City of Rocky River Employee Handbook

THE POLICIES CONTAINED IN THIS HANDBOOK ARE PROVIDED AS A GUIDE AND ARE NOT TO BE CONSIDERED AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND ANY OF ITS EMPLOYEES

September, 2014

WELCOME FROM MAYOR PAMELA E. BOBST:

Congratulations! We are excited that you have chosen to work for the City of Rocky River and we enthusiastically welcome you to our team. An interesting and challenging experience awaits you.

By becoming a City of Rocky River employee, you are joining an important group of well-respected, dedicated and talented employees. Each and every employee plays a significant role in providing our residents with exceptional services. Employees are truly city government's greatest asset. We are known for our excellence and commitment to the delivery of high-quality and efficient services that are responsive to the community's diverse and ever-changing needs and expectations. As a City of Rocky River employee, you will have the opportunity to perform quality work in your department that contributes to the success of the City as a whole. You will be supported and encouraged to enhance your personal growth while working with a dynamic variety of individuals, both inside and outside our organization. The work we do every day contributes to the outstanding quality of life Rocky River residents value and enjoy. Together, we make Rocky River one of the most livable and desirable communities in the country for today's residents and future generations.

This Employee Handbook is a resource that will contribute to your success. It is intended to educate new employees and serve as a resource for current employees. The Handbook serves two important purposes – it sets forth the City's expectations for you as an employee and it provides you with information about what you can expect from the City in our employment relationship. It is designed to acquaint employees with the City and to provide a general understanding about employee compensation and benefits, as well as rules, regulations, and policies affecting employment. Please familiarize yourself with its contents as each employee must certify that they have reviewed and understand the contents of this Handbook.

While the intent of the Handbook is to be as comprehensive as possible, it may not address every question or concern an employee may have. For questions or interpretation of city employment policies and procedures or the content found in this Handbook, please contact the City's Director of Human Resources for assistance.

The City of Rocky River values the many talents and skills of our employees and seeks to foster an open, cooperative and dynamic environment where employees and the City can thrive. Thank you for your commitment to public service and to the residents of Rocky River. We are confident you will serve with pride, dedication, honesty and integrity. It is our hope that your employment with the City will be a challenging and rewarding experience. We look forward to a long and successful working relationship.

Best regards,

Pamela E. Bobst

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SECTION 1 - GENERAL INFORMATION

1.01 PURPOSE AND DISCLAIMER

This Employee Handbook contains a summary of current guidelines for employees of the City of Rocky River and is presented for your general information and guidance. The guidelines apply to all City of Rocky River employees including full-time, part-time, and seasonal employees, volunteers, and representatives and agents of the City except where specific provisions are identified in an individual contract or covered in a collective bargaining agreement.

These guidelines update, supersede, replace, or supplement any former Handbook, letters, directives, or memoranda issued by City employees to the extent those previous directives conflict with any statements contained herein. The guidelines are supplemented by various local, state, and federal regulations, and employees are strongly urged to seek out these resources as needed for clarification. If any provision of this Handbook is determined to violate applicable law or a collective bargaining agreement, that provision alone shall be void. The balance of the Handbook shall remain in full force and effect.

This Handbook is not intended to be an expressed or implied contract of employment. The City is an "at will" employer, and therefore, employment can be terminated with or without cause, and with or without notice, at any time, at the option of the City or the employee. No representative of the City, other than the Mayor, has the authority to enter into any agreement for any specified period of time or to make any promises regarding employment, and such agreements or promises must be in writing and properly signed by the Mayor and/or adopted by City Council, if required, to be valid.

This Handbook will be maintained by the City's Director of Human Resources, under the direction of the Mayor, and is subject to periodic review, modification, revision and amendment without notice. Each Department and union representative will be provided a copy of the Handbook to maintain; employees will access the Handbook via the City's website and will sign an Acknowledgment form to indicate their review of the Handbook and any subsequent changes.

1.02 HISTORY AND BACKGROUND OF THE CITY

The City of Rocky River enjoys a rich historical heritage and a thriving present. The City is named after the river which, in turn, was named by the Native Americans who camped and stored their canoes on the island at the mouth of the river, now headquarters of the Cleveland Yachting Club. The winding river valley is part of the Cleveland Metroparks System.

From the time of arrival of the first permanent settlers in about 1810, the City of Rocky River, then an agricultural community, was variously called Granger City, Riverbank, Rockport and Rocky River Hamlet. Incorporated as a hamlet in 1893, it became a village in 1903 when the first mayor, Mark Mitchell, and a council were elected. A 1960 charter adopted the mayor-council government which is in effect today and provides the City with "home rule." The Mayor, Law Director and seven members of Council (4 Ward and 3 at-large) stand for election every two years.

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Rocky River City Hall was built in 1954. Departments located at City Hall include Safety Services, Police, Fire, Finance, Human Resources, Civil Service, Law, and Building.

The Rocky River City Hall Campus includes the Rocky River City Hall, Recreation Center, Hamilton Ice Arena, the Outdoor Family Aquatics Center, the Don Umerley Civic Center and Memorial Hall, the Senior Center and Rocky River Municipal Court. The Court serves the surrounding municipalities of Bay Village, Westlake, Fairview Park, North Olmsted, Rocky River and a portion of the Cleveland Metroparks. The City maintains ten recreational parks at various locations throughout the City. The Service Garage and Wastewater Treatment Plant are located on Lake Road. The Wastewater Treatment Plant provides wastewater filtration for the cities of Rocky River, Westlake, Fairview Park, and Bay Village.

