approval of Village Council Notice of appointment is made in writing to the selected candidate and acceptance of the appointment is also made in writing and addressed to the Village Administrator or Chief of Police, as applicable. No person shall be considered to hold an appointment with the Village until a letter of appointment is issued and a letter of acceptance is received by the Village Administrator or Chief of Police, as applicable.

### **2.6.6 Probationary Period**

The probation period for all non-police employees shall be six (6) months. Employees who are promoted or transferred within the Village are required to complete a secondary probationary period of the same length with each reassignment to a new position. Any significant absence will automatically extend a probationary period by the length of the absence, not to exceed six (6) months year. The Village is not obligated to retain an employee for the entire six (6) month probationary period if the employee’s job performance is not satisfactory, if the employee is significantly absent during the probationary period, or if there is little evidence that further training would rectify the situation.

The probation period for all police employees shall be six (6) months from the date of their initial appointment. Any significant absence will automatically extend a probationary period by the length of the absence, not to exceed six (6) months. The Village is not obligated to retain an employee for the entire six (6) month probationary period if the employee’s job performance is not satisfactory, if the employee is significantly absent during the probationary period, or if there is little evidence that further training would rectify the situation.

During the probationary period, the employee will receive daily training and coaching provided by the employee’s immediate supervisor. The supervisor will also meet formally with the employee (ideally monthly) during this period to discuss with the employee specific strengths and weaknesses and make written recommendations for further improvement.

At the end of the probationary period, the supervisor will prepare a written performance appraisal of the employee and recommend retaining, terminating, or extending the probationary period of the employee. The decision to accept the appointment recommendation rests with the Village Administrator and Chief of Police, as applicable. If it is determined that additional time is necessary to thoroughly evaluate a non-police employee's performance, the Village Administrator may extend the probationary period for a specified time, not to exceed an additional one (1) year. The probationary period for police employees may not be extended.

In cases of promotions or transfers within the Village, a non-police employee who, in the sole judgment of the Village Administrator and Chief of Police, as applicable, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may be allowed to return to the former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the Village’s needs, or terminated from employment.

An employee who successfully completes the probationary period becomes a regular employee of the Village.

Successful completion of a probationary period does not create an express or implied contract of employment or otherwise alter the employment-at-will relationship between the Village and its employees.

**2.7 Outside Employment**

Full-time employment with the Village of Enon shall be considered an employee’s primary occupation and take precedence over any outside employment. No employee shall be employed or self-employed in any manner outside of the Village without prior written authorization of the Village Administrator and/or the Chief of Police, as applicable. Any employee requesting authorization for outside employment must submit the request in writing and provide sufficient detail to enable the Village Administrator and/or Chief of Police, as applicable, to determine whether the proposed outside employment is permitted pursuant to this policy. At a minimum, the request must include the name of the potential outside employer, the number of hours and schedule proposed, the types of duties and the physical demands of the proposed employment.

The Village Administrator and/or Chief of Police, as applicable, will deny any request submitted for outside employment which it is determined, in the Village’s sole discretion, will compromise the ability of the Village to conduct its business in an efficient manner or give the appearance of impropriety or otherwise appear inconsistent, incompatible or in conflict with the employee’s employment with the Village. For instance, requests for outside employment will be denied in the following cases:

* *Time Conflict:* where the working schedule or working hours of the proposed outside employment conflicts with the employee’s scheduled working hours for the Village or where the demands of the outside employment will negatively affect the employee’s performance of the employee’s duties for the Village.
* *Conflict of Interest:* where the nature of the outside employment could actually impair or compromise, or give the appearance of impairing or compromising, the employee’s judgement, actions, job performance, or loyalty to the policies, objectives, and operations of the Village.
* *Violation of Ohio Ethics Laws:* where the outside employment involves working for, or representing, any person or company related to a matter or dealing with a product or service which the employee personally participates(ed) as a public official through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other substantial exercise of administrative discretion.
* *Employee is on Sick or Injury Leave:* where the employee is on approved sick or injury leave from their Village employment. In rare cases, the Village Administrator and/or Chief of Police, as applicable, may make exceptions on a case-by-case basis to this denial criteria.

Upon the conclusion of review of any request for outside employment, the Village Administrator, or the Chief of Police, as applicable, will notify the employee in writing of the decision. If the request is denied, the Village Administrator or the Chief of Police, as applicable, will also provide

the reason for the denial. If the request is approved, the employee is not permitted to use Village time or equipment (i.e. copier, fax, computers, telephone system, internet, tools, etc.) for outside employment purposes.

Employees must promptly notify the Village Administrator or Chief of Police, as applicable, in writing of any changes in previously approved outside employment, including, but not limited to, termination (voluntary or involuntary) from such employment, and any significant modification in the number of hours, types of duties or demands of the approved outside employment.

## 2.8 Performance Evaluations

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### **2.81 Informal Evaluations**

The Village believes that employees should receive regular feedback from their supervisors so that they can better understand how they are performing relative to the Village’s expectations of their performance. Informal evaluations are designed to provide that regular feedback and present an opportunity for open discussion between the employees and supervisors concerning job performance and work relationships. Informal performance feedback should be a routine part of the supervisor/employee relationship.

### **2.82 Annual Performance Evaluations**

The annual performance evaluation process is an opportunity for supervisors and employees to discuss job-related tasks, goals, and skills, to acknowledge accomplishments and exemplary performance, and to correct failures and substandard performance. It is a time to reiterate performance standards, evaluate position descriptions, set goals, evaluate training needs, and help with career planning. The evaluation may also provide information for future decisions, such as, but not limited to, merit raises, promotions or transfers.

All evaluations shall be on the form prescribed by the Village Administrator or Chief of Police, as applicable. Evaluations will be conducted in a fair, equitable, non-discriminatory, confidential, and consistent manner.

Unless otherwise determined by the Village Administrator and/or the Chief of Police, as applicable, employees, who have completed one year of service in his or her current position, will be evaluated annually no later than January 31 of each year.

Evaluations are completed by the employee’s immediate supervisor.

The completed evaluation form is reviewed together by the employee and the employee’s immediate supervisor. Employees are encouraged to openly discuss their performance and goal attainment.

Completed performance evaluations are to be signed by the employee and the Village Administrator or Chief of Police, as applicable. By signing the evaluation form, the employee indicates that the employee has read and discussed it with their supervisor, not necessarily that the employee agrees with the evaluation. The employee may submit a separate written response to the evaluation, which will be reviewed and initialed by the Village Administrator or Chief of Police, as applicable, and attached to the evaluation and placed in the employee’s personnel file.

Performance evaluations, regardless of their language and comments, do not create an express or implied contract of employment or otherwise alter the employment-at-will relationship between the Village and its employees.

**2.9 Post-Employment Driving Checks**

In the interest of public safety, maintaining a safe working environment for employees, limiting the liability exposure to the Village and upholding the Village’s reputation, this policy has been established to define the standards applied in evaluating employees’ driving records and in identifying consequences associated with the failure to comply with such standards.

In order to monitor employee driving records for off-duty offenses/violations that could result in increased liability for the Village, the Village may perform a driving record check on any existing employee who is required to drive a Village vehicle as part of their normal job function.

Any employee who receives any moving violation/offense shall report it immediately to the Village Administrator or Chief of Police, as applicable. The Administrator and Police Chief will report any moving violation/offense they receive to the Mayor. Failure to do so may result in disciplinary action up to and including termination.

Employees whose driving records are deemed unsatisfactory to the Village and/or its insurer may be precluded from driving a Village vehicle or their own vehicle during the performance of their normal job duties. Employees whose driving records result in their being either uninsurable by the Village’s insurance company or who can only be insured by increased premiums to the Village may be reassigned to a non-driving position (if one is available) or terminated at the Village’s discretion.

## 2.10 Separation from Service

### **2.10.1 Furlough of Non-Exempt Personnel**

The Village may place non-exempt employees into a temporary, non-duty, non-pay status due to budget issues, lack of work, or other non-disciplinary reasons. Furloughs may be instituted on a daily or weekly basis. Furloughs will be scheduled by the Village Administrator or Chief of Police, as applicable, and employees will not be paid or permitted to use any accumulated leaves during furlough periods. Employees are not permitted to perform any work whatsoever during assigned furlough leave, including, but not limited to, making or receiving telephone calls, checking or responding to voicemail or email messages. Furloughed employees remain employees of the Village and maintain their health/dental insurance and related benefits in the same manner and to the same level as they were entitled to those benefits during active status. Employees do not accrue benefits (sick leave, vacation leave, etc.) during periods of furlough. Employees may be recalled to full duty at any point. Except in emergency situations where an immediate recall is necessary, employees will be given five (5) days after being notified of their recall to return to duty. Employees so recalled will be restored to full-duty status with pay.

Employment with the Village is at-will, and the Village understands that employees may choose to separate from the Village as a result of their furlough.

### **2.10.2 Reductions in Force (Layoff/Job Abolishment)**

In the event that the Village Council determines that there is a financial emergency or needed retrenchment, it may be necessary to terminate the services of some employees by eliminating certain positions or by declaring certain positions vacant. Only the Village Council may eliminate positions. The Village Administrator and/or Chief of Police, as applicable, may declare positions vacant.

The Village will notify affected employees no less than fourteen (14) days in advance of the effective date of the layoff or job abolishment. The determination regarding whether or not the layoffs or job abolishment are necessary shall be at the sole discretion of the Village Council.

The Village Council shall determine in which position(s) and employment status (full or part-time) layoffs or job abolishment will occur. The Village reserves the right to lay off full or part-time employees in whatever order and in whatever combination it deems appropriate. Within each classification in which more than one employee is assigned, affected employees will be laid off based on seniority and merit. In determining the order of layoffs, the Village shall rank each employee on the basis of seniority and shall separately rank each employee on the basis of merit. In determining seniority, the Village shall consider the years of service of each employee. In determining merit, the Village shall consider each employee’s experience, leadership roles or abilities, promotability, skills, abilities, knowledge, versatility, quantity and quality of work, attendance history, disciplinary record, test scores (where applicable), and education (where relevant). Each employee’s supervisor will provide current information as to the employee’s status with respect to each of these criteria. The attendance history and disciplinary record of employees within any given classification or work section will be considered for the past 5 years or for the number of years the least senior employee in that classification or work section has worked for the Village, whichever is less. The weight assigned to each of the listed criterion shall be determined on the basis of the importance of each criterion to the affected work section or classification. The Village will list each employee according to their combined seniority and merit. The employee with the least seniority and merit will be laid off first.

Full-time employees who have completed their assigned probationary period, who are laid off, shall be placed on a recall list for a period of six (6) months. Part-time employees are not entitled to be recalled and no recall list will be established for part-time personnel. If a position from which the full-time employee was laid off becomes available within six (6) months of the recall, full-time employees who are still on the recall list shall be recalled in the reverse order of their layoff, provided they remain qualified and eligible to perform their previously assigned job duties. In order to be qualified and eligible to perform their previously assigned duties, employees on the recall list shall retain all certifications and complete all training necessary to meet the requirements for their jobs, if any. Employees who do not retain the required certifications and/or training shall be required to obtain the required certifications and/or training within ten (10) days of their recall notice, at their own expense and on their own time. Employees who do not or cannot obtain the required certifications and/or training by the end of the ten-day period will not be recalled and the next employee on the recall list will be offered the recall opportunity. Notice of recall shall be sent to the employee by certified mail, return receipt requested, to the last mailing address provided by the employee. It is the responsibility of the employee to provide the Village with a written notice of any change of address and/or telephone number during the period of layoff. The recalled employee shall have five (5) calendar days following the date of receipt or the attempted delivery of the recall notice to notify the Village of the recalled employee’s intention to return to work and shall have ten (10) calendar days following receipt of or the attempted delivery of the recall notice in which to report for duty, unless a different date for returning to work is otherwise specified in the recall notice or agreed to in writing by the employee and the Village. Any employee who fails to notify the Village of the employee’s intent to return to duty or who fails to return to duty within the time limits set forth herein shall be immediately terminated from employment and the employee’s name shall be removed from the recall list. Employees who are laid off shall retain the seniority which they had prior to their layoff. No seniority will accrue during the period between an employee’s layoff date and the date of recall, if any.

### **2.10.3 Resignation**

Employees may resign their employment at any time by providing written notification of their resignation, including the reason for their separation from service and the date of their last day of work. After written notification is received, the Village Administrator or Police Chief, as applicable, will respond with a written acceptance of the resignation.

A two-week written notice is standard. Longer notice periods may be appropriate for key positions and alternative notice arrangements may be negotiated with the employee. Employees are expected to work through their notice period and may not use leave time to extend the notice period. The Village reserves the right to provide an employee with two weeks’ pay in lieu of notice in situations where job or business needs warrant such action. Such a decision should not be perceived as reflecting negatively on the employee since it may be due to a variety of reasons not known to the individual or other employees. Employees who do not provide the required two-week notice prior to leaving employment with the Village may be ineligible for rehire, and the fact that the employee failed to provide the required notice will be stated in any references provided by the Village for that employee.

Exit interviews will be conducted to the extent possible for all employees terminating their employment. The Village Administrator or Chief of Police, as applicable, will contact the employee to schedule the confidential exit interview. Employees may request that their exit interview be conducted by the Village Administrator, Chief of Police, Mayor or Village Council. Every effort will be made to encourage the employee to discuss all aspects of employment with the Village. Benefits, COBRA, pension details, leave time accruals, and related matters will be discussed. Information derived from the exit interview is used by the Village in recommending improvements to its policies and programs.

Employee benefits cease on the last day the employee is scheduled to work and actually provides services to the Village. However, consistent with COBRA, employees may continue their medical and dental benefits at their expense for up to eighteen (18) months (or longer if a qualifying extension is permitted by law).

Employees who have completed at least one year’s employment will receive payment for all of their unused (earned but not taken) vacation leave. Except as noted in Sections 2.104 and 7.5 of this Personnel Policy Manual for certain retirees, employees do not receive payments for unused sick leave.

Employees must return all Village property – such as laptops, credit cards, keys, door cards, equipment, etc. on or before their last workday. Employees who fail to return Village property will, to the extent permitted by law, have the value of the property deducted from their final paycheck and/or vacation pay-out and may be subject to civil and criminal proceedings for the return of the property.

### **2.10.4 Retirement**

Village employees contribute to the Ohio Public Employees Retirement System (OPERS) or Ohio Police and Fire (OPF) as applicable for their position. The age of retirement and years of service credit required for retirement benefits are determined by the Ohio Legislature.

To determine eligibility for retirement and to determine the best means to maximize benefits, employees approaching retirement should contact OPERS/OPF directly for information on retirement options.

There is no mandatory retirement age, and employees who have retired may be considered for re-employment in compliance with OPER/OPF rules.

Exit interviews will be conducted to the extent possible for all employees retiring from employment. The Village Administrator or Chief of Police, as applicable, will contact the employee to schedule the confidential exit interview. Employees may request that their exit interview be conducted with the Village Administrator, Chief of Police, Mayor or Village Council. Every effort will be made to encourage the employee to discuss all aspects of employment with the Village. Benefits, COBRA, pension details, leave time accruals, and related matters will be discussed. Information derived from the exit interview is used by the Village in recommending improvements to its policies and programs.

Employee benefits cease on the last day the employee is scheduled to work and provides services to the Village.

Employees who have completed at least one year’s employment will receive payment for all of their unused (earned but not taken) vacation leave. In addition, employees who have completed ten (10) years of employment with the Village and who retire from active service under OPERS/OPF will receive twenty-five percent (25%) of their unused sick leave (not to exceed two hundred forty (240 hours) at the time of retirement.

Retiring employees must return all Village property – such as laptops, credit cards, keys, door cards, equipment, etc. on or before their last workday. Employees who fail to return Village property will, to the extent permitted by law, have the value of the property deducted from their final paycheck and/or vacation/sick leave pay-out and may be subject to civil and criminal proceedings for the return of the property.

### **2.10.5 Abandonment**

Barring extenuating circumstances where an employee cannot physically notify the Village of the need for leave, any employee who fails to report for work, without first requesting and being approved for one of the available types of leave, for three (3) consecutive workdays will be considered to have voluntarily resigned due to job abandonment. Upon acceptance of this resignation, the employee’s employment with the Village will cease and the employee will be subject to the same requirements and benefits as if the employee resigned pursuant to Section 2.103.

### **2.10.6 Death**

In the event of the death of an employee, final wage payment shall be made to the estate of the deceased. Payment of accrued and unused vacation and sick leave and compensatory time, if any, shall be made to the estate of the deceased.

### **2.10.7 Termination**

All non-police employees of the Village serve at-will, which means that the employment relationship may be terminated at any time with or without notice or cause by either the employee or the Village.

Employee benefits cease on the last day the employee is scheduled to work and actually provides services to the Village. However, consistent with COBRA, employees may continue their medical and dental benefits at their expense for up to eighteen (18) months.

Employees who have completed at least one year’s employment will receive payment for all of their unused (earned but not taken) vacation leave. Terminated employees do not receive any payment for unused sick leave.

Terminated employees must return all Village property – such as laptops, credit cards, keys, door cards, equipment, etc. on or before their last workday. Employees who fail to return Village property will, to the extent permitted by law, have the value of the property deducted from their final paycheck and/or vacation pay-out and may be subject to civil and criminal proceedings for the return of the property.

 **ARTICLE III**

**RECORDS**

## 3.1 Personnel Files

### **3.1.1 Content of Personnel Files**

A personnel file shall be established for each employee and will be maintained by the Village. Personnel files may include a variety of documents relating to an employee’s employment including: forms relating to hiring, transfer, and promotion; performance evaluations and supporting documents; disciplinary records; letters of reference; records of attendance at workshops and other training; emergency contact information; letters of commendation, etc.

Any individually identifiable health information covered by the Health Insurance Portability and Accountability Act of 1996 Privacy Rule is filed separately from an employee’s personnel file.

Any documentation pertaining to an individual employee’s behavior or work performance that is placed in an employee's permanent personnel folder must be initialed or signed by the employee as indication of the employee's knowledge of the document (the employee's signature does not necessarily imply agreement). The employee may write a response to any material in the file; the response will be attached to the file copy of the material at the written request of the employee.

Employees may submit other materials for inclusion in their personnel files (e.g. letters of appreciation and training certificates). The determination of whether to include such items in the personnel file is made by the Village Administrator or Chief of Police, as applicable. Employees are not permitted to alter or remove documents from their personnel files without the express written permission of the Village Administrator or Chief of Police, as applicable

### **3.1.2 Access to Personnel Files**

Personnel records are retained in the administrative office. The Village Administrator or Chief of Police, as applicable, and administrative office employees have access to these files for business purposes. An employee's supervisors, with the permission of the Village Administrator or Chief of Police, as applicable, may have access to an employee’s documentation for business purposes.

Employees who wish to review their own file should contact the Village Administrator or Chief of Police, as applicable. With reasonable advance notice, employees may review their own personnel files in the Village offices and in the presence of an individual appointed by the Village to maintain the files. Such review shall take place during a time when the employee is not scheduled to work. Employees may also request a copy of their personnel file, and the Village will provide the employee with an unredacted copy of the file.

### **3.1.3 Public Records Requests**

Personnel files are public records as defined by ORC 149.43. Requests by members of the public, or non-supervisory or administrative Village staff, for access to employee personnel records will be honored as required by law following the procedures described in the Village Public Records Policy, and the employees affected will be informed of any request to view their personnel records.

Any individually identifiable health information covered by the Health Insurance Portability and Accountability Act of 1996 Privacy Rule is not subject to public records requests.

## 3.2 Personal Data Changes

It is the responsibility of each employee to promptly notify the Village Administrator or Chief of Police, as applicable, of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

Any changes should be communicated through the use of an Employee Status Change Form, a sample of which is provided in the Appendix. The triplicate status change form is the official Village form to be used to make any changes of personal information. Employees should complete the form, sign and provide it to their supervisor. The supervisor shall forward the form to the appropriate department for updating the relevant systems and for placement in the personnel file.

**3.3 Emergency Contact Forms**

Upon employment with the Village, each employee will be required to complete an Emergency Contact Information Form, a sample of which is provided in the Appendix. The employee is responsible for providing updates to the Village Administrator or Chief of Police, as applicable. The Village Administrator or Chief of Police, as applicable, will request updated information annually. All emergency contact information will be kept separate from the employee’s personnel file.

**ARTICLE IV**

**HOURS AND WAGES**

**4.1 Salary Administration and Merit Pay for Exempt and Non-Exempt Employees**

**4.1.1 Employee Compensation**

Employee compensation shall be determined and in accordance with the Village of Enon Compensation Policy, as adopted and as modified from time to time by the Village Council. The Compensation Policy outlines the annual process, criteria, evaluation components and payment options to be used by the Village Administrator, Chief of Police, Mayor, and Council to determine the wage and compensation increases or decreases for each Village employee.

**4.1.2 Change in Position**

In the event a new position is created, the Village Council shall review and approve the same and determine compensation for such a new position.

**4.1.3 Temporary Change in Duties**

If an employee is required to perform the regular duties of another full-time employee and continues to perform the employee’s regular duties for more than two (2) weeks, the employee may be compensated by a temporary increase in pay as approved by Council.

* 1. **Hours of Work and Overtime Provisions for All Full-Time Exempt (Salaried) and Non-Exempt (Hourly) Employees**

**4.2.1 Normal Workday**

The normal work schedule for non-public safety employees shall be five (5) days of eight (8) hours work plus up to one (1) hour for lunch. Staggered reporting and quitting times may be established by the supervisor to ensure operations.

The Public Safety Services that provide 24-hour, 7-days-a-week coverage have their own schedules, which includes breaks for meals. The department head is responsible for maintaining the schedule for said services.

**4.2.2 Flex-Time Option**

An employee may request a flex-time schedule. The schedule may be approved at the discretion of the immediate supervisor.

* + 1. **Emergency Closings/Delays**

A. Workday NOT Cancelled, Delayed or Shortened (Non-Public Safety/Non-Service Department Staff)

In most circumstances, the Village will not cancel, delay or shorten the workday in response to inclement weather. Employees who have difficulty reporting to work should promptly notify their immediate supervisor. Any employee who does not report for his/her scheduled shift because of treacherous road conditions or weather-related transportation problems may use any available paid vacation time. If the employee has no vacation time against which the absence can be charged, the day will be considered an excused day off without pay. Employees who report to work on such inclement days shall be paid their regular wage for actual time worked.

B. Workday Cancelled, Delayed or Shortened (Non-Public Safety/Non-Service Department Staff)

During a declared state of emergency, the scheduled work times for non-public safety/non-road department staff may be cancelled, delayed or shortened in response to inclement weather or a natural disaster. Such a declaration may be made by the President of the United States, the Governor of the State of Ohio, the Clark County Sheriff, or the Mayor. In the event of a declared state of emergency, employees regularly scheduled to work will be compensated, and their attendance will be recorded, as if they had worked their entire scheduled shift. If an employee is on vacation or scheduled for vacation or a sick day on the day that the workday is cancelled, shortened, or delayed, that employee will be charged with a vacation day or sick day.

**4.2.4 Overtime Rate of Pay for Full-Time Non-Exempt (Hourly) Employees**

Overtime compensation will be paid at the rate of time and one-half and employee’s regular rate of pay for all hours worked over forty (40) hours in any one (1) week.

 **4.2.5 Call-In Pay**

Call-in pay is payment for work performed by a full-time non-exempt (hourly) employee who has been recalled to work at a time disconnected from the employee’s normal work schedule. Work done in this manner shall be compensated with a minimum of two (2) hours at the employee’s overtime rate of pay.

 **4.2.6 Weekend Work Duty**

Full-time non-exempt (hourly) employees who have been scheduled for weekend duty shall be compensated with a minimum of two (2) hours at the employee’s overtime rate of pay. Weekend duty employee who has been scheduled to work must be readily available to report within thirty (30) minutes. The scheduled employee must carry and answer the Village Emergency phone as required.

**4.2.7 Overtime Pay and Compensatory Time**

Full-time non–exempt (hourly) employees who work more than forty (40) hours in any week are entitled to receive overtime pay or compensatory time for all hours worked in excess of forty (40) hours. Overtime pay shall be paid at a rate of one and one-half (1½) times the regular rate of pay for the hours worked over forty (40) hours per week, and compensatory time shall be granted at a rate of one and one-half (1½) times the number of hours worked more than forty (40) hours per week.

Employees who are entitled to such additional compensation or leave must indicate on their timecard whether they wish to receive overtime pay or compensatory time. The failure to designate which type of overtime compensation is to be given will result in the payment of overtime pay. Employees who wish to receive compensatory time should complete the Overtime Designation Form, a sample of which is provided in the Appendix, and submit it before the last day of the pay period in which overtime was worked.

The maximum amount of compensatory time that can be accrued, at any time, is 480 hours for sworn Village Police Officer Employees and 240 hours for all other Village Employees. Employees who wish to utilize their compensatory time must tender their request in writing to their supervisor. Requests to use compensatory time will be granted unless to do so would be “unduly disruptive” to Village operations. Mere inconvenience to the Village is an insufficient basis for denial of a request for compensatory time off. Any compensatory time not utilized by the end of the last pay period of the year shall be paid to the employee in the final paycheck of the year at the employee’s then-current rate of pay.

Exempt (salaried) employees are not eligible for overtime pay or compensatory time.

**4.3 Timekeeping**

Federal and state laws require the Village to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are not permitted to record time or commence work before their scheduled starting time or to sign out or stop work after their scheduled quitting time (overtime work) without the approval of their supervisor.

Accurately recording time worked is the responsibility of every non-exempt employee. All hours worked by non-exempt (hourly) employees (including accurate beginning and ending work times) must be documented and submitted on the employee’s timecard or time sheet and verified by the supervisor. The Village pays employees in increments of fifteen (15) minutes. Minutes fewer than the fifteen (15) minute increment shall be rounded up or rounded down to the nearest fifteen-minute increment as follows: six (6) minutes of work or fewer shall be rounded down to the nearest fifteen-minute increment and seven (7) minutes of work or longer shall be rounded up to the nearest fifteen-minute increment. Employees must also record the beginning and ending time of any departure from work for personal reasons. Employees must also accurately record their time taken for lunch.

Exempt employees must accurately record their per pay period absences in accordance with the procedure outlined and approved by Village Council.

Altering, falsifying, tampering with time records, recording time on another employee's time record, or deleting time actually worked from another employee’s time record may result in disciplinary action, up to and including termination of employment. It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The employee’s designated supervisor will also review and approve the time record before submitting it for payroll processing. After notifying the affected employee, the Village Administrator, Police Chief or Mayor, as applicable, may complete incomplete timecards and correct incorrect timecards.

**4.4 Payroll**

**4.4.1 Pay Period**

Except for some part-time employees, all Village employees are paid bi-weekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

Neither pay advances nor extensions of credit on unearned wages can be provided to employees.

**4.4.2 Direct Deposit Required**

All Village employees shall be required to be paid by direct deposit.

**4.4.3 Administrative Corrections**

The Village will take all responsible steps to assure that employees receive the correct amount of pay in each paycheck and those employees are paid promptly on the scheduled payday.

If there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor so that corrections can be made as quickly as possible. Employees who know or should have known that they received greater compensation than they are entitled to and did not report the discrepancy to their supervisor will be required to return any amounts over their correct payroll amount and will be subject to disciplinary action, up to and including termination.

Once overpayments are identified, they will be corrected in the next regular paycheck, unless reducing the employee’s wages to recover the overpayment would reduce the employee’s wages to less than minimum wage or would present a significant burden to the employee (where there is a substantial amount owed). In that case, the Village will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved and to ensure that the employee receives at least minimum wage in every pay period during the repayment process.

Underpayments will be corrected in the next regular pay period.

**4.4.4 Deductions and Garnishments**

The Village is legally required to make certain deductions from every employee’s compensation. Among these deductions are federal, state, and local taxes as appropriate.