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1.03 MAP OF THE CITY HALL CAMPUS

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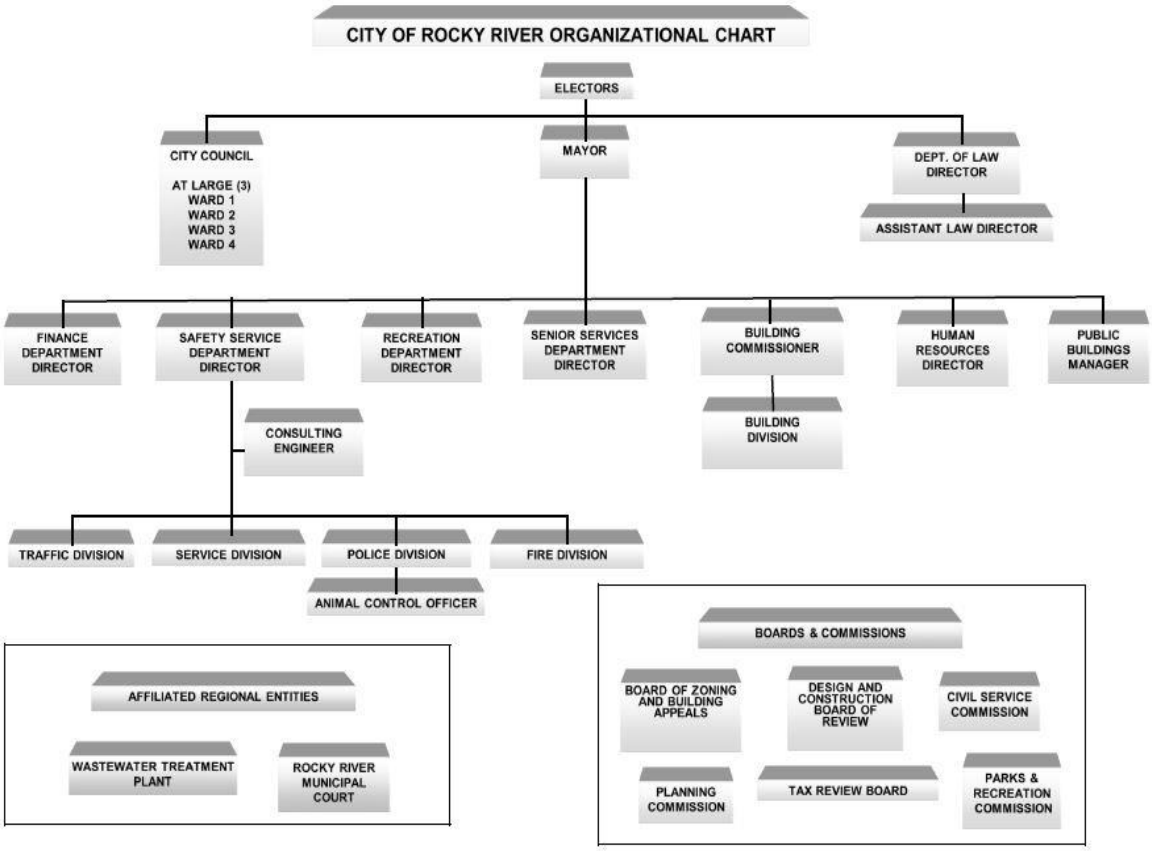
1.04 ORGANIZATIONAL CHART



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1.05 CITY OFFICIALS

MAYOR – Pamela E. Bobst

Director of Law – Andrew D. Bemer

Director of Finance – Michael A. Thomas, CPA

Director of Public Safety-Service – Mary Kay Costello

Director of Human Resources – Michael Greco

Chief of Police – Kelly J. Stillman

Chief of Fire – Aaron Lenart

Director of Recreation –Christopher J. Mehling

Director of Senior Center – Deborah L. Capstick

Service Commissioner - Michael A. Reyes

Building Commissioner - Kevin F. Beirne

Waste Water Treatment Plant Superintendent – Jeffrey A. Harrington

Traffic Engineer - John F. Delzani

Facility & Maintenance Manager - Emil C. Rosol

President of Council – James W. Moran, Ward 2

Council, Ward 1 – Thomas J. Hunt

Council, Ward 3 – Michael P. O'Donnell

Council, Ward 4 – John B. Shepherd

Council at Large – Brian J. Sindelar

Council at Large – David W. Furry

Council at Large – Christopher J. Klym

Clerk of Council - Susan G. Pease

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1.06 DEFINITIONS

Certain words and phrases used in this Handbook may be unfamiliar to a new employee who has not worked in a municipal government setting. Also, this list of definitions includes some standard employment terms that may be helpful to you in understanding your work and position with the City of Rocky River.

Anniversary Date: The first day worked. Anniversary date is used for purposes of calculating entitlement to vacation and longevity.

Appointed Employee: An employee who is appointed to their position by the Mayor and whose employment status is at the discretion of the Mayor.

Bargaining Unit Employee: An employee who has a position represented by a bargaining unit, employee association or a labor union.

Charter: The self-governing document first adopted in 1960, which is reviewed every six (6) years by a Charter Commission appointed by City Council, and which sets forth the form and structure of the City's government.

City: The City of Rocky River, Ohio.

Continuous Service: The uninterrupted service of an employee with the City.

Day: A calendar day unless specified otherwise.

Employee, Classified: All regular members of the Police & Fire Divisions who obtained their position through competitive examination.

Employee, Non-Classified: An employee who obtained their position without competitive exam; whether appointed or elected.

Employee, Exempt: An employee who is exempt from the overtime provisions of the Federal Fair Labor Standards Act and is not eligible to receive overtime pay.

Employee, Non-Exempt: An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act and is eligible to receive overtime pay.

Employee, Regular Full-Time: An employee scheduled to work 40 hours per week or 2080 hours per year. For medical and prescription benefits only, full-time employees are those who work an average of 30 hours or more per week on an annual basis.

Employee, Regular Part-Time: An employee who works an average of 25 hours or less per week on an annual basis.

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Employee, Temporary: An employee hired to work for a temporary period of time, usually for less than six months in duration.

Employee, Seasonal: An employee hired to work for a temporary period, but for a specific season, for less than six months in duration.

Public Official: Any person who serves the City of Rocky River, whether elected, appointed, or employed.

Probationary Period: A working test period during which a probationary employee is required to demonstrate his/her fitness for the duties to which he/she is appointed by actual performance of the duties of the position. Probationary periods vary in length of time across departments and are set by the collective bargaining agreement, City Charter, or by administrative decision.

Supervisor: A management-level employee, who through the use of independent judgment, has authority and responsibility in assigning and directing work to subordinates; in recommending reward or disciplinary action; in participating in the formulation and implementation of policy; and in maintaining a major role in personnel administration.

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SECTION 2 – GENERAL EMPLOYMENT POLICIES

2.01 EQUAL EMPLOYMENT OPPORTUNITY

In accordance with applicable federal, state, and local laws, and in keeping with good business practices, the City of Rocky River is an equal opportunity employer. The City's Equal Employment Opportunity policy was established to insure that all actions taken regarding employees, including but not limited to recruitment, placement, promotion, compensation, benefits, training, transfers, layoffs, and recalls are non-discriminatory and are based upon individual merit, ability, and performance. All personnel actions and conditions of employment are administered without regard to race, color, religion, sex, age, national origin, disability, military or citizenship status, or genetic information.