The Village is also legally required to deduct all necessary retirement contributions on employees’ earnings up to a maximum amount. The Village provides retirement benefits by contributing a state-mandated percentage to the employees’ respective retirement accounts.

The Village must make deductions from employees’ compensation for garnishments ordered by a court to ensure the payment of a debt or obligation to the Village or to other individuals or organizations.

In addition, employees may request authorization from the Village Administrator to withhold optional deductions for additional benefits not covered by the Village.

If employees have questions concerning why a deduction was made from their paychecks or how their paycheck is calculated, they should consult the Fiscal Officer.

 **ARTICLE V**

**STANDARDS AND EMPLOYEE CONDUCT**

## 5.1 General Employment Conduct/Core Values

The Enon Village Council has established the following as its core values, and all Village employees are expected to adhere to/embody these values:

* *Integrity:* Employees are expected to be self-aware, accountable, responsible, honest, and truthful in their interactions with employees and members of the public.
* *Respect:* Employees are expected to treat employees and members of the public with courtesy, politeness, and kindness.

* *Teamwork:* All employees are expected to work together as a team and to cooperate to accomplish the goals and purposes of the Village.
* *Accountability:* All employees must accept responsibility for their actions, behaviors, performance, and decisions.
* *Positive Attitude:* All employees are expected to come to work with a positive attitude and to be approachable, alert to the needs of all members of the public, and to provide exemplary service to the public.
* *Dedication to Service:* All employees are expected to provide prompt, courteous, and friendly assistance to the public. All employees are expected to avoid, eliminate, or report situations or practices that may cause irritation to or discomfort for the public.

## 5.2 Employee Involvement in the Community/Political Activity

Employees are encouraged to take an active role in community affairs, as awareness of issues and needs of the community are essential in providing well-balanced Village services. It is important, however, that employees do not cast themselves as representatives of the Village or attempt to speak for the Village in such settings. The Mayor, Village Administrator or Police Chief, as applicable, are designated to speak for the Village in matters of policy.

Employees are prohibited from engaging in political activities, such as campaigning, wearing campaign buttons or clothing, displaying campaign material, or engaging orally in campaign promotion, solicitation or seminal activities while on duty, while inside Village buildings or on Village property.

Due to the potential for conflicts of interest, employees of the Village are prohibited from serving as members of Village Council or as the Mayor.

## 5.3 Professionalism

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Employees are expected to be professional at all times, especially when assisting, or in view of, members of the public. The following personal behavior is not permitted in any public area inside Village buildings or on Village property:

* Extended personal conversations
* Mobile phone usage (may only be used on breaks)
* Gum chewing
* Smoking or vaping is prohibited in all areas inside Village buildings and on Village grounds.

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## 5.4 Confidentiality

All employees who create or who have access to records identifying the names of Village residents or business users with specific billing, tax, or other sensitive information are directed to become fully conversant with, and to rigidly adhere to, the Villages’ policy regarding confidentiality of Village records. Failure to adhere to this policy will result in disciplinary action, up to and including termination and may result in prosecution for violation of the Ohio Ethics law.

**5.5 Attendance and Punctuality**

Attendance is an essential function for all Village employees, and punctuality is essential to the smooth functioning of the Village. For these reasons, all employees are expected to arrive on time, ready to work, every day they are scheduled to work.

There may be occasions when tardiness is unavoidable due to an emergency or unusual situation. When employees expect to be late, they should notify their supervisor as early as possible. E-mail messages are not acceptable forms of notification (except in emergency situations). Employees who are late must report to their supervisor immediately upon arrival and make arrangements with the supervisor to make up the time during the day or week.

If unable to work, employees are expected to notify the appropriate supervisor as soon as possible, but at least one hour before their scheduled starting time. Employees must provide the reasons for their absence. Voicemail and text messages are acceptable forms of notification. E-mail messages are not acceptable (except in emergency situations).

The employee shall call in every day that he/she is absent unless the employee has an approved and signed sick leave request form for each and every day he/she is requesting leave.

Excessive absenteeism/tardiness and/or failure to show up or call in for a scheduled shift without prior approval will result in disciplinary action, up to and including termination. Employees who fail to report to work or call in to inform their supervisor of their absence for three (3) consecutive days or more will be considered to have voluntarily resigned as outlined in Section 2.105.

**5.6 Safety**

The safety, health and well-being of each employee is a priority for the Village of Enon. Establishment and maintenance of a safe work environment is the shared responsibility of the Village and employees at all levels of the organization. Each employee is expected to demonstrate a personal interest in their safety and the safety of their co-workers.

**5.6.1 Mandatory Reporting and Corrective Response**

Employees are expected to obey safety rules, to exercise caution in all their work activities, and to immediately report any unsafe conditions to their supervisor. Employee safety is a Village priority. Employees who violate the Village’s safety standards, cause a hazardous or dangerous situation, or fail to report or to remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

 **5.6.2 Immediate Verbal Report**

In the case of an accident that results in an injury, regardless of how insignificant the injury may appear, employees must immediately notify the appropriate supervisor, department manager, or the Village Administrator. Prompt reporting can ensure legal compliance and quick initiation of insurance and workers’ compensation benefits procedures. The initial verbal report must be followed by a written report as outlined below.

**5.6.3 Written Incident Reports for Personal Injuries and Property Damage**

All incidents involving personal injury or property damage must be reported in writing as soon as possible, but no later than twenty-four (24) hours after the incident or diagnosis of an occupational personal injury.

In the case of property damage, the employee shall complete and forward the appropriate form (found in the Appendix to this Personnel Policy Manual) to the Village Administrator or Chief of Police, as applicable, who will initiate an investigation within twenty-four (24) hours of notification of the incident.

In the case of personal injury, the employee shall complete and forward the appropriate form to the Village Administrator. Employees are not to file a First Report of Injury with the Bureau of Workers’ Compensation. The Village Administrator will be responsible for notifying the Village’s Managed Care Organization (MCO) upon receipt of the employee’s personal injury form. The MCO will complete all applicable First Report of Injury forms.

If applicable, failure to report personal injury or property damage as prescribed in this policy and further outlined in the reporting form may result in the denial of Workers’ Compensation benefits.

Neither the Village nor its insurance carrier will be liable for the payment of Workers’ Compensation benefits for injuries that occur during an employee’s voluntary participation in any off-duty recreational, social, or athletic event sponsored by the Village. Such participation is completely voluntary and will only be permitted after execution of the Workers’ Compensation Waiver Form which can be found in the Appendix to this Personnel Policy Manual.

**5.6.4 Care of Village Safety Equipment**

Employees will be provided with the protective clothing and equipment required for their position responsibilities. Employees are expected to use these items and maintain them as instructed. A charge will be assessed to the employee for loss or destruction of these items when it occurs through negligence.

Employee work locations should be kept clean and orderly. Machines and other objects should be kept out of walkways and spills, drips, and leaks should be cleaned up immediately to avoid slips and falls.

Village equipment, tools, supplies, etc. represent a considerable investment in resident tax dollars. Care shall be used in the operation and security of all Village property.

Vehicles and equipment shall be used only in the manner for which they have been designed and intended. In the event that Village equipment is damaged by an employee, the employee shall notify the supervisor immediately. The supervisor will ensure that an incident report is completed.

Village employees are prohibited from using the Village facilities for personal repairs or Village equipment for personal use unless prior approval is obtained from the Village Administrator or Chief of Police, as applicable.

* 1. **Restrictions on the Use of Village Vehicles**

**5.7.1 Rules for Using Village Vehicles**

The Village of Enon has established the following restrictions on the use of its vehicles:

1. Assigned vehicles shall not be used to commute to or from work except as approved by the Mayor and Village Council.
2. Village vehicles shall only be used to conduct matters of Village business.
3. Employees are responsible for the proper operation of the vehicle and shall observe all state and local traffic laws, including those laws regarding the use of vehicle safety belts. In addition, while driving a Village vehicle, employees are prohibited from wearing any personal audio equipment~~.~~ The Village is not responsible for the penalty incurred as a result of any violation of state or local traffic laws, whether the violation occurs during or after work hours.
4. Employees are not permitted to operate Village vehicles or personal vehicles on Village business, when any physical or mental impairment may cause them to be unable to drive safely. This also includes temporary incapacities such as illness, medication or intoxication.
5. At no time shall a Village vehicle be used to transport an employee’s family member, friend, or members of the general public for purposes other than official Village business.

Any violation of this section shall be reported to the Village Administrator and Chief of Police, as applicable, for investigation and possible disciplinary action.

**5.7.2 Reporting an Accident Involving a Village Vehicle**

Unless otherwise directed by a supervisor, employees involved in an accident while operating a Village vehicle shall:

1. Leave the vehicle in the exact position in which it came to rest after the accident unless instructed to move it by a law enforcement official or for public/personal safety reasons;
2. Request that all involved parties and/or witnesses remain at the accident scene until a law enforcement representative arrives;
3. Remain polite and helpful at all times and do not speculate about who caused the accident or why it happened;
4. Refrain from making any statements about the accident to anyone other than the police department involved and the appropriate Village representatives;
5. Notify your supervisor immediately (who shall notify the Village Administrator or Chief of Police, as applicable);
6. Report for, and participate in, all post-accident testing as required by law and this Personnel Policy Manual; and
7. Complete an incident report within twenty-four (24) hours of the accident.

**5.7.3 Use of Electronics While Driving**

The Village of Enon recognizes the growing risk of “distracted driving,” and in accordance with Ohio law, the Village specifically prohibits the use of any electronic media to send, read or compose text messages, email messages, or internet searches while driving. Electronic media, for the purposes of this policy includes, but is not limited to, cell phones, smart phones, iPads, PDAs, personal computers and the like for purposes of texting, emailing, or Internet browsing.

This policy is applicable to all persons employed by the Village in situations where an employee is operating a Village-owned vehicle or operating their personal vehicle on official Village business, unless otherwise specifically authorized and required by their position description in the required performance of their official job duties and responsibilities.

Any form of electronic communications while driving is considered dangerous and puts employees and the general public at risk. When driving a vehicle on official Village business, all employees are reminded that safe driving is their responsibility and their first priority. Employees in violation of this policy are subject to disciplinary action, up to and including termination.

**5.8 Smoke-Free Workplace**

In accordance with Ohio Revised Code Chapter 3794, smoking and use of smokeless tobacco productions (vaping) is prohibited in any Village-owned equipment or vehicle, in any Village-owned facility and within 30 feet of any entrance or exit to any Village building. Smoking, as defined by Ohio Revised Code §3794.01(A), and as used in this section, means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other lighted smoking device for burning tobacco or any other plant.

Compliance with the smoke-free policy and all other provisions of this policy is mandatory for all employees and persons visiting public buildings.

**5.9 Personal Appearance**

All employees are required to have a neat and professional appearance that reflects well upon the Village. Clothes should be neat, clean and appropriate to the type of work as well as the location of the work. It is expected that employees will use good judgment in making work-appropriate clothing choices.

Departments may require a Village-issued uniform be worn as their standard to insure consistency and public identification. All employees issued uniforms by the Village are required to wear the uniforms while on duty.

**5.10 Credit Account Policy**

The Village Administrator and Chief of Police, as applicable, shall identify those employees whose day-to-day responsibilities require access to a Village credit card. In addition, the Village Administrator and Chief of Police, as applicable, shall determine the appropriate credit limit for those individuals. Before receiving a Village credit card, authorized employees must complete an Employee Credit Account Agreement form, a sample of which is provided in the Appendix.

The Village credit card is issued solely for the purpose of conducting Village business and is not to be used for any personal expenses. Personal and/or unauthorized usage of the Village credit card shall be immediate grounds for revocation of the credit card, and the employee may be subject to discipline, up to and including termination. Inadvertent personal use of the Village credit card must be reported to the employee’s supervisor immediately. Reimbursement to the Village for any outstanding unauthorized charges may be recovered through payroll deduction; however, these deductions shall not result in the employee receiving less than minimum wage in any given pay period.

The Village recognizes that the credit card provides convenience to employees in acquiring goods and services for the Village; however, whenever a vendor will accept a Village purchase order, a purchase order should be used in lieu of the Village credit card.

In the rare event an employee misplaces or loses a receipt, a Missing Receipt Form, a sample of which is provided in the Appendix, must be fully completed and submitted. This form must be signed by the employee and by the Village Administrator or Chief of Police, as applicable.

Employees must surrender all Village credit cards assigned to them upon their separation from employment or when requested by their department head. In the event the card is lost or stolen, the cardholder must notify their department head as soon reasonably possible and assist the Clerk/ Treasurer in identifying and resolving any charges made to the account.

**5.11 Wearing/Carrying Employee Identification**

Employees will receive identification cards based upon the nature of their position with the Village. All employees who are off premises, while acting in an official capacity, must carry their identification card.

An employee acting in an official capacity shall furnish their name to any person requesting it, unless withholding such information is necessary for the performance of the employee’s duties.

### **5.12 Sexual and Unlawful Harassment**

The Village expressly prohibits any form of unlawful employee harassment or discrimination based on race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Each employee has the right to work in an environment free of harassment of any sort by co-workers and the general public.

**5.12.1 Unlawful Harassment:**

Unlawful harassment is conduct that has the purpose or effect of creating an intimidating, a hostile, or an offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or another characteristic protected by state or federal law.

**5.12.2 Sexual Harassment:**

Sexual harassment is a unique form of gender discrimination and is defined as unwelcome advances, requests for sexual favors and other physical, verbal or visual conduct based on gender under any of the following circumstances:

* Submission to the conduct is an explicit or implicit term or condition of employment.
* Submission to, or rejection of, the conduct is used as the basis of an employment decision.
* The conduct has the purpose or the effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment includes, but is not limited to,

* Unwanted sexual advances, whether they involve physical touching or not;
* Sexual epithets; jokes; written or oral references to sexual conduct; gossip regarding one’s sex life; comments about an individual’s body; and comments about an individual’s sexual activity, deficiencies, or prowess;
* Displaying sexually suggestive objects, pictures, or cartoons;
* Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
* Inquiries into one’s sexual experiences; and
* Discussion of one’s sexual activities.

**5.12.3 Responsibility to Report:**

All employees are responsible for ensuring that discriminatory or harassing conduct does not occur in any form in the workplace. Employees who believe that they have been subjected to harassment should, where appropriate, verbally communicate to the offending employee that the employee’s behavior must stop. Employees who believe that they have been subjected to harassment are also required to immediately report the offending incident(s) to a supervisor. Further, employees who observe conduct, which reasonably amounts to harassment, must likewise immediately report such conduct to a supervisor. Upon receipt of such a complaint, the supervisor must report the complaint to the Village Administrator or Chief of Police, as applicable. In the event a complaint is lodged against a supervisor, the employee must report the conduct directly to the Village Administrator or Chief of Police, as applicable. In the event that the complaint is lodged against the Village Administrator or Chief of Police, the supervisor will bring the complaint directly to the Mayor.

**5.12.4 Investigation:**

The Village Administrator or Chief of Police, as applicable (or the Mayor if the allegations are against the Village Administrator or Chief of Police), will act promptly and positively to investigate complaints of harassment. Every effort will be made to conduct the investigation in an efficient and impartial manner. The employee against whom the complaint has been made will be given a full opportunity to respond to the allegations against that employee. To the extent possible, the investigation will be conducted confidentially, with only relevant employees interviewed. The employee who made the complaint and the employee who the complaint is lodged against will be advised of the findings and conclusion of the investigation.

**5.12.5 Confirmed Allegations of Harassment:**

If an allegation of harassment against an employee is determined to be valid at the conclusion of the investigation, the Village Administrator or Chief of Police, as applicable, will take immediate, appropriate, corrective action, including retraining, reassignment, and/or disciplinary action, up to and including immediate termination. If the allegation of harassment was lodged against a person not employed by the Village, that person will no longer be permitted to contact the employee who was harassed and may be denied access to Village buildings.

**5.12.6 False Allegations of Harassment:**

No employee should be subjected to false accusations of sexual harassment/unlawful harassment. Any employee determined to have intentionally and knowingly filed a false complaint of harassment against another employee will be subjected to disciplinary action, up to and including termination.

**5.12.7 Prohibition Against Retaliation:**

No employee shall be subjected to coercion, intimidation, interference, or any form of retaliation for raising a good faith complaint of harassment or for assisting in an investigation under this policy. Any incidences of such retaliation shall be immediately reported to the Village Administrator or Chief of Police, as applicable, and will, if validated, be grounds for disciplinary action, up to and including termination.

### **5.13 Drug-Free and Alcohol-Free Workplace**

The Village recognizes that the use of illegal or unauthorized drugs or alcoholic beverages on Village premises or while conducting Village business poses a serious threat to the safety of the employees and members of the public and compromises the quality and reliability of work and service to Village residents and businesses.

The manufacture, possession, use, distribution, or dispensation of illegal or unauthorized drugs, as defined by law, or of alcoholic beverages on Village premises or while conducting Village business is prohibited. Employees shall not work, or report to work, under the influence of illegal drugs, or under the influence of controlled substances, including alcohol. Exceptions to this prohibition may be made for prescription drug therapy as described below.

Violation of these prohibitions may subject an employee to dismissal.

* + 1. **Duty to Report Certain Prescription or Over-the-Counter Medications.**

Prescription or over-the-counter drugs shall be used in the manner, combination, and quantity prescribed or recommended. An employee who will be using prescription drugs on Village premises, or during work time, will determine by consulting with the prescribing physician whether the prescribed drug may impair physical and/or mental abilities. If the medication could affect the employee's ability to perform any aspects of the job, including affecting the employee’s behavior, the employee must notify the supervisor. Failure to report may result in disciplinary action up to and including dismissal.

**5.13.2 Duty to Notify of Conviction:**

Employees must notify the Village Administrator or Chief of Police, as applicable, of any conviction for a violation of a criminal drug statute occurring on Village premises or while conducting Village business no later than five days after such a conviction. Failure to report a conviction may result in disciplinary action up to and including termination.

**5.13.3 Medical Marijuana:**

Any employee who is suspected of, or tests positive for, the use of medical marijuana will be dealt with in the same manner as employees who are suspected of, or test positive for, other controlled substances under this policy. Employees are permitted to use medical marijuana during an approved leave of absence for medical reasons if the medical marijuana is legally prescribed and used in compliance with the prescription. Any employee using medical marijuana must notify the Village Administrator or Chief of Police, as applicable, of the use of medical marijuana during the leave and must submit to a drug test prior to returning to duty. Only employees who test negative for marijuana prior to their return to work may return to duty.

**5.13.4 Drug or Alcohol Testing:**

All employees may be subject to drug and/or alcohol testing whenever the Village Administrator or Chief of Police, as applicable, has reasonable suspicion to believe that the employee is under the influence of alcohol or a controlled substance. Reasonable suspicion is based upon specific, contemporaneous, articulate observations concerning the appearance, behavior, speech, or body odors of the employee. It may also be based upon an employee’s involvement in a significant workplace accident.

Employees who have previously tested positive for alcohol or controlled substances in violation of this policy and who were referred to and completed a substance abuse treatment program may be subject to return-to-duty testing and unannounced, follow-up drug or alcohol testing, not to exceed six (6) tests in the twelve (12) month period following their return to work.

**5.13.5 Refusal to Test:**

Refusal to submit to drug and alcohol tests as ordered by the Village will be grounds for disciplinary action up to and including termination. For purposes of this policy, “refusal to test” includes, but is not limited to, the following:

* Refusal to sign the form releasing test results to the Village;
* A non-medical delay in providing urine, breath, blood, saliva, or any other specimen;
* Failure to report directly to the testing facility upon notification; or
* The use of any product to invalidate the test results.
	+ 1. **Substance Abuse Treatment Program:**

An employee may request to use accrued sick leave or request an unpaid leave of absence to receive the recommended treatment for a drug or alcohol problem. Employees are urged to request assistance with any drug or alcohol problem before disciplinary action is necessary.

In addition, the Village may refer an employee who has previously tested positive for alcohol or controlled substances in violation of this policy to a substance abuse treatment program instead of terminating the employee. Such employees will be required to agree to return-to-duty testing upon the completion of the program and to follow-up testing for the year following their return. Failure to return to duty upon the completion of a substance abuse program or failure to complete the substance abuse program will be considered job abandonment pursuant to Section 2.105 of this Personnel Policy Manual.

The cost of any voluntary or referred substance abuse program is the responsibility of the employee and may be covered by the employee's health insurance.

### **Workplace Violence**

 **5.14.1 Duty to Report:**

All employees are required to immediately notify their supervisor, the Village Administrator, or the Chief of Police, as applicable, if they witness or hear of any threats or acts which violate this policy. In addition, employees should notify their supervisors if they become aware of any situation or risk factor which could lead to violence.

### **5.15 Firearms and Weapons**

Employees are prohibited from carrying, using, displaying, possessing, or discharging weapons (concealed or otherwise) on Village property at any time. For purposes of this policy, “weapons” are defined as firearms, handguns, knives, or other weapons further defined by Ohio statute or local ordnance, and “Village property” is defined as including all Village-owned or leased buildings and surrounding areas, such as sidewalks, walkways, parking lots and driveways.

This policy applies to all employees and other persons entering the Villages’ property at all times regardless of whether the employee or person is licensed to carry the weapon.

The only exception to this policy will be police officers, security guards, law enforcement officials, or other persons who have been given consent by the Village to carry a weapon on the property.

* 1. **Electronic Devices and Communications**

**5.16.1 Ownership of Electronic Devices and Communications:**

The Village of Enon owns electronic and wire communication systems, including but not limited to:

1. Electronic mail (“e-mail”), including attachments
2. Voice mail; and
3. Internet and Intranet use.

Because these systems are owned by the Village of Enon and are to be used for business reasons, the contents of any communications transmitted through or stored within these systems are Village property and are subject to review by and disclosure to the Village of Enon. Furthermore, in some situations (e.g., litigation involving the Village of Enon), these communications may be subject to disclosure to a third party.

* + 1. **Monitoring of Electronic Devices and Communications:**

In order to assure that the systems are being used properly and in compliance with this policy, the Village of Enon, without notice, may periodically access, display, copy, delete or listen to any messages or communications sent, received, created, deleted or stored through or in its systems.

The Village of Enon may monitor Internet use, including reviewing the list of sites accessed on any Village computer or personal computer utilizing the Village Internet service. Employee Internet use is not private. No employee should have any expectation of privacy regarding Internet usage. The Village of Enon reserves the right to inspect any computer anytime or to use monitoring software in order to monitor Internet and computer use.

* + 1. **Personal Use of Village Electronic Devices and Communications:**

Occasional personal use of the systems is permissible. Occasional personal use means minimal and infrequent use that does not interfere with Village of Enon business or job performance. Any employee communicating personal messages should do so with the understanding that those messages or communications are subject to being heard or read by the Village of Enon. Employees should not expect that any of these messages or communications will be confidential or private. Village of Enon technology resources may not be used for personal, commercial, or profit-generating activities unrelated to Village of Enon’s business.

* + 1. **Prohibited Communication, Access, or Transmittal:**

Village systems may not be used to access or transmit material, which:

1. could embarrass, harass, or offend other persons. Additionally, the Village of Enon strictly prohibits the use of its systems to communicate sexually offensive material or comments or anything that might offend or disparage another person because of his or her race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances.
2. contain solicitations of any kind, including the distribution of chain letters.

For security reasons, employees accessing the Internet for business use must only do so through the Village authorized connection and must not utilize any other connection paths to the Internet.

* + 1. **Passwords:**

To maintain system security, employees have the responsibility to safeguard passwords and codes. All passwords and codes are the property of the Village of Enon. Employees may be asked to release passwords or codes to management on a need-to-know basis. Employees must also take adequate measures to ensure that their account on the Internet is not used by any other individual including other members of their household.

No employee shall use the passwords or codes of another employee in order to gain access to that employee’s e-mail, voice mail, files, or Internet communications unless first authorized to do so by that employee. All passwords and codes used in connection with these systems are the property of the Village of Enon. No employee shall use a password or code that is not readily available to the Village of Enon at all times. All passwords and codes must be surrendered upon termination of employment for whatever reason.

* + 1. **Software and Copyrighted Material:**

Only software authorized by the Village of Enon for its use may be installed on Village of Enon computers. The Village may, at any time, conduct an audit of computers for installed software and related printed material that is not included on a then-current inventory of Village authorized software. All unauthorized software will be removed. In addition, employees may not post, download, or otherwise use any copyright-protected material without the prior permission of the copyright owner.

* + 1. **Electronic Devices – No Privacy Interest and Other Limitations Notice:**

The Electronic Devices – No Privacy Interest and Other Limitations Notice is intended to and acts as a supplement to, and not a restriction of, the Electronic Devices and Communications policy above.

The Village of Enon purchases computers and electronic devices for its employees to use in the performance of their daily jobs. These computers and devices are equipped with internet capabilities which allow Enon employees access to various resources to best and most efficiently perform their jobs. Employees are further provided with email accounts to communicate electronically for work related purposes.

All computers and device equipment and services are purchased with public funds expended under the control of the Village of Enon. As such, they are the sole and exclusive property of the Village of Enon. Employees should not be using Village of Enon computer equipment, devices or services to store personal information or documents. All information stored on, or accessed with, Village computers, devices and/or services, are subject to Ohio’s Public Record’s law.

Village of Enon employees have no expectation of privacy on any computer, device or service owned by the Village of Enon. There is no expectation of privacy in any content, file, or email stored on any Village of Enon computer, device or service. All Village of Enon computer equipment, devices and services are subject to monitoring, inspection and search, at any time for any reason, by the Village of Enon. Village employees should assume that all computers, devices and services are being monitored. The Village of Enon is committed to assuring its residents that Enon employees are in compliance with all applicable laws, and that the Village’s property is being suitably used at all times.

Village employees are prohibited from accessing web-sites that are inappropriate for any reason. Accessing inappropriate websites on Enon computer equipment, devices and services, during working or non-working hours, could result in immediate termination. Forwarding inappropriate material or information could also result in termination. By accessing personal web-based email on an Enon computer or device, employees are doing so at their own risk with no expectation of privacy in the content that is accessed.

Employees are strictly prohibited from changing the configuration of any Village of Enon computer equipment, device, or service or adding/deleting programs without the approval of the appropriate supervisor. In addition, no files or information shall be deleted or altered without approval of a supervisor to ensure compliance with Ohio’s Public Record’s Law.

Employees will be provided a Login ID and Password to access Village computers and devices which should not be shared with anyone. Sharing computer passwords with others is in direct violation of this policy and could result in termination should inappropriate use of any computer, device or services occur under an employee’s Login ID and Password.

While employees are permitted to use computers for an occasional personal matter, abuse could result in disciplinary action, up to and including termination. All employees are expected to be dedicated to serving the mission of the Village of Enon and should be focused and centered on performing their respective job duties.

**5.17 Social Media**

The Village uses social media to increase awareness of and accessibility to its services, programs and resources in order to fulfill its mission to the residents.

**5.17.1 Village-Sponsored Social Media:**

Only those employees responsible for the Village’s social media sites should be actively participating on those sites during work hours. Employees who contribute to the Village’s social media should present content in a professional manner and should check facts, cite sources, avoid copyright infringement, present balanced views, check grammar and spelling before posting and acknowledge and correct errors.

Employees should not discuss confidential, work-related matters through social media. Content that is posted on Village-sponsored social media sites is subject to the Ohio Public Records Act and records retention requirements.