The Mayor has responsibility for administration of this policy. Any employee who has a concern regarding the City's equal opportunity practices should immediately contact his/her supervisor, the Mayor's office or the Director of Human Resources, even if the employee has directly confronted the parties involved. If a bargaining unit represents the employee, the employee should also contact his/her union representative. The employee should provide as much information as possible regarding the complaint, including dates, times, persons involved and the specific nature of the incident. The employee is strongly urged to present the complaint in writing.

The City will investigate all complaints of any discrimination and the results of the investigation will be reported to the complaining party. Investigation of a discrimination complaint may include interviewing relevant parties to the complaint, including other employees, patrons, citizens and contractors. The City will make every effort to be sensitive to privacy issues; however, it may be necessary in the course of the investigation to discuss relevant information with appropriate parties on a need-to-know basis.

The City strictly prohibits retaliation against an employee who complains of any discrimination. The City is committed to investigating and correcting any form of discrimination taking place in the workplace, and will make every effort to maintain a working environment that is free of discrimination.

2.02 HIRING PRACTICES

The City of Rocky River is an equal opportunity employer and hires individuals solely based on their qualifications and ability to do the job to be filled.

All public officials are prohibited from hiring a family member in any employment position, including a full-time, part-time, temporary or regular position. An official has hired a family member when the employment could not have been awarded without the approval of the official and/or the affirmative review of the official. In addition, no public official shall use his/her position and/or his/her influence with other public officers or employees to secure any full-time, part-time, temporary, or regular position for a family member. The word "official" means any person who serves the City of Rocky River, whether elected, appointed, or employed. No public

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official or employee of the City shall use the authority of his/her position or office to favorably influence the terms and conditions of employment of another family member, including but not limited to, changes in compensation or benefits determined by individual working conditions, the assignment of duties, evaluations, and actions involving promotions, disciplinary actions, layoffs, and removal, when such terms and conditions are not identical to and in common with all other City employees or to provide direct supervision to a family member.

The City shall not employ more than two related persons, as defined, in any full-time or regular part-time position in any Department or in the same Division of the Safety Service Department. More than two related persons may be employed in seasonal positions in any Department or in the same Division of the Safety Service Department.

All open positions will be posted and/or advertised appropriately and every candidate will be given equal consideration. The basic criteria for appointment and promotion of all employees will be appropriate job-related qualifications and the equitable application of sound hiring practices.

All prospective employees shall be required to disclose family member information. Any prospective employee who accepts employment in violation of this policy is subject to disciplinary action up to and including dismissal from employment.

For purposes of the hiring policy, family members include the following regardless of where they reside: spouse, children (whether dependent or not), siblings, parents, grandparents, grandchildren, sons and daughters in law, and stepchildren.

2.03 AMERICANS WITH DISABILITIES ACT

As a part of the City's policy to comply with all federal and state laws concerning the employment of persons with disabilities, the City has developed the following policy to reasonably accommodate qualified individuals with disabilities. A disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is defined as a "disabled individual" under the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008 (ADAAA). A qualified individual with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position the individual holds or desires. It is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment with the City.

The City will consider reasonable accommodations for a qualified individual with a disability so they can perform the essential functions of a job. Essential functions are defined as those activities of a job that are the core to performing that job, and for which the job exists to perform, and which cannot be modified. These functions are identified in the City's job descriptions.

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A request for reasonable accommodation should be presented to the Director of Human Resources. A reasonable accommodation may include, but not be limited to, making existing facilities readily accessible to disabled individuals, reassignment to a vacant position or modification of work schedule or other work-related accommodation. A reasonable accommodation will be evaluated by the Director of Human Resources, the Director of Law, the Safety-Service Director, and the Mayor, and will be made in compliance with any relevant collective bargaining agreement which applies to the employee or the work involved. An individual who can be reasonably accommodated for a job, without undue hardship to the City, will be given the same consideration for that position as any other applicant.

All City employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace will not be considered qualified for any position in the City, and such employees will not be hired or promoted. Direct threat to safety is defined as a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. Current employees who pose a direct threat to the health or safety of other individuals in the workplace will be placed on leave until the City determines an appropriate resolution to the situation.

2.04 IMMIGRATION REFORM & CONTROL ACT

In accordance with the provisions of the Immigration Reform and Control Act of 1986, the City shall not knowingly hire or recruit or continue employment of an alien hired after November 6, 1986, without substantiating and documenting that alien's eligibility in accordance with provisions established by this policy.

The City has established an employment verification system and shall retain appropriate records establishing that each employee of the City, hired after November 6, 1986, is lawfully authorized to work in the United States as either a U.S. citizen or as a properly "documented alien".

2.05 GENETIC INFORMATION NONDISCRIMINATION ACT

The Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment. Genetic information includes information about genetic tests of applicants, employees or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests or receipt of genetic services by applicants, employees, or their family members. The City of Rocky River complies with the requirements of this law by not requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by the law. When medical information is requested, providers are cautioned not to provide genetic information. Supervisors and employees are advised not to inquire regarding an employee's family medical history.

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2.06 HARASSMENT

The City of Rocky River is committed to creating and maintaining a workplace free from any form of harassment, and where all employees, visitors, and contractors are treated with dignity and respect.

The City of Rocky River prohibits **any** form of harassment – verbal, visual, physical or intimidation – against any person. Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, ancestry, citizenship, sexual preferences, marital status, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that:

1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2) has the purpose or effect of unreasonably interfering with an individual's work performance; or
3) otherwise adversely affects an individual's employment opportunities.

Harassment may include derogatory remarks, epithets, offensive jokes, the display or circulation of written materials, video, cable television, or any other electronic communication or pictures that denigrate or show hostility toward an individual or group.

Sexual harassment deserves special attention and is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2) submission to or rejection of such conduct by an individual influences employment decisions affecting that individual;
3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment includes sexual jokes or innuendoes, basing personnel decisions on an employee's response to sexually oriented requests, explicit sexual propositions, sexually oriented teasing or kidding, obscene gestures or language, or physical conduct such as patting, pinching, touching or unwelcome sexual advances.