**5.17.2 Employee Personal Use of Social Media:**

Employee use of personal social media is not permitted during working hours except for work-related purposes such as professional development or Village-related social media outlets. Employees have the same right to self-expression enjoyed by members of the community as a whole when discussing matters of public concern. As public employees, Village employees are cautioned that speech made pursuant to official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed a violation of any policy of the Village. Employees should keep in mind the following best practices when posting content about Village-related subjects and issues on personal time:

* + If employees identify themselves as employees of the Village, they must make it clear that the views expressed are theirs alone and do not represent the views of the Village. For example, employees may say, “The views expressed on this website/blog are mine alone and do not necessarily reflect the views of my employer.” The disclaimer should be located in a prominent position and repeated for each posting expressing an opinion related to the Village.
	+ Employees must respect the Village’s confidential and proprietary information and may not post information that is still in draft form or is confidential.
	+ Employees may not divulge any information which they have gained by reason of their employment with the Village.
	+ Employees should not make any comments with any kind of negative, mocking, condescending, etc. slander about members of the public in general, about specific questions or behavior from members of the public on the Village’s social media sites.
	+ For safety and security reasons, employees are prohibited from disclosing security protocols or details about the Village security systems on any social media site.
	+ Employees should be aware that privacy settings and social media sites are constantly in flux and they should never assume that personal information posted is protected.
	+ Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Village at any time without prior notice.
	+ Employees are expected to comply with all applicable laws, including but not limited to, Federal Trade Commission (FTC) guidelines and copyright, trademark, and harassment laws.
* Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
* Using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose; or
* Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

**5.17.3 Reporting Violations:**

Any employee becoming aware of or having knowledge of a posting or of any website or webpage in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

**5.17.4 Concerted Activity Disclaimer:**

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA or similar Ohio law to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

**5.18 Media Contacts**

Employees should not speak to the media on the Village’s behalf without Village approval. All media inquiries should be directed to the Village Administrator or Chief of Police, as applicable.

**5.19 Addressing General Concerns of Employees**

This section works in conjunction with Section 2.2 “Chain of Command.” This section establishes a formal procedure for addressing employee concerns regarding matters unrelated to the administration of discipline, employee performance evaluations, or allegations of unlawful harassment/discrimination. This section is meant to address general, miscellaneous administrative issues (*e.g.,* the application or enforcement of a particular code, ordinance, administrative order, rule, regulation, or policy within the employee’s department; the administration of functions or operations within the employee’s department; the management style and philosophy of the employee’s supervisors, etc.) that, from time to time, may arise.

 **5.19.1 Procedure**

A. Immediate, First-Line Supervisor

When an employee has a concern covered under this policy, he/she shall first seek to discuss such concern by scheduling a meeting with his/her immediate, first-line supervisor, to allow the first-line supervisor to hear the concerns, investigate the matter, consult with supervisors if necessary, and address the concern.

B. Department Head

If the employee’s concern is not resolved to the satisfaction of the employee within a reasonable amount of time, then the employee shall schedule a meeting with the Village Administrator or Chief of Police, as applicable, to review the concern so that it can be addressed.

* + 1. **Protection from Supervisory Reprisal/Retaliation**

Employees who, in good faith, raise issues/concerns through the procedure specified above are hereby protected from reprisals or retaliatory conduct/behavior on the part of their supervisors. Such retaliatory conduct/behavior on the part of supervisory personnel shall not be tolerated and shall result in disciplinary action, up to and including termination.

This protection shall not, however, extend to employees who raise issues that are not legitimate in nature, which disrupt the efficiency or effectiveness within the workplace, or are not a matter of public concern.

* 1. **Communications**

 **5.20.1 Purpose**

Effective communications and customer service responsiveness are vital to the success and culture of our Village. This policy establishes communications expectations, procedures, responsibilities, and guidelines for all Village staff, regardless of department affiliation, and serves as an extension of the core values established by the Village Administrator or Chief of Police, as applicable, for every employee.

* + 1. **Communications Mission Statement**

Village employees will increase public awareness, interest, understanding of and participation in Village-related programs, services, and issues. Staff will conduct themselves with patience, courtesy, and respect for others, actively listening with a genuine intention and desire to understand the communications needs of those they serve.

**5.20.3 Public Records Requests**

Employees will be guided by the Village’s Public Records Policy, which is consistent and in accordance with Ohio laws. Public records requests should be coordinated through the Administrative Assistant/Clerk of Courts. Department heads will be notified of all public records requests that apply to their respective department.

**5.20.4 Notifying Supervisors of Potential Communications Issues**

Village employees shall notify their supervisor or department head whenever a potential communication problem or misunderstanding with the public may develop.

* + 1. **Website**

The Village maintains a basic website at this time. As the budget allows, the Village will work collaboratively with department representatives to incorporate new ideas designed to make the Village’s website site more dynamic and user friendly.

* + 1. **The Media**

The Mayor serves as the primary media source for Village-related information, but all employees with media responsibilities shall be ready to assist the media as needed. Inevitably, the Mayor will not receive all media requests. It is important that employees with media responsibilities are ready to assist.

* 1. **Other General Rules of Conduct**

**5.21.1 Collection of Notary Fee**

While on Village time or performing Village business, employees are prohibited from collecting any fees for services as a Notary Public.

**5.21.2 Courtesy to the Public**

Employees shall initiate all contact with the public in a courteous and tactful manner. Employees should refrain from coarse, violent or profane language, and exercise patience and discretion.

# 5.21.3 Display of Material in Public Facilities

# As a general rule, only authorized material is to be posted within or upon Village property. Employees shall not deface, damage, destroy, or tamper with authorized posted material.

# 5.21.4 Expenditures of Funds

No expenditures of money or financial obligations are to be incurred in the name of the Village, by Village personnel without prior authorization from the Village Administrator or Chief of Police, as applicable. All requests to expend money shall be made on a Village of Enon Purchase Order and properly approved before the expenditure of funds.

# 5.21.5 Insubordination

Employees are to obey any lawful directive of a supervisor. Insubordination includes, but is not limited to, any language or action directed toward a supervisor, which is disrespectful, mutinous, insolent, or abusive.

# 5.21.6 Neglect or Inattention to Duty

Employees shall not commit an act expressly forbidden or omit an act specifically required by the laws of the State of Ohio, the ordinances of the Village of Enon, these personnel policies, or any other lawful order, policy, procedure, or directive of the Village. Employees shall not engage in activity or personal business which may result in neglect or inattention to duty.

# 5.21.7 Personal Correspondence

Employees are not to use the Village as their mailing address or to use the official letterhead for private correspondence.

# 5.21.8 Reporting Arrests or Court Actions

Employees shall immediately report to their supervisor any arrests or court action where the employee is a defendant or plaintiff. This includes a personal civil proceeding that impairs the employee’s ability to perform his/her assigned duties or brings disrespect to the Village. Employees are not required to report their involvement in a divorce and/or child support proceeding, unless the proceeding is related to a criminal action or if the judicial officer has issued an income withholding order against the employee.

**ARTICLE VI**

**EMPLOYEE DISCIPLINE**

## 6.1 Disciplinary Process

The Village expects employees to comply with its policies, and standards of behavior and performance. The Village hopes that employees will exercise self-discipline and correct any noncompliance with Village policies; however, objectionable and unsatisfactory conduct or performance will not be permitted and may result in disciplinary action, up to and including termination.

Employees may be disciplined for any of the following behaviors:

* Unsatisfactory work performance;
* Discourteous and/or unprofessional treatment of the public;
* Violation of the Village’s ethics policy;
* Theft;
* Inappropriate removal of Village property;
* Falsification of timekeeping or any other Village record;
* Misrepresentation on any Village document, including resumes and employment applications;
* Working under the influence of alcohol or illegal drugs or controlled substances;
* Possession, distribution, purchase, or sale of alcoholic beverages, illegal drugs, or controlled substances while on duty;
* Working on personal matters while on duty;
* Disruptive activity in the workplace;
* Gross or habitual carelessness or recklessness, playing of tricks, jokes or other dangerous pranks upon others. Disregard for safety and comfort of fellow employees;
* Negligent or improper conduct leading to damage of Village property;
* Excessive absenteeism and tardiness;
* Engaging in outside employment without notification and approval of the Village Administrator or Chief of Police, as applicable;
* Absence without notice or any unauthorized absence;
* Unauthorized use or possession of Village documents or property;
* Disregard of safety rules or practices;
* Creating or contributing to hazardous, unhealthy, unsafe, or unsanitary conditions;
* Fighting, provoking a fight or altercation, engaging in any act or threat of violence, or any conduct that causes any individual to reasonably fear for his or her safety or the safety of his or her family, friends, or property;
* Sleeping during working hours;
* Insubordination including the refusal or failure to perform work assignments or the use of profane or abusive language to supervisors, other employees, or members of the public of the Village;
* Possessing weapons on Village premises;
* Unauthorized disclosure of confidential information;
* Violation of the Village’s policies regarding use of computers, e-mail, telephone, or other electronic communications equipment;
* Smoking in unauthorized areas;
* Refusing to cooperate with a Village investigation;
* Failing to make work accident reports;
* Unlawful or inappropriate harassment or discrimination;
* Other violations of policy, standards, or law.

Under normal circumstances, the Village endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. However, the Village reserves the right to administer discipline in any manner it sees fit. This policy does not modify the employment-at-will relationship between Village and its employees or in any way restrict the Village’s right to bypass progressive discipline.

The following steps are suggested in the disciplinary process, depending upon the severity of the infraction for which discipline is imposed:

* Informal discussion and verbal warning
* Written warning
* Final written warning
* Probation and/or suspension
* Termination of employment

Certain infractions may warrant immediate suspension or termination. Repeated infractions of a less serious nature may result in progressively more serious disciplinary actions, up to and including termination. At all times, the Village may take the disciplinary action it believes is appropriate under the circumstances.

In cases involving serious misconduct, or any time the Village Administrator, Chief of Police or Mayor, as applicable, determines it is necessary, such as a major breach of policy or violation of law, the procedures contained above may be disregarded. Typically, the Village Administrator, Chief of Police or Mayor, as applicable should suspend the employee immediately (with or without pay), and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

Nothing in this policy limits the Village’s right to terminate employment at any time, with or without cause or notice.

 **ARTICLE VII**

**EMPLOYEE BENEFITS**

* 1. **Overview of Benefits**

The Village of Enon provides a wide range of benefit programs to eligible employees. Certain legally required programs (such as OPERS, workers’ compensation, state disability, and unemployment insurance) cover all employees in the manner required by law.

Employee eligibility for each benefit program depends on a variety of factors, including employee classification. Employees should talk to the Village Administrator or Chief of Police, as applicable, to better understand for which benefit programs, they are eligible. Employees may be referred to other sources, such as documents pertaining to the particular benefit.

Although some of the benefit programs the Village of Enon offers may require employees to contribute to the cost, many programs are fully paid by the Village.

The vacation and sick leave benefits discussed below begin to accrue upon the commencement of employment. The vacation and sick leave benefits do not vest, however, until after the employee has fulfilled one hundred eighty (180) days of service. Unvested benefits may not be transferred or paid out in cash, where applicable.

**7.2 Major Medical/Hospitalization, Dental and Life Insurance**

**7.2.1 Exempt (Salaried) Employees and Non-Exempt Full-Time (Hourly) Employees**

All full-time non-exempt (hourly) and exempt (salaried) employees of the Village are eligible for medical coverage, prescription drug coverage, dental coverage, and term life insurance. All eligible employees should refer to their insurance benefits information for specific information regarding their specific plans. In addition, if an employee has any questions regarding his/her insurance coverage or eligibility, he/she should contact the Village Administrator or Chief of Police, as applicable.

**7.2.2 Non-Exempt Part-Time (Hourly) and Non-Exempt Part-Time Daily Employees**

All part-time non-exempt (hourly) and part-time non-exempt daily employees of the Village are eligible for term life insurance. All eligible employees, as defined by the state and federal law, should refer to their insurance benefits information for specific information regarding their specific plans. In addition, if an employee has any questions regarding his/her insurance coverage or eligibility, he/she should contact the Village Administrator or Chief of Police, as applicable.

**7.2.3 COBRA Coverage:**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires group health insurance policies to permit employees, their spouses and dependent children to continue their insurance when they leave the Village for specified reasons (stated below) and then to convert to an individual policy when the continuation period expires. The employee is responsible for paying one hundred percent (100%) of the health insurance cost during this period.

**A. COBRA Qualifying Events for Employees:**

* + Reduction in Hours/Layoff: If the employee’s hours are reduced permanently or the employee is laid off so that the employee no longer qualifies for group health insurance coverage, the employee is entitled to COBRA coverage
	+ Termination of Employment: If an employee who has been covered under the group plan for at least three (3) months and leaves the employ of the Village for other than the employee’s gross misconduct, the employee is entitled to COBRA coverage.
	+ Call to Active Duty: Employees who are called to active duty lasting more than thirty (30) days may elect COBRA continuation coverage for themselves and their family for up to twenty-four (24) months.

**B. COBRA Qualifying Events for Spouses of Employees:**

Spouses who are covered by the Village’s group health plan are “Qualified Beneficiaries” and have the right to choose continuation coverage for themselves if they lose coverage under this group health plan for any of the following reasons:

* + - Death of the employee spouse;
		- Termination of the spouse’s employment (for reasons other than gross misconduct) or reduction in the spouse’s hours of employment;
		- Divorce or legal separation from the employee spouse;
		- Spouse becomes entitled to Medicare; or
		- Proceeding in a bankruptcy reorganization case by the Village, if the spouse is retired.
1. **COBRA Qualifying Events for Dependent Children of Employees:**

Dependent children of an employee covered by the Village’s group health plan are also “Qualified Beneficiaries” and have the right to continuation coverage if coverage under this group health plan is lost for any of the following reasons:

* Death of the parent;
* Termination of a parent’s employment (for reasons other than gross misconduct) or reduction in a parent’s hours of employment;
* Parents’ divorce or legal separation;
* Parent becomes entitled to Medicare;
* Dependent ceases to be a “dependent child” under the group health plan; or
* Proceeding in a bankruptcy reorganization case by the Village, if the parent is retired.

If there is a choice among types of coverage under the plan, any person who is eligible for continuation coverage is entitled to make a separate election among the types of coverage.