Supervisors are responsible for maintaining a workplace free of any harassment, but all employees are responsible for helping to assure that harassment does not occur by conducting themselves in an appropriate manner and by reporting harassment they observe.

An employee who believes he or she has been the subject of harassment should report the alleged act immediately to his/her supervisor, the Mayor, or the Director of Human Resources. The complaint may be made verbally and/or in writing. An investigation, which will be CONFIDENTIAL to the extent possible, will be undertaken immediately. Any individual who is found to have engaged in harassment of another employee or individual after complete

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investigation will be subject to appropriate disciplinary action up to and including termination of employment. In the event the employee reporting the harassment is not satisfied with the results of the action taken or the investigation, he or she may request a review of the matter by the Mayor.

The City of Rocky River forbids retaliation against anyone who has reported harassment or who has cooperated in the investigation of harassment complaints.

2.07 WORKPLACE VIOLENCE

The City of Rocky River strives to provide a safe work environment for its employees and the citizens of Rocky River, and to that end, does not tolerate violence within its workplaces. The City prohibits any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in any violent activities. The following list of behaviors, while not inclusive, provides examples of prohibited conduct:

1) causing physical injury to another person;
2) making remarks which threaten physical injury;
3) aggressive or hostile behavior that creates a reasonable fear of injury to another person, or subjects another individual to emotional distress;
4) intentionally damaging City property or facilities, or the property of other City employees;
5) possession of a weapon as defined by ORC Section 2923.11 while in City buildings, except for those authorized law enforcement officers.

Furthermore, City employees are encouraged to exercise good judgment and notify the City's Safety-Service Director or Police Division when they observe a potentially dangerous situation involving behaviors demonstrated by employees or non-employees such as:

1) discussing weapons or bringing them into City buildings;
2) displaying overt signs of extreme stress, resentment, hostility or anger;
3) making threatening remarks;
4) sudden or significant deterioration of performance;
5) displaying irrational or inappropriate behavior.

Any potentially dangerous situations must be reported immediately to a supervisor or to the Safety-Service Director. Reports can be made anonymously and all reported incidents will be investigated appropriately by the Safety-Service Director and the Director of Human Resources. Reports or incidents warranting confidentiality will be handled appropriately, as confidentially as possible under the law and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be interviewed and the results of the investigation will be discussed with them. The City will actively intervene at any indication of a possibly hostile or violent situation and will respond appropriately.

Aggressive or violent acts of any type will not be tolerated, and an employee determined to have committed such an act will be subject to disciplinary action, up to and including termination of

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employment. Non-employees engaged in violent acts on the City's premises will be reported to the proper law enforcement authorities and will be escorted from the premises.

2.08 WORKPLACE SECURITY

The City strives to provide a secure work environment where employees are comfortable and safe in the performance of their duties. Employees are provided as much security as possible to allow the public reasonable access to the public servants who work in our facilities. Currently, the City restricts access to certain areas and certain items such as keys to buildings and offices, and those items will be issued only to those employees whose responsibilities require them. Loss of keys or other City property should be reported immediately to the Safety-Service Director. Upon leaving employment with the City, any such keys or City property will be returned during the exit interview and final processing of the employee's employment.

The City will periodically review and modify its security practices and will communicate changes in procedures as needed to affected employees.

2.09 DRUG AND ALCOHOL FREE WORKPLACE

The City of Rocky River is committed to preserving a safe work environment for all employees of the City by maintaining a workplace free from the presence or influence of drugs and alcohol. Please refer to Appendix A for the full description of this policy.

2.10 CODE OF ETHICS AND CONFLICT OF INTEREST

As an employee of the City of Rocky River, it is important to remember that the compensation of employees is paid through public taxes, and each City employee assumes the responsibility to serve the public in an honest, effective and pleasant manner. As a City employee, you are a public official as defined by Ohio Revised Code Sections 2921.01 and Revised Code Chapter 102, Section 102.01(B) and as such, you are subject to a number of the provisions of Ohio's laws and regulations regarding ethics and conflict of interest. The provisions of Chapter 155 of the City of Rocky River's Codified Ordinances shall also apply to City employees. This includes a specific policy regarding gift taking which prohibits the acceptance of gifts of value by <u>any</u> City employee or department for any reason. In cases where there is a question of value, the employee must use his/her best judgment, and if in doubt, refuse the gift. Gifts of any value are recorded on the Record of Gifts Received and submitted to the Mayor's office annually. Failure to properly follow this policy can result in discipline, up to and including termination of employment.

In addition, the Charter of the City of Rocky River Article X, Section 1 reads as follows:

> Any City officer or employee who has a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City, shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or

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performance of any contract. Any City officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City, shall render the contract or sale voidable by the Council.

Specific provisions regarding ethical conduct are contained in Chapter 155 of the City of Rocky River Codified Ordinances and Ohio's laws and regulations are included as Appendix B. Your documented receipt of this Handbook indicates you have received and understand this policy. The City expects you will read and understand your obligations and rights as a public official and a City employee.

2.11 AUDITOR OF STATE FRAUD REPORTING SYSTEM

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

Telephone: 1-866-FRAUD-OH (1-866-372-8364)
U.S. mail: Ohio Auditor of State's Office
Special Investigation Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
Website: www.ohioauditor.gov

When you sign the acknowledgment at the end of this Handbook, you are acknowledging you have been provided information about the fraud-reporting system as described by Section 117.103(A) of the Ohio Revised Code, and you have read and understand the information provided. You are also acknowledging you have received and read the information regarding Section 124.341 of the Ohio Revised Code and the protections you are provided as a classified or unclassified employee if you use the before-mentioned fraud-reporting system. Sections 117.103(A) and 124.341 of the Ohio Revised Code are included with this Handbook as Appendices C and D.

2.12 PERFORMANCE EVALUATION

Depending upon the department in which you work as well as the terms of your collective bargaining agreement, your performance may be periodically evaluated for a variety of purposes that include training, development, compensation and promotion. Your department head will provide you with specific information about how your performance will be measured and the procedures for evaluating your performance and providing you with feedback regarding your work.

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2.13 DISCIPLINARY PROCESS

The City of Rocky River utilizes disciplinary processes which promote both consistency and understanding of the City's work regulations and performance expectations. To that end, the City has implemented disciplinary guidelines that apply to non-bargaining unit employees. Bargaining unit employees should refer to their collective bargaining agreements for provisions regarding discipline as well. These guidelines neither delegate nor limit the powers and duties conferred upon the City, its Departments or Appointing Authority by the Ohio Revised Code or City Charter.