1. **Employee Responsibilities:**
* Employees must notify the Village Administrator or Chief of Police, as applicable, in writing if there is a divorce, legal separation, or a child losing their dependent status under the group health plan within sixty (60) days of the date of the event.
* The employee and/or the family member must also elect COBRA coverage within 60 days after the Plan coverage ends or after receipt of notification that the COBRA continuation is available, whichever is later. If COBRA coverage is not requested within this 60-day deadline, the group health insurance coverage will end and the employee, spouse, and/or dependent children will lose your right to COBRA continuation coverage.
* In the event COBRA coverage is requested, the first premium payment is due within forty-five (45) days of the election of COBRA coverage.
1. Length of COBRA Coverage:
* Unless earlier terminated (as listed below), COBRA coverage will continue for eighteen (18) months after the qualifying event. Certain additional qualifying events (such as the granting of Social Security disability or other qualifying events) may permit the COBRA Coverage to be extended to twenty-nine (29) or thirty-six (36) months.

**C. Termination of COBRA Coverage:** COBRA Coverage terminates at the earliest of:

* Eighteen (18) months (unless extensions are granted);
* the date on which the employee fails to pay a premium;
* the date on which the employee becomes eligible for hospital, medical or surgical benefits under another plan;
* the date the employee elects no longer to have coverage under the continued group contract; or the date on which the Village ceases to provide benefits to its employees under a group contract
	1. **Holidays**

**7.3.1 Recognized Holidays**

The following are paid holidays for exempt (Salaried) and non-exempt full-time (hourly) employees:

 New Year’s Day

 Martin Luther King Day

 Presidents’ Day

 Memorial Day

 Juneteenth

 Independence Day

 Labor Day

 Columbus Day

 Veterans’ Day

 Thanksgiving Day

 Christmas Day

* + 1. **Holidays Falling on a Weekend**

If a holiday falls on a Saturday, the preceding Friday will be observed as the holiday. If a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

* + 1. **Holiday During Vacation Leave**

If a holiday should fall during an employee’s vacation, the holiday shall not count as a vacation day.

* + 1. **Work Performed on a Holiday**

A non-exempt full-time (hourly) employee who is required to work on a paid holiday shall be paid or given compensatory leave at the rate of one and one-half (1½) times the base rate of pay in addition to the holiday pay for the hours worked on the paid holiday.

**7.4Vacation Leave for Exempt (Salaried) and Non-Exempt Full-Time (Hourly) Employees**

* + 1. **Determination of Vacation Leave**
		2. Exempt full-time (salaried) and non-exempt full-time (hourly) employees shall earn annual vacation leave according to the following schedule:
		3. Less than five (5) years 10 days
		4. Five (5) to nine (9) years 15 days
		5. Ten (10) to nineteen (19) years 20 days
		6. Twenty (20) or more years 25 days
		7. Leave will be accrued at the end of each month at the rate of 1/12 the annual total.
		8. One (1) working day shall be equal to eight (8) hours.
		9. **Prior Public Service**

Transfer of vacation leave for an employee who transfers from an Ohio political subdivision or state public agency to the Village of Enon will be computed in accordance with calculation set forth in Ohio Administration Code § 123:1-32-10.

**7.4.3 Eligibility for Vacation Leave**

Vacation leave is considered by the Village of Enon to be important to the employee’s welfare and mental health; therefore, employees are strongly encouraged to utilize their vacation leave. Vacation leave cannot be taken during the first one hundred eighty (180) days of employment. Exceptions can be made on a case-by-case basis by the Village Administrator or Chief of Police, as applicable.

The employee may take vacation leave during the year as it is accrued. Only fifty percent (50%) of accrued annual vacation leave may be permitted to be carried over into the next year. Accumulation of vacation leave is limited to a maximum of twenty- five (25) days/200 hours at any point in time. During the months of November or December, employees may cash-in up to fifty percent (50%) of the total accumulation to be in compliance with the maximum permitted amount of twenty- five (25) days/200 hours by December 31, 2024

* + 1. **Scheduling Vacation Leave**

All vacation leave should be pre-scheduled with the Supervisor at least two (2) weeks in advance. Any employee requesting vacation leave may be denied that leave if it disrupts the operations of the Village. Consideration will be given based upon date and time the request is submitted. Vacation leave shall be based on half (½) hour increments.

* + 1. **Requesting Time Off and Viewing Employee Information**

All employees will receive a copy of their vacation and sick balances at the beginning of each month on their paystub. Employees will also be notified oftheir current actual accrued leave balance available to them for requesting time off.

An employee will request all leave desired through a Request Leave Form, a sample of which is provided in the Appendix, indicating the date of the request, the date of the desired leave, the type of leave requested, and the number of hours of leave requested. The form will be submitted to the employee’s supervisor. Should the leave be approved, these hours will automatically be reflected in the employee’s time record.

* + 1. **Accrued Vacation Time at Termination of Employment**

In the event the employee leaves the employ of the Village, the employee shall be paid 100% of the base rate for all accumulated vacation time, to the maximum accumulation allowed, as described above. (See Eligibility for Vacation Leave).

Section 7.4.3 amended April 11, 2023

**7.5 Sick Leave for Exempt (Salaried) Non-Exempt Full-time (Hourly) Employees**

* + 1. **Accumulation of Sick Leave**

All exempt (salaried) and non-exempt full-time (hourly) employees shall earn sick leave at the rate of one and one-quarter (1¼) days per calendar month of service. Accumulation of sick leave is unlimited. Sick leave shall be taken in one-half (½) hour increments.

* + 1. **Prior Public Service**

Transfer of sick leave for an employee who transfers from an Ohio political subdivision or state public agency to the Village of Enon will be computed in accordance with calculation set forth in Ohio Administration Code § 123: 1-32-10.

**7.5.3 Physician Statement Required and Sick Leave Use**

The Village may investigate any employee’s absence. Employees who are off on sick leave due to illness and/or injury must remain at home caring for the employee’s illness and/or injury, or at a place receiving medical attention, and limit any necessary public appearances (*e.g*., necessary trips to pharmacy, grocery, dropping a dependent at school) to a minimum. No public appearance should occur which would cause the Village or the public to question whether the use of Village sick leave is being abused for improper purposes.

The Village may order any employee claiming an illness or injury rendering him/her unable to perform his duties to submit to an examination by a designated physician at the Village’s expense at any time, including before returning the employee to work. Employees are required to cooperate with all such requests and provide any requested information which is related to the employee’s claimed condition to such designated physician.

When extended absences occur, the Village will comply with all applicable state and federal laws and will review each situation on a case-by-case basis in making employment decisions to best serve the Village and the employee.

**7.5.4 Severance Pay of Sick Leave**

Retiring employees who have provided ten (10) continuous years of service to the Village of Enon shall be paid straight pay for twenty-five percent (25%) of their unused sick leave (not to exceed two hundred forty (240 hours) at the time of retirement.

**7.5.5 Transfer of Sick Leave**

Employees may voluntarily transfer any amount of their accumulated sick leave to another employee who has depleted their accumulated sick leave, vacation, and comp time, for their use due to an extended illness, provided that the donating employee maintains a minimum sick leave balance of one-hundred and sixty (160) hours, after the donation.

**7.6 Family Medical Leave Act (FMLA)**

The purpose of this policy is to set forth guidelines regarding the implementation of the Family Medical Leave Act (“FMLA”) and to educate employees as to their eligibility for leave under the FMLA.

The Village complies completely with the FMLA and provides “eligible” employees both a Basic Leave Entitlement of up to twelve (12) weeks of leave in any twelve (12) month period for certain family and medical reasons and a Military Family Leave Entitlement of up to twenty-six (26) weeks of leave in any twelve (12) month period to attend to certain “qualifying exigencies” caused by a relative’s active duty in the military or to care for a servicemember injured while on active duty.

This policy covers all “eligible,” full-time employees of the Village.

**7.6.1 Introduction:**

The information listed below highlights the Village’s policy regarding the rights and obligations of employees and the Village, which rights and obligations encompass over forty pages of federal regulations. Accordingly, this information is intended to be a short summary of these lengthy regulations and the specifics of the Village’s policies under the FMLA. In any particular case, except where the Village has chosen a permitted option under the FMLA, the precise rights and obligations of employees and the Village, will be governed by the FMLA itself.

**7.6.2 Eligible Employee Defined:**

Only “eligible” employees may take leave under the FMLA. An employee is eligible for FMLA leave if:

1. he/she has worked for the Village for at least one year;
2. he/she has worked at least 1,250 hours during the twelve (12) month period preceding the leave; and
3. he/she works at a worksite with more than 50 employees within a 75-mile radius.

***\*The Village of Enon does not currently have any FMLA Eligible Employees as of the FEBRUARY 28, 2023 effective date of this Personnel Policy Manual***

**7.6.3 Types of FMLA Leave:**

There are two general types of FMLA leave, the Basic Leave Entitlement, which allows employees to take leave for certain family and medical reasons, and the Military Leave Entitlement, which allows employees whose spouse, child, parent, or next of kin (in certain cases) are on or called to active duty to take leave to attend to qualifying exigencies arising from the active duty status or to care for their family member who is seriously injured while on active duty. These two types are more fully explained below.

 **A. Basic Leave Entitlement**:

1. Employees are entitled to take FMLA Leave:
2. To care for the employee’s child after birth, or placement for adoption or foster care;
3. To care for the employee’s spouse, child, or parent with a serious health condition; or
4. To take medical leave when the employee is unable to work because of a serious health condition.

**B. “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:**

* + - 1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care;
			2. Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
			3. A health condition (including treatment therefor, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that includes:
* Treatment two or more times by, or under the supervision of, a health care provider; or
* One treatment by a health care provider with continuing regimen of treatment; or
* Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.
* Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity (*e.g.,* asthma or diabetes). A visit to a health care provider is not necessary for each absence.
* A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer’s, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment.
	+ - Any absences to receive multiple treatments for restorative surgery for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

*Note: A bad cold or the flu, even if it requires absence from work or from school, will usually not rise to the level of a serious health condition under the FMLA.*

* + 1. **Amount of Basic Leave Entitlement:**

Eligible employees are entitled to take up to twelve (12) weeks of FMLA leave in any twelve (12) month period for any of the FMLA-qualifying reasons outlined in this Policy. The actual amount of leave for which each eligible employee is entitled will depend upon the employee’s normal work week. For example, eligible employees working five (5) days per week are entitled to sixty (60) days of leave in a 12-month period while employees who work only four (4) days per week are limited to forty-eight (48) days of FMLA leave.

* + - * 1. Limitations as to Period in Which Leave May Be Taken:

 Leave taken in conjunction with the birth or placement of a son or daughter in adoption or foster care must conclude no later than twelve (12) months after the birth or placement.

* + - * 1. Aggregation of Leave:

Where both husband and wife are employed by the Village, FMLA leave taken in conjunction with the birth or placement of a son or daughter in adoption or foster care or to care for a parent with a serious health condition will be limited to a combined total of up to 12 weeks.

Employees may not take more than a combined 26 weeks of FMLA leave (Basic Entitlement and Military Leave Entitlement) in a single 12-month period.

* + 1. **Military Leave Entitlements:**
	1. Pursuant to the Military Leave Entitlement, eligible employees are entitled to take leave for one or both of the following reasons:
	2. To attend to qualifying exigencies arising out of the fact that the employee’s spouse, child, or parent is on active duty or called to active-duty status as a member of the Armed Forces in support of a contingency operation; or
	3. To care for the employee’s spouse, child, parent or next of kin who is a current member of the Armed Forces with a serious injury or illness resulting from active duty.
	4. “Qualifying Exigency” includes leave taken to address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven or less calendar days prior to the date of deployment; leave taken to attend military events, ceremonies or programs, leave taken to arrange childcare; leave taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military; leave taken to attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures; leave taken to attend to financial and legal arrangements; leave taken to attend counseling; leave taken (up to 5 days) to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment; and leave taken to address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements,

“Next of Kin” means the nearest blood relative to the servicemember – other than his/her spouse, parent, or child, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

Amount of Military Leave Entitlement:

Eligible employees are entitled to take up to twelve (12) weeks of FMLA leave in any twelve (12) month period to attend to qualifying exigencies arising out of the fact that the employee’s spouse, child, or parent is on active duty or called to active-duty status.

Eligible employees are entitled to take up to twenty-six (26) weeks of FMLA leave in a single twelve (12) month period to care for the employee’s spouse, child, parent or next of kin who is a current member of the Armed Forces with a serious injury or illness resulting from active duty.

The actual amount of leave for which each eligible employee is entitled will depend upon the employee’s normal work week. For example, eligible employees working five (5) days per week are entitled to sixty (60) or one hundred thirty (130) days of leave in a 12-month period while employees who work only four (4) days per week are limited to forty-eight (48) or one hundred four (104) days of FMLA leave (depending on which type of leave is used).

Aggregation of Leave:

Where both husband and wife are employed by the Village, FMLA leave taken to care for the employee’s spouse, child, parent or next of kin who is a current member of the Armed Forces with a serious injury or illness resulting from active duty will be limited to a combined total of up to 26 weeks.

Employees may not take more than a combined 26 weeks of FMLA leave in a single 12-month period.

* + 1. **Intermittent Leave:**

FMLA Leave may be taken on a continuous basis (that is, a certain number of days or weeks in a row). Additionally, for leaves involving a serious health condition, when medically necessary, leaves may also be taken on an intermittent basis (that is, leave taken in separate blocks of time due to a single qualifying reason), or on a reduced schedule basis (that is, a leave schedule that reduces the usual number of hours per workweek or hours per day).

An employee requesting intermittent leave or leave on a reduced schedule must fulfill all of the obligations that are described in this document (e.g., the advance notice requirements, request for leave of absence forms, medical certification, etc.). The employee must also advise the Village of the reasons why the intermittent/reduced schedule is necessary and of the schedule for treatment, if applicable. The employee and his/her supervisor must then attempt to work out a schedule, which meets the employee’s needs without unduly disrupting the Village’s operations, subject to the approval of the health care provider.

Likewise, whenever the employee requests leave for planned medical treatment (whether on an intermittent reduced schedule, or continuous basis), the employee must consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to unduly disrupt the Village’s operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their supervisors prior to the scheduling of treatment in order to work out a treatment schedule which best meets the needs of both the Village and the employee.

Intermittent/reduced schedules are not available to employees taking leave due to the birth or care, or placement of a child for adoption or foster care.

* + 1. **Designation of Leave:**

Employees specifically applying for FMLA leave will be notified as soon as possible whether the leave has been approved. If the leave qualifies as FMLA leave, the employee requesting the leave will receive written confirmation of the leave approval.

At times, an employee may be absent under circumstances that would qualify as FMLA leave, even though the employee has not specifically applied for FMLA leave. The Village has the right to designate such absences as FMLA leave. If an absence is designated as FMLA leave, the effected employee will receive written notice of the designation. Any employee not receiving notice that an absence has been designated as FMLA leave may assume that the absence will not be treated as FMLA leave.

* + 1. **Substitution of Paid Leave:**

In general, FMLA leave taken either under the Basic Leave Entitlement or the Military Leave Entitlement is unpaid.

However, the Village requires that FMLA leave and qualifying paid and unpaid leaves of absence run concurrently, thereby allowing employees to be paid (to the maximum amounts reflected by their accrued, transferred, and applicable leaves) for some or all of their FMLA leave. Employees are required to substitute paid leave for unpaid FMLA leave as follows:

1. accrued vacation leave shall be substituted for unpaid FMLA leave relating to birth, placement of a child for adoption or foster care; or to care for a spouse, child, or parent who has a serious health condition;
2. accrued vacation and accrued and transferred sick leave shall be substituted for any unpaid FMLA leave taken due to an employee’s own “serious health condition;”
3. accrued vacation leave shall be substituted for any unpaid FMLA leave taken or for absences required to care for a family member.
4. accrued vacation leave shall be substituted for unpaid FMLA leave relating to a qualifying exigency arising out of the fact that the employee’s spouse, child, or parent is on active duty in support of a contingency operation; or
5. accrued vacation leave shall be substituted for any unpaid FMLA leave taken to care for the employee’s spouse, child, parent or next of kin who was seriously injured or became ill in the line of duty on active duty in the Armed Forces.

Once the employee has exhausted all of his/her accrued, transferred, and applicable leaves, the remainder of the FMLA leave, if any, shall be granted as an unpaid leave of absence.

* + 1. **Concurrent Leaves:**

The Village requires that both paid and unpaid leaves run concurrent with FMLA leave. For instance, FMLA leave shall run concurrently with any disability leave, accrued and transferred paid leaves as outlined above, and all unpaid leave of absence without pay (regardless of type).

The Village further requires that absences due to the serious health condition of the employee that may have resulted from an injury on the job, and for which Workers’ Compensation leave has been granted, run concurrent with FMLA leave.

The denial of a request for leave of absence without pay in no way reduces or limits an eligible employee’s entitlement to up to twelve (12) weeks of Basic FMLA leave or up to twenty-six (26) weeks of Military FMLA leave.

* + 1. **12-Month Period Determination:**

The twelve (12) month period in which the twelve weeks of FMLA leave will be measured by shall be the twelve (12) month period measured forward from the date the employee’s first FMLA leave began.

* + 1. **Notice Requirements:**

An employee needing leave is required to provide the Village with notice of the need for leave. The employee must explain the reasons for needing leave so as to allow the Village to determine that the reason for leave is for an FMLA-qualifying reason. If the employee fails to explain the reason, leave may be denied. Notice should include enough information to make the Village aware that the employee needs FMLA-qualifying leave, and anticipated timing and duration of leave. Failure to provide timely notice may result in a delay in, or the denial of, the leave and/or cause the absence to be considered as unexcused, which will subject the employee to disciplinary action up to and including termination.

The employee should provide as much advance notice as possible so that the Village can make appropriate arrangements to cover any work that needs to be performed in the employee’s absence. The employee is also responsible for complying with any departmental rules regarding the reporting absences. The minimum amount of required notice under the FMLA is as follows:

*Foreseeable Leave -- At Least 30-Day Notice Required*

When the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment of the employee or the employee’s spouse, child, or parent, the employee must provide the Village at least thirty (30) days advance notice.

*Unforeseeable/Emergency Leave -- Notice Required Soon as Practicable*

If thirty (30) days is not practicable (e.g., where the employee does not know when an expected leave will begin, or where there is a change in circumstances or a medical emergency), notice must be given as soon as practicable, ordinarily within one or two business days of when the need for leave becomes known to the employee. If the dates of leave are originally unknown, or if the dates of scheduled leave change or are extended, the employee is likewise responsible for giving notice as soon as practicable.

*Consequences for Failure to Provide Timely Notice*

Special rules apply when the employee fails to give advance notice of the need for leave and the Village does not learn of the reason for the absence until the employee’s return (e.g., where the employee was absent for only a brief period). In such circumstances, if the Village does not designate the leave as FMLA leave and the employee desires it to be counted as FMLA leave, the employee must, within two business days after returning to work, notify the Village that the leave was for an FMLA reason. In the absence of such timely notification by the employee, the employee may not subsequently assert FMLA protections for the absence.

*IMPORTANT! Employees who fail to give advance notice of the need for FMLA leave and who desire to have their absence covered by FMLA must give the Village sufficient information to justify FMLA leave by no later than two (2) days after they return to work following the absence. Employees failing to provide such information within two (2) days will not have their absences covered as FMLA leave.*

* + 1. **Reporting While on Leave:**

An employee taking FMLA leave is required to report periodically on his/her intent to return to work. The employee is also responsible for complying with any departmental rules regarding the reporting of absences.

* + 1. **Extensions of FMLA Leave Beyond Anticipated Period:**

If an employee needs leave beyond the anticipated date originally provided for the ending of such leave, the employee must provide reasonable notice to the Village as soon as possible and no later than within two business days after learning of the need for an extension of the leave.

* + 1. **Early Return from Leave:**

If the employee is able to return to work earlier than expected, the employee must notify the Village of this fact and the expected date of return to work no later than two days after the employee learns that he/she will be able to return to work earlier than expected.

* + 1. **Leave of Absence Forms:**

Employees wishing to request leave under the FMLA must complete a Leave of Absence Form which is available from the Village Administrator and/or Police Chief as applicable.

* + 1. **Initial Medical Certification:**

When the leave is foreseeable and at least thirty (30) days’ notice has been provided, the employee should submit the medical certification before leave begins. When this is not possible, or when the leave is not foreseeable or the employee has not provided thirty (30) days’ notice, the employee must submit the certification within fifteen (15) days after the employee is notified of the requirement to submit the certification, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent good faith efforts, in which case, the notice must be provided as soon as is reasonably possible under the particular facts and circumstances.

*IMPORTANT!*

*In the case of foreseeable leave, failure to submit a required medical certification within the 15-day period may result in a delay or in a denial of leave until the certification is provided and may cause the employee’s absence to be considered as unexcused, which will subject the employee to disciplinary action, up to and including termination.*

*In the case of leave that is not foreseeable, failure to provide a required medical certification within fifteen (15) days after the employee is notified of the requirement to submit the certification or within reasonable time under the pertinent circumstances, may result in a delay in or denial of the employee’s continuation of FMLA leave and may cause the absence to be considered as unexcused which will subject the employee to disciplinary action, up to and including termination. If the employee does not produce the certification, the leave may not be FMLA leave.*

* + 1. **Recertification for Long-Term Leave:**

The Village may require recertifications of employees taking long periods of FMLA leave. However, the Village will not request such recertifications more often than every thirty (30) days unless circumstances change significantly or there is reason to doubt the continuing validity of the initial certification.

* + 1. **Return to Work Certification/Fitness for Duty Report:**

At the end of FMLA Leave, the employee may be required to complete, with his/her health care provider, a Return-to-Work Certification indicating that the employee is able to return to work and fit for duty. Prior to the end of the requested leave, employees should contact the Village Administrator and/or Police Chief, as applicable, to determine if such a certification is required to return to work from their FMLA Leave.

 **7.6.19 Job Restoration Rights:**

An employee taking FMLA Leave must generally either be restored to his/her prior position or to an equivalent position in terms of pay, benefits, responsibilities, and authority. Job restoration may be denied where a job elimination has occurred that would have terminated the employee’s job or placed him/her in a different job. Job restoration may also be denied to certain highly compensated employees if necessary to avoid substantial and grievous economic injury to the Village.

**7.6.20 Pay During Leave:**

Except for the utilization of earned and accrued paid leave required above, leave granted under the FMLA is unpaid.

**7.6.21 Benefits Protection:**

No employee will ever lose any employment benefit that the employee possessed prior to the start of his/her FMLA Leave as a result of utilizing that leave.

Earned benefits (*e.g.,* seniority, vacation time, sick time) will not continue to be accrued during periods of unpaid FMLA leave.

For the duration of the FMLA Leave, the Village must maintain the employee’s medical insurance coverage in any “group health plan” as if the employee had continued working. In some cases, the Village may recover premiums paid for maintaining an employee’s health coverage if the employee fails to return to work at the expiration of his/her FMLA Leave.

**7.6.22 Other Employment Prohibited During FMLA Leave:**

Employees are prohibited from engaging in employment with other entities during any period of time for which FMLA leave has been granted except where the employee engaged in that employment prior to the time when his/her FMLA leave began.

Employees are prohibited from engaging in employment with other entities during any period of time for which unpaid FMLA leave has been granted.

**7.6.23 Questions:**

Employees with questions concerning the FMLA are encouraged to contact the Village Administrator and/or Chief of Police, as applicable.

**7.6.24 Interpretation of/or Exceptions To This Policy:**

The Village Administrator and/or Police Chief, as applicable, are authorized to make interpretations of this policy

**7.7 Bereavement Leave**

The Village offers paid bereavement leave to provide a time for mourning after the death of an immediate family member. Employees who are eligible for paid time-off benefits may be granted up to three (3) workdays per occurrence for attendance at funerals and memorial services in conjunction with the death of a member of the employee's immediate family. If additional time is needed due to out-of-town travel or other circumstances, sick leave, vacation time, or compensatory time may be used with the approval of the Village Administrator or Chief of Police, as applicable.

For purposes of bereavement leave, “immediate family” is defined as the employee’s husband, wife, live-in domestic partner, child, parent, sibling, grandparent, grandchild and equivalent in-laws or step family, and persons living in the same household as the employee.

Paid bereavement leave is not deducted from the employee's sick leave or vacation, and will be allotted based on actual hours scheduled during the bereavement period. Time paid under this benefit will not be calculated as hours worked toward overtime.

**7.8 Jury Duty and Court Leave for Exempt (Salaried) and Full-Time (Hourly) Employees**

The Village will provide full pay to employees who are subpoenaed for jury duty by the United States, State of Ohio, or a political subdivision thereof. Employees must provide notice of jury duty within three (3) days of receiving the subpoena.

While serving jury duty, the employee will receive full pay for the time the employee was scheduled to work for up to two (2) weeks per year. Employees who receive compensation for jury duty will be required to reimburse the Village in the amount of the compensation they receive for any day for which the employee was paid by the Village. A personal check in the amount of the jury duty pay received by the employee for those days should be made payable to the Village and given to the Fiscal Officer. Employees may keep jury duty compensation for any days they were not scheduled to work and did not receive pay from the Village.

Vacation time or compensation time must be used if the attendance at court involves a personal matter of the employee.

**7.9 Religious Observances**

Employees who are members of religious groups that have special observances on days other than the holidays observed by the Village, may request time off (vacation leave for eligible employees or unpaid leave of absence) to participate in the observance of their religious holidays. In addition, such employees may request that the employee’s schedule be modified to allow the employee to absent themselves to participate in the observance of their religious holidays. Supervisors will grant the employee’s request and modify the requesting employee’s schedule, unless doing so would create an undue hardship (more than *de minimus* hardship)on the Village. Employees whose schedules have been modified (rather than taking time off) will be required to make up the hours missed on another day in the same work week.

**7.10 Military Leave**

Employees on military leave of absence shall be entitled to all rights provided by law.

**7.11 Leaves of Absence Without Pay**

Leaves of absence without pay are intended for use only under extraordinary circumstances when an absence cannot be covered by accumulated sick leave, vacation, and other paid leave. Leaves of absence without pay may not be granted to any employee in order that the employee may accept temporary or other remunerative employment elsewhere.

**7.11.1 Employees Eligible for Leave of Absence Without Pay**:

Regular full-time and part-time employees who have completed their probationary period may request a leave of absence without pay.

**7.11.2 Types of Leaves of Absence Without Pay:**

The Village offers the following categories of leaves of absence without pay:

1. Personal Leave of Absence Without Pay

Employees may be granted personal leaves of absence without pay for a maximum duration of five (5) days for any personal reasons of the employee (including religious observances). Such personal leave of absence without pay may not be renewed and extended beyond the initial leave period. Employees must exhaust all vacation leave and compensatory time prior to taking a personal leave of absence without pay.

1. Medical/Disability Leave of Absence Without Pay

Employees may be granted a medical leave of absence without pay for a period not to exceed one (1) month when the employee’s medical/mental health condition continues beyond the use of all accumulated sick, vacation, compensatory time, and other paid leaves, provided that the employee furnishes the Village with satisfactory proof from an appropriate health care provider, along with the employee’s written request for medical leave of absence without pay, and the employee is:

* 1. Hospitalized or institutionalized;
	2. Experiencing significant and long-term complications of pregnancy or childbirth;
	3. On a period of convalescence following hospitalization or institutionalization authorized by a physician at such hospital or institution; or
	4. Declared incapacitated for the performance of the employee’s essential job functions.

**7.11.3 Requests for Leave of Absences Without Pay:**

Employees shall notify their supervisor as far in advance as possible of the employee’s intention to request any leave of absence without pay. Such requests must first be cleared by the employee’s supervisor. It is the employee’s responsibility to request a medical/disability leave of absence without pay as such leave is not granted automatically when an employee’s accrued leave balances are exhausted.