In cases of misconduct or violations of City performance standards, the City generally adheres to a procedure of progressive discipline, which may include actions ranging from verbal warnings to termination depending on the severity and circumstances of the misconduct. Directors have authority to discipline in concert with the Director of Human Resources who provides general guidelines to follow in disciplinary procedures, but are encouraged to apply their management experience and discretion to discipline situations. Disciplinary procedures are intended to ensure fair treatment and focus on future expectations of performance.

In order to clarify acceptable standards of work conduct, the City provides the following specific examples of offenses but the examples provided are illustrative, not inclusive. The City retains the right to evaluate specific incidents of employee behavior in context and reserves the right to identify additional actions that represent unacceptable work conduct, including but not limited to violating any established City policy as follows:

1) Misusing, unauthorized removal, or appropriating property belonging to the City or another employee.
2) Falsifying own or another employee's time sheet or any other City record, including falsification of an employment job application regardless of when such falsification or misrepresentation is discovered.
3) Violating any established City policy including but not limited to the Harassment Policy, Workplace Violence Policy, Code of Ethics, Conflict of Interest Policy, the Drug and Alcohol-Free Workplace Policy, the Smoking Policy, the Computer, Internet, Social Media and E-Mail Policy, the Cell Phone and Personal Electronic Devices Policy, and the City Vehicle Policy.
4) Gambling on City property or premises.
5) Unauthorized stopping of work, refusal to perform work suggested, and/or insubordination.
6) Sleeping on duty.
7) Violating City, State, and Departmental safety and health rules and regulations.
8) Violating Departmental rules and regulations.
9) Excessive absences or tardiness or patterns of abuse.

Other misconduct or violations of City performance standards may subject employees to other progressive disciplinary actions.

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2.14 DISCIPLINARY ACTION APPEALS PROCESS

City employees have various appeal options available to them, depending on the status of their position with the City. Employees who are covered by Civil Service regulations are entitled to pursue an appeal to the Civil Service Commission for certain disciplinary actions by timely filing such appeal with the Commission. Employees whose positions are represented by a bargaining unit may appeal a disciplinary action through the grievance procedures outlined in their collective bargaining agreements. Non-bargaining unit personnel may appeal a disciplinary action through the following procedure:

1) Appeals must be presented in writing to the Mayor within ten days of the disciplinary action.
2) Within thirty days of the date of receipt of the employee's written timely appeal, the Mayor will schedule a hearing with the employee, the employee's representative if any, the supervisors, and any other parties deemed relevant to the appeal.
3) Within a reasonable period of time, the Mayor will prepare a summary report which will set forth findings of fact based upon the evidence presented at the hearing, and will issue a final disposition of the matter.

These procedures are designed to provide a direct, fair and prompt method of resolving a complaint regarding an adverse disciplinary action for non-bargaining unit employees.

2.15 PUBLIC RECORDS DISCLOSURE

It is the policy of the City of Rocky River that openness leads to a better informed citizenry, which leads to better government and better public policy. It is also the policy of the City of Rocky River to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing. Records will be organized and maintained so they are readily available for inspection and copying. Record retention schedules will be updated regularly and posted prominently.

PUBLIC RECORDS DEFINITION

The City, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City of Rocky River are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

RECORD REQUEST RESPONSE PROTOCOL

A public records request should be forwarded upon receipt to the appropriate department records custodian, with a copy sent to the Law Department for coordination and response. Each request for public records should be evaluated for a response using the following guidelines:

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1) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

2) The City representative/records custodian may ask a requestor to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use.

3) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection *promptly* and copies must be made available within a *reasonable* period of time. "*Prompt"* and *"reasonable"* take into account the volume of records requested; the effect on the daily operations of the office to gather the records; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

4) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests of records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes, budgets, forms and permits. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

   All requests for public records must either be satisfied or be acknowledged in writing by the City within five business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:
   a) An estimated number of business days it will take to satisfy the request
   b) An estimated cost if copies are requested
   c) Any items within the request that may be exempt from disclosure
   d) Opportunity for the requester to make an appointment for a personal review of the category of records requested

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

COSTS FOR PUBLIC RECORDS

Those seeking public records will be charged only the actual cost of making copies. Any charge of one dollar ($1.00) or less may be waived at the discretion of the Administration.

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1) The charge for paper copies is 5 cents per page.
2) The charge for downloaded computer files to a compact disc is $1 per disc.
3) There is no charge for documents e-mailed.
4) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

E-MAIL REQUESTS AND RESPONSE

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

FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The City of Rocky River recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City's failure to comply with a request may result in a court ordering the City to comply with the law and to pay the requester attorney's fees and damages.

2.16 PERSONNEL FILES

The City maintains a personnel file for each employee which is retained in the Finance Department and maintained by the Director of Human Resources. Personnel files and information shall be confidential to the extent allowed by law. In general, the City's personnel files are subject to disclosure as public records except for certain exemptions provided by law. Requests for the review of personnel records will be handled in accordance with the City's Public Records Disclosure Policy and in accordance with ORC Chapter 1347 regarding public information systems.

2.17 EMPLOYMENT VERIFICATION AND REQUESTS FOR REFERENCES

Requests for employment verification and requests for references must be forwarded to the Director of Human Resources. Only verification of dates of employment and position will be given in response to a request for a reference on a former employee.

Employment verifications on current employees that require earnings information, must include the employee's written authorization to release the requested information.

2.18 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The City of Rocky River, as a Plan Sponsor of certain health plans, is required by the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009 to maintain the privacy of certain confidential health information, known as protected health information (PHI). The City takes its responsibility to protect this information very seriously, and has established appropriate physical, administrative, and technological safeguards to prevent PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA requirements. An employee's confidential health information will not be disclosed to anyone, except with the employee's authorization or as otherwise permitted by law.

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2.19 COMPUTER, INTERNET, SOCIAL MEDIA AND E-MAIL POLICY

The City of Rocky River is committed to the appropriate use of new technologies to provide efficient and effective service to the public. The following policy establishes guidelines for the proper access and use of the City's computers, hardware, software, internet, social media, social networking sites, and e-mail systems. This policy also pertains to the disclosure of e-mail messages created, sent, or received by City employees using the City's e-mail system and/or the employee's own personal e-mail service provider in any interaction with the City's e-mail system. **Conducting City business and/or creating or retaining a public record on an employee's own personal electronic device is prohibited, as such use compromises the City's public records retention policy.** The City reserves the right to change this policy at any time as may be required under the circumstances.

DEFINITIONS

Social media – A category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking (for example, Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), personal blogs, blogs inviting reader commentary, and news sites (Digg, Reddit).

Social networking websites – Sites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking websites include Facebook, MySpace, Friendster, LinkedIn, Twitter, and sites that allow users to post personal blogs. The absence of, or lack of explicit reference to, a specific site or type of site does not limit the extent of the application of this policy.

CITY-OWNED COMPUTERS

Provisions for Use

The City of Rocky River maintains computer, e-mail, and internet access, including the use of social media, for conducting City business and not for personal use. All employees are advised and must adhere to the following provisions for use of a City-owned computer:

1) All matters stored or filed in a City computer are the property of the City. All messages composed, sent or received on the system are the property of the City and there is no expectation of privacy. The City may review, audit, intercept, access, and disclose all messages or information created, sent, or received.

2) The City reserves the right to monitor an employee's usage of the computer, internet, social media, and e-mail without prior notice to the employee. The City reserves the right to access, review, copy, forward, delete, or disclose any computer files, including personal files, sent or received by City computers unless the computer file(s) is/are privileged or such use or disclosure is prohibited by local, state or federal law. Employees should be aware that the hardware and software utilized for internet access has the ability to log all City internet activity, including linked sites and all internal network activity.

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3) Employees do not have a right to privacy or the assumption of privacy in any matter created on, received by, stored in, or sent from a City-owned computer unless privileged or otherwise exempted by law. Matters stored or filed in a City computer, including e-mail of any type, may be public records and subject to public disclosure.

4) The City has the authority to restrict access to various internet sites.

Prohibited Activities

The following activities are prohibited in using the City's computer, internet, social media, and e-mail systems:

1) For personal matters, personal commercial gain, to further private causes, or non-job related solicitations or activities.

2) Dispersing City data to entities outside the City's network without appropriate authorization.

3) Sending or receiving copyrighted materials, trade secrets, proprietary financial information or similar materials without appropriate authorization.

4) Downloading and installing programs from the internet without prior approval of the employee's supervisor and the Computer Specialist. Only City-owned software shall be installed on City equipment.

5) Disrupting electronic services or the system including, but not limited to tampering with hardware, software, or data, introducing or using computer viruses or attempting to gain access to restricted information or networks.

6) Accessing inappropriate (offensive, obscene, or pornographic) sites; or using computer or on-line services to facilitate and/or to access materials or messages inconsistent with the City's workplace policies.

7) For illegal activities, financial gain, gambling, entertainment, job information or discriminatory messages based on gender, race, age, sexual orientation, religion, national origin, or disability.

8) For creating any offensive or disruptive messages, including those that may contain sexual implications, racial slurs, gender-specific comments, or any other comment that addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

9) Mass mailings or chain letters unrelated to City business.

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10) Adopting the identity of another person on the internet, online, or in any social media or e-mail message, attempting to send e-mail anonymously, or using another person's password without permission.

PERSONALLY-OWNED COMPUTERS, ELECTRONIC DEVICES OR EQUIPMENT

The following establishes the expectations regarding employee use of social networking websites and social media through personally-owned electronic devices or equipment. It is the intent of this policy to balance individual rights and protect the City of Rocky River and its employees from damaged reputations, liability, and potential legal risk. This section is not meant to address one form of social media, but rather social media in general, as advances in technology will occur and new tools will emerge.

1) Employees participating in social media and social networking websites shall do so in accordance with all other policies and procedures in effect with respect to City employment, including but not limited to the other provisions of the City's *Employee Handbook* policies and procedures, as amended from time to time.

2) Employees participating in social media and social networking websites have no reasonable expectation of privacy with respect to their online activities.

3) Employees participating in social media and social networking websites who identify themselves or are identifiable as employees of the City **shall not**:
    a) Post work-related private or otherwise confidential information pertaining to other employees without their permission;
    b) Purport to speak or post, or use City logos or seals to give the appearance of posting, on behalf of the City;
    c) Make defamatory, obscene, violent, slanderous, discriminatory, or unlawful statements or images, or disparage any race, religion, gender, sexual orientation, disability, national origin, or any other group protected by law.

ENFORCEMENT

Violations of this policy shall be reported to the Safety-Service Director or the Mayor.

Misuse of electronic services and/or any violation of the City's computer, internet, social media or E-mail policies may result in disciplinary action up to and including termination of employment. Violations of a criminal nature may be referred for criminal prosecution.

2.20 CELL PHONES AND PERSONAL ELECTRONIC DEVICES

Except where a Department policy may provide otherwise, City-issued cell phones are to be used for emergencies or work-related issues and not for personal use. Employees shall not use any cell phone (speaking or texting), I-pod, MP-3 player, or any other personal electronic device while driving a City vehicle or operating any City equipment.

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2.21 E-DOCUMENT RETENTION POLICY

The City of Rocky River adheres to the following guidelines concerning the retention and destruction of all e-documents:

1) All e-documents that are defined as public records pursuant to the Ohio Revised Code Sections 149.011(G) and 149.43 shall be maintained or destroyed in accordance with the City's general records retention policy, as approved by the Ohio Historical Society and the Auditor of the State of Ohio.

2) Included under the definition of public records are all documents maintained within the scope and purpose of the City's operations, including but not limited to documents which have been transferred into electronic format, all documents created electronically which contain data and information which constitute public record; all electronic correspondence and e-mails which would be retained if created as hardcopy.

3) E-mail documents as public records shall be electronically stored in the City's computer system according to various records retention policies of the City.

4) All electronic documents generated by the use of City-owned computers, whether defined as public records or not, shall be retained whenever litigation is reasonably contemplated in order to assure the preservation of potential evidence. The Mayor, Law Director, Police Chief, Fire Chief and all Department Directors are identified as "key players" charged with the responsibility of controlling the retention of e-documents whenever litigation is reasonably contemplated.