**7.11.4 Standard for Granting Requests For Leaves of Absence Without Pay:**

The authorization of any leave of absence without pay is a matter of the administrative discretion of the Village. Each request for such leave will be considered by the Village Administrator or Chief of Police, as applicable, on an individual basis, considering the unique circumstance of each request and such factors as the length of leave requested, the Village’s ability to replace the individual on an interim basis, and the opportunities, if any, for job sharing. Requests for a leave of absence without pay will be denied in cases in which such leave will result in undue hardship to the Village or be detrimental to the effective and efficient operation of the Village.

Except in extenuating circumstances granted in writing by the Village Administrator or Chief of Police, as applicable, leaves of absence without pay in different categories may not run consecutively.

**7.11.5 Continuation of Health/Dental Insurance During Leaves of Absence Without Pay:**

Unless prohibited from doing so by its insurance company, the Village will maintain the employee’s health/dental insurance at the same premium contribution levels and coverages as was provided prior to the employee’s leave of absence during the period of Employee’s leave of absence without pay. If the Village’s insurance company prohibits the extension of coverage to employees on unpaid leaves of absence, employees may be eligible for COBRA benefits. Employees should explore their insurance continuation options prior to requesting a leave of absence without pay to ensure that they do not unintentionally lose their insurance coverage. Employees who elect to continue Health/Dental Insurance coverage during a leave of absence without pay are required to make their own employee premium payments to the insurance company.  The Village will only be making the employer premium payments to the insurance company.

**7.11.6 Non-Continuation of Earned Benefits During Leaves of Absence Without Pay:**

Earned benefits (e.g., seniority, vacation time, sick time, holiday pay) will not accrue or be paid during leaves of absence without pay.

**7.11.7 Return to Duty Requirements:**

The Village expects all employees for whom a leave of absence without pay is granted to return to work at the conclusion of the employee’s period of leave. An employee may return to work before the scheduled expiration of any leave of absence without pay if the employee provides a written request to return early and that request is approved by the Village Administrator or Chief of Police, as applicable. Employees on medical/disability leaves of absence without pay may be required to furnish a physician’s certificate, personally signed by the treating physician, verifying that the employee is able to return to work and to perform all of the essential functions of the employee’s job. The Village may request that the employee submit to examination by a licensed medical practitioner selected by and paid for by the Village before an employee is permitted to return to work from a medical/disability leave without pay. Employees who are released by the physician(s) provided for in this section shall be assigned to a work schedule as soon as practical following such release(s). Employees who return to work after any leave of absence without pay will be returned to their prior job duties unless their position is no longer available. In cases where the employee cannot be returned to the employee’s prior job duties, the employee will be assigned to the next available job for which the employee is qualified.

**7.11.8 Failure to Return to Work:**

Employees who do not return to work at the conclusion of the approved leave of absence without pay may be terminated. Employees who are able to return to work after the conclusion of their approved leave of absence without pay will be required to reimburse the Village for the costs of their health/dental insurance during the period of unpaid leave.

**7.12 Lactation Breaks**

Reasonable lactation breaks and appropriate facilities will be provided to any employees desiring to express breast milk for a nursing child for up to one year after the child’s birth. It is anticipated that nursing employees will typically need to express milk two to three times, for 20-30 minutes each time, during an eight-hour shift. However, as these times will vary from mother to mother, nursing employees are encouraged to discuss with their immediate supervisor what they expect they will need in terms of frequency and timing of breaks to express milk. The supervisor, in conjunction with the Village Administrator or Chief of Police, applicable, will discuss with nursing employees the timing of, and location and availability of space for, expressing milk to develop shared expectations and an understanding of what will constitute a reasonable break time and how to incorporate the breaks into the work period. Lactation breaks, if feasible, should be taken at the same time as the employee’s regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid. A lactation break should be permitted each time the employee has the need to express milk; however, such breaks may be reasonably delayed if they would seriously disrupt Village operations or endanger the safety of others. Employees desiring to take a lactation break shall notify their supervisor prior to taking such a break. Once a lactation break has been approved, the break should not be interrupted except for emergency circumstances. While the size and demographics of the Village workforce and the limits of its facility space do not justify the establishment of a permanent lactation room for each of its facilities, the Village will work with nursing employees to designate an appropriate location in which to privately express milk. Under no circumstances will a nursing employee be required to express milk in a bathroom. The designated location must be shielded from view and free from intrusion from coworkers and the public. A refrigerator will be placed in the designated location for the sole purpose of storing expressed milk. Nursing employees shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy while they are using the designated lactation area. All other employees should avoid interrupting an employee during authorized breaks, except to announce an emergency or other urgent circumstance. Nursing employees storing expressed milk in the designated refrigerator shall clearly label it as such and shall remove it when the employee ends her shift.

**7.13 Educational Assistance Program**

The Village recognizes that the skills and knowledge of its employees are critical to the success of the organization. Within budgetary limitations, the educational assistance program encourages professional and personal development through formal education, specialized training, and/or courses.

Full-time employees are encouraged to participate in the educational assistance program for their own self development and to increase the efficiency and excellence of their performance of their job.

The Educational Assistance program applies to recognized associates, bachelors and graduate level programs offering degrees.

The Educational Assistance program does not apply to job specific training, certifications, licensures, or continuing education to maintain certifications and licensures needed to perform job duties. Such educational opportunities, offered to employees at the sole discretion and expense of the Village, will be offered as the economic health of the Village permits, and at the approval of the Village Administrator and Chief of Police, as applicable.

The educational assistance program shall entail the following:

**7.13.1 Eligibility**

Full-time Village employees, after completing six (6) months of employment, are eligible to participate in the educational assistance program, not to exceed four hundred dollars ($400.00) per calendar year. Such assistance shall only be used to offset tuition, fees and required books or other materials for any course of study, toward a degree.

To maintain eligibility for educational assistance, employees must remain on the active payroll and be performing his/her job satisfactorily through completion of each course. Any employee on a last chance agreement is immediately ineligible for educational assistance. If the employee fails to complete a course or does not satisfactorily complete a course, any money paid for tuition fees, books and supplies must be immediately reimbursed to the Village.

Satisfactory completion under the Educational Assistance program means a grade of C or better and/or satisfactory mark otherwise indicating a passing grade. Incompletes are not satisfactory completion.

**7.13.2 Conditions**

While educational assistance is anticipated to enhance the employee’s performance and/or professional abilities, the Village cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

Evidence of satisfactory completion of courses (copy of certificate or grade report) must be received by the Village Administrator or Chief of Police, as applicable, within thirty (30) days after completion of the course and if the employee does not satisfactorily complete the course, the amount of the payment for that course will be considered as a loan, and the employee will be required to reimburse the Village through payroll deduction, or direct payment.

If an employee voluntarily separates from Village employment within one year of the last educational assistance payment, the amount of the payments received over the year before separation will be considered as a loan, and the employee will be required to reimburse the Village for the total amount of those payments.

As a condition of participating in the educational assistance program, employees will be required to sign a statement agreeing to deduction of such repayment from final salary or payment of accrued benefits. If the employee’s final salary or payment of accrued benefits is insufficient to reimburse the Village for the total amount owed (or will result in a reduction of the employee’s wages below minimum wage), the Village will deduct those amounts allowable by law and will establish a payment plan with the employee to repay the remaining obligation. Employees who do not make payments as required by the payment plan established may be subject to civil and criminal penalties. An Educational Assistance Benefit form is provided in the Appendix.

**7.14 Deferred Compensation**

Village employees are eligible to make voluntary contributions to the Ohio Public Employees Deferred Compensation Program. This program is a supplemental retirement benefit plan regulated by Section 457 of the Internal Revenue Code and only available to Ohio public employees. The money contributed by Village employees is not subject to Federal or Ohio state income tax until paid out to the employee. Enrollment is voluntary and the employee’s account is directly controlled by the employee. Any employee who meets the qualifications established by the Plan and chooses to enroll may elect to have part of the employee’s pay withheld and deposited with the Plan.

* 1. **Travel**

The Village of Enon will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the appropriate department head, and employees whose travel plans have been approved are responsible for making their own travel arrangements. Approval of out-of-state trips and air travel shall require approval of Village Council.

Employees who are involved in an accident or injury while traveling on business must promptly report the incident to their immediate supervisor.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Additional expenses incurred as a result of the presence of a companion are at the expense of the employee. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports to the supervisor within five (5) days. Reports shall be accompanied by receipts for all individual business expenses.

Employees should contact the Village Administrator and Chief of Police, as applicable, for guidance and assistance on procedures related to travel arrangements, expense receipts, reimbursement for specific expenses, or any other business travel issues.

* + 1. **Reimbursements/Direct Payment for Expenses**

Reimbursements for expenses will only be made with completion of a Travel Reimbursement Form and submission of itemized travel receipts. The following reimbursements may be made:

* + - * 1. Personal Automobiles:

Mileage reimbursement will be based on mileage from the Village location to the off-site location of the official business, not from the employee’s residence. Reimbursed will be made at the prevailing IRS mileage rate.

2. Lodging:

If the destination is more than one hundred (100) miles from the Village, the employee may elect to stay in a hotel if it is warranted. With the approval of the Village Administrator or Chief of Police, as applicable, employees may also stay in a hotel when travel is less than one hundred (100) miles from the Village when special circumstances exist (*e.g.,* the employee is required to be on site very early in the morning or very late at night). Use of official hotels for conferences and events is encouraged to take advantage of discounted rates offered. Employees may choose another hotel if the rate is less than the official conference or event hotel rate.

3. Meals:

The Village will reimburse meals up to the IRS per diem rate based on the destination of travel. No reimbursement will be made for a meal that is included as part of a registration fee. Meals will be reimbursed based on the times listed below:

1. Breakfast – must be traveling or at the destination prior to 7:00 a.m.
2. Lunch – must be traveling or at destination prior to noon
3. Dinner – must be traveling or at destination after 5:00 p.m.
4. Airfare:

For out-of-state travel, use of commercial airline is the preferred travel mode. Travel plans should be made, when possible, to allow for the purchase of a ticket twenty-one (21) days in advance of the actual business trip. The lowest cost class airfare that allows the traveler to select a seat should be obtained. Employees utilizing airport parking are expected to use economy parking lots.

Village officials or employees are strictly prohibited from using, for his/her own personal travel, discounted or free “frequent flyer” airline tickets accrued while engaged in travel for Village business. Either the cost of the ticket or reimbursement of the costs of the ticket is paid for by the Village. Therefore, the Ohio Ethics Commission considers airline travel to be an expenditure of Village funds for the purpose of conducting Village business, and any benefits which arise from that official business must accrue to the Village and not the employee.

1. Other Expenses:

The Village will reimburse all actual business-related charges for taxis, airport buses, tolls and parking fees. Receipts with a Travel Reimbursement Form are required for employees to receive reimbursement.

1. Non-Reimbursable Expenses:

Employees may not be reimbursed for the following:

1. Expenses incurred by or due to persons accompanying the employee during business travel who are not on official Village business;
2. Travel paid for by another organization;
3. Laundry services;
4. Meals and/or lodging costs when those items are included in a registration fee;
5. Personal entertainment (*e.g*., in-room movies, hotel spa, exercise facility, etc.);
6. Alcoholic beverages; or
7. Wi-Fi.

**7.16 Fraud Reporting**

1. **Where to Report Fraud:**
2. *Internally*: If an employee of the Village of Enon becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources (including public funds), the employee may report the violation or misuse to the Village Administrator or Chief of Police, as applicable, to correct the violation or misuse.
3. *Ohio Auditor Fraud Reporting System:* In addition to, or instead of filing a written report with the Village Administrator or Chief of Police, as applicable, employees may file complaints regarding violations of law or misuse of public resources with the Ohio Auditor's fraud-reporting system under section 117.103 of the Ohio Revised Code.
4. *Prosecuting Attorney:* If the employee reasonably believes that a violation of law or misuse of public resources is a criminal offense, the employee, in addition to, or instead of reporting the violation or misuse to the Village Administrator or Chief of Police, as applicable, or to the Ohio Auditor of state's fraud-reporting system, may report violations of law or misuse of public resources to the Village Solicitor or the prosecuting attorney.
5. *Ohio Ethics Commission:* If the employee reasonably believes the violation of law or misuse of public resources is a violation of the Ohio Ethics laws, the employee may, in addition to, or instead of filing a written report with the Village Administrator or Chief of Police, as applicable, report the violation of law or misuse of public resources to the Ohio Ethics Commission.
6. **Ohio Auditor Fraud Reporting System:**

Section 117.103 of the Ohio Revised Code requires the Ohio Auditor to establish and maintain a system for reporting fraud, including misuse and misappropriation of public money, by any public office or public official. The system allows Ohio residents and the employees of any public office to make anonymous complaints through a toll-free telephone number, the Ohio Auditor’s web site, or the United States mail to the Ohio Auditor’s office. (see below for contact information).

The Ohio Auditor is required to review all complaints in a timely manner and to keep a log of all fraud complaints it receives. The log includes the date the complaint was received, a general description of the nature of the complaint, the name of the public office or agency with regard to which the complaint is directed, and a general description of the status of the review by the Ohio Auditor. In general, the log is a public record and available for public inspection; however, if section 149.43 of the Ohio Revised Code or another statute provides for an applicable exemption from the definition of public record for the information recorded on the log, that information may be redacted.

The Village and every Ohio public office is required to provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee upon employment with the public office. Each new employee shall confirm receipt of this information within thirty days after beginning employment on the confirmation form provided by the Village.

The Village must maintain the confirmation form as the Ohio Auditor shall confirm, when conducting an audit under section 117.11 of the Revised Code, that new employees have been provided information as required by law.

**Contact the Ohio Auditor’s Fraud Reporting System by:**

|  |  |
| --- | --- |
| **Telephone** | 1-866-FRAUD OH (1-866-372-8364) |
| **U.S. Mail** | Ohio State Auditor’s officeSpecial Investigations Unit88 East Broad StreetP.O. Box 1140Columbus, OH 43215 |
| **Web** | www.ohioauditor.gov |

1. **Retaliation Prohibited***:* The Village of Enon is prohibited from taking any disciplinary action against an employee for making any report or filing a complaint as authorized by division (A) of this section, unless it is determined that the employee purposely, knowingly, or recklessly reporting false information under division (A) of this section.

**Appendix**

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