2.22 BUSINESS CASUAL DRESS GUIDELINES

It is important that the image we portray to the public is professional and businesslike, demonstrated through our attire and our conduct. The guidelines below are intended to provide the minimum requirements and address the more common aspects of business casual dress.

1) Generally, clothing that is neat and professional is acceptable. Items such as polo shirts, sweaters and neat casual slacks (i.e. khakis) are acceptable.

2) Items considered inappropriate for business include T-shirts, sweatshirts, sweat pants, shorts, or body-hugging fabrics.

The nature of the employee's job will also determine appropriate dress, and may require wearing a uniform. (See Section 4.20) Management in each department will provide specific directions regarding work attire. Directors and supervisors are responsible for addressing questions and issues regarding appropriate dress for work.

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2.23 EMERGENCIES

The City of Rocky River is committed to a year-round operating schedule as a service to its residents. It is the City's intent to remain open and adhere to full operations whenever possible. However, employees should not take unwarranted risks when traveling to work in the event of inclement weather, natural disasters, power failures, or other emergencies. Each person should exercise his/her best judgment with regard to any safety concerns. It is within the discretion of each employee to determine if conditions are unsafe. If the City offices are open and the employee determines it unsafe to proceed or remain at work, the employee must notify his/her supervisor immediately.

If the supervisor excuses an employee for absence due to an emergency described above, the employee may use accrued **vacation** leave, **compensatory time,** or take the **time without pay.** An employee **may not use sick leave** pay in substitution for time missed for these absences. Time taken without pay shall not be counted as hours worked when computing weekly overtime.

2.24 HOUSEKEEPING

As a public employer, and for the safety of our employees and visitors, it is critical our facilities reflect the highest standards of good housekeeping, attained through the efforts of every employee. Each employee is expected to keep his/her own work area clean. In those departments where lockers are used by employees, those employees are responsible for maintaining a clean locker. Every City employee is also expected to keep general areas, including passageways, stairways, meeting rooms and grounds in clean, sanitary, and unobstructed condition.

Employees are encouraged to participate in the City's recycling program which supports both environmental and social responsibilities. An appropriate recycling bin is provided to each Department.

2.25 SMOKING

Effective January 1, 2015, employees are prohibited from smoking or using tobacco products, including "vaping" with e-cigarettes, on City premises. Those employees who currently smoke or use tobacco products are encouraged to pursue a smoking cessation program.

2.26 TERMINATION AND EXIT INTERVIEW

When a full-time employee retires or resigns, the employee should provide written notice to their immediate supervisor at least two (2) weeks in advance of the effective date of termination. The written notice shall include a statement indicating the employee's intention to resign from City service, the date the notice is being given, the effective date of the resignation, the reason for the resignation (optional) and the employee's signature. The employee must also schedule an appointment with their supervisor to return any City clothing, keys or other property entrusted to the employee's care while a City employee. The employee may be asked to participate in an exit interview. Failure to follow this procedure may result in ineligibility for re-hire by the City.
For information on termination compensation and benefits, see Section 4.18.

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SECTION 3 – COMPENSATION

3.01 COMPENSATION

As a City of Rocky River employee, your compensation level is determined in one of two ways. If the work you perform is represented by a union, your rate of pay is determined through a process of negotiation between the City and your union representatives, which is then reviewed and approved by City Council. If you are not represented by a union, your compensation is established through ordinance approved by City Council.

3.02 PAYROLL

When you begin employment with the City, you will complete various forms and paperwork which will enable the City's Finance Department to establish and maintain records relevant to your compensation, payroll deductions and benefits. Relevant records will include hours worked, overtime, and leave usage.

Payroll is processed every two weeks (bi-weekly) by the Finance Department and your pay will be via "direct deposit" in the bank account of your choice. You have the option of receiving your direct deposit pay receipt through your designated e-mail account or by receiving a paper copy. The direct deposit pay receipt will reflect your gross and net pay amounts on a current and year-to-date basis as well as any deductions for Federal, State and local income taxes, various pension fund contributions (Ohio Public Employees Retirement System or the Ohio Police & Fire Pension Fund), and any employee contribution for health insurance. Additional deductions will be made for voluntary programs such as the flexible spending account, deferred compensation programs, United Way, and deductions mandated by court order. A listing of the various payroll codes is maintained on the City's website.

In some cases, deductions depend on the information you provide, so it is critical to keep the Director of Human Resources and the Finance Department informed of any changes in your personal information. **It is the employee's responsibility to notify the Director of Human Resources and the Finance Department immediately in writing of a change in any of the following:**

1. Home address and telephone number
2. Name
3. Marital status
4. Number and names of dependents and eligibility criteria
5. Citizenship
6. Emergency contact information
7. Military status
8. Direct deposit information

The Mayor shall have the authority to approve any programs which provide for payroll deduction.

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3.03 OVERTIME AND COMPENSATORY TIME

Depending on the work you perform for the City, your position is considered either exempt or non-exempt by the Fair Labor Standards Act (FLSA). This is the federal law which regulates the entitlement and payment of overtime. If you are unclear as to whether your position is exempt or non-exempt, contact your supervisor or the Director of Human Resources.

This policy does not apply to bargaining unit members whose overtime and compensatory time is regulated by their collective bargaining agreement.

NON-EXEMPT employees (those eligible to earn overtime) are subject to the following guidelines:

a. Time worked in excess of forty (40) hours per work week is considered overtime.

b. For such overtime, the employee will be paid at the rate of one and one-half (1 ½) times the employee's regular rate of pay, or the employee may take or accrue compensatory time at the rate of one and one-half (1 ½) hours, for each hour worked.

c. "Time Worked" for the purpose of calculating overtime shall include paid working time, and excludes vacation, holiday time, sick leave, compensatory time, and paid lunch time. Therefore, employees who have a scheduled work week of 40 hours which includes a paid lunch hour, will receive straight time for hours worked over 35 through 40 hours.

d. The employee's supervisor must authorize any time worked over the regular scheduled hours prior to the work being performed.

e. With prior approval from his/her supervisor, an employee may "flex" their work schedule within the work week to accommodate personal needs and the demands of the Department. However, an employee may not work through the lunch hour in exchange for arriving at work late or leaving early, unless expressly authorized by the supervisor in advance.

f. When attendance at meetings, conferences, or training sessions is **required** by the City, travel time and time actually spent in meeting sessions will be considered time worked for calculating overtime. Meal breaks will be counted as time worked only when the meal is an integral part of a required meeting. Travel or meeting time is not considered time worked if attendance at the meeting or class is not required.

g. Compensatory time may accrue up to eighty (80) hours, and must be used within thirty (30) calendar days from the date earned.

h. Upon termination of employment for any reason, all accumulated unused compensatory time will be paid at the employee's rate of pay at the time of termination, up to the maximum eighty (80) hours.

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EXEMPT EMPLOYEES
Exempt employees are not eligible for overtime and cannot accrue compensatory time. However, supervisory and professional employees who are considered to be exempt from the FLSA, may "flex" their work schedules to accommodate their work demands.

PART-TIME/SEASONAL/TEMPORARY EMPLOYEES
Time worked in excess of forty (40 hours) per work week will be paid overtime at the rate of one and one-half (1 ½) times the employee's regular rate of pay.

Part-time employees are not paid for lunch breaks.

(Some seasonal employees of the Recreation Department are exempt from the provisions of the FLSA, and should consult the Director of Recreation.)

RECORDKEEPING
Hours worked, overtime and compensatory time accumulation and use, sick leave, vacation and flex time use must be recorded on the employee's time sheet.

3.04 LONGEVITY COMPENSATION

As a benefit to long-term employees, the City has implemented longevity compensation for full-time employees which is awarded after several years of continuous full-time service with the City and is based on your date of employment. Specific provisions regarding entitlement to and payment of longevity benefits for bargaining unit employees are included in the specific collective bargaining agreements. For full-time nonunion employees the following guidelines for longevity benefits shall apply:

To be eligible for longevity benefits, the employee must have five (5) full years of full-time service and be on the active payroll on December 1 of each year.

The amount of the longevity payment is based on the following schedules and a date of hire either before or after January 1, 2003:

Employees hired before January 1, 2003:

Years of Service	Percentage of Applicable Annual Salary or Wage
6-7	1%
8-9	1 ½%
10-11	2%
12-13	2 ½%
14-15	3%
16-17	3 ½%
18-19	4%
20 to retirement	4 ½%

The amount of the longevity payment is based on the base annual salary or wages as of December 1 and for hourly-rated employees, is computed as a factor of 2080 times the

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hourly rate. The annual salary or wage amount does not include extra part-time work or overtime.

Employees hired after January 1, 2003:

Years of Service	Amount
5-6	$600.00
7	$700.00
8	$800.00
9	$900.00
10	$1,000.00
11	$1,100.00
12	$1,200.00
13	$1,300.00
14	$1,400.00
15	$1,500.00
16	$1,600.00
17	$1,700.00
18	$1,800.00
19	$1,900.00
20	$2,000.00
21	$2,100.00
22	$2,200.00
23	$2,300.00
24	$2,400.00
25 to retirement	$2,500.00

The number of years of service as of December 1 of each year is based on full years; any fraction of a year is disregarded. The longevity benefit will be paid on or before December 15 of each year.

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SECTION 4 – BENEFITS

Full-time City employees are entitled to a number of employment benefits defined in this Section. Employee benefits include a variety of insurance programs, several different types of leave, and other non-monetary benefits you receive by working for the City. Contact the Director of Human Resources with any questions you may have on these plans.

4.01 HEALTH INSURANCE

Each regular, full-time employee of the City is eligible to enroll in the health insurance benefits plans offered by the City for its employees effective the first day of the month after the employee's hire date. These benefits include medical, hospitalization, dental, and prescription insurance. The City and the employee share the cost of these benefits, and the details are updated annually and are available through the Human Resources Department.

Vision coverage is also offered on a voluntary basis. Questions should be directed to the Director of Human Resources.

CHANGE IN FAMILY STATUS – **Changes to your health care coverage may only be made during Open Enrollment (offered annually), unless you have a change in your family status. A change in family status means to gain/lose a dependent, or loss of other coverage. Enrollment in such instances must be made within 31 days of the day of the event. (Refer to your Certificate of Coverage for more detailed information.) Employees are responsible for notifying the Director of Human Resources within the 31-day time limit should a change in family status occur.**

INSURANCE FRAUD WARNING – Knowingly furnishing incorrect or incomplete information or failing to notify the City of Rocky River of changes in eligibility may result in termination of coverage for the employee and/or the employee's dependents. The City shall give 15 days' written notice of such termination of coverage. Further, the employee may also be subject to disciplinary action up to and including termination of employment. The City of Rocky River further reserves the right to recover any claims paid on behalf of the employee and/or the employee's dependent during any ineligible period.

4.02 FLEXIBLE SPENDING ACCOUNT

The Flexible Spending Account is an optional program in which a participating employee may direct a portion of their salary, subject to limitations prescribed by law or plan design, into a pre-tax health care or dependent care spending account. As qualified medical expenses or dependent care amounts are incurred, you are reimbursed from the dollars "banked" in the account. Qualified health care expenses include such things as deductibles, doctor visits and prescription co-pays, eye exams, the portion of dental expense not covered by the dental plan and many others. Use of this plan requires careful planning as any funds not used by year end are forfeited.

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4.03 LIFE INSURANCE/ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE

On behalf of each full-time employee of the City of Rocky River excluding elected officials, the City purchases $25,000 life insurance and $25,000 accidental death/ dismemberment insurance. Eligible employees may also elect to purchase additional life insurance coverage. Such benefits shall be administered in accordance with the policy of the current provider.

Such benefits shall be payable in addition to any termination pay which may be payable to the employee's named beneficiary. In the event no beneficiary is named, the benefit shall be distributed in accordance with the employee's last will and testament or the statute of descent and distribution then in effect in the State of Ohio, whichever is applicable. Employees are advised to update their beneficiary designations as changes occur.

4.04 RETIREMENT BENEFITS

The Ohio Public Employees Retirement System of Ohio (OPERS) was created in 1935 to provide retirement allowances for all State employees. Today the program provides retirement, disability retirement and survivor benefit programs for public employees throughout the State. Certain Police and Fire employees contribute to a similar plan, the Ohio Police and Fire Pension Fund.

All City employees, being public employees, do not contribute to the Social Security System, but are required to participate in the State's retirement system. As a new employee, you will be sent a member handbook from the appropriate retirement system that outlines the details concerning membership, benefits, health care and personal history forms. You will be required to complete all of the necessary paperwork to become a member when you begin employment with the City.

As a new employee eligible for OPERS, you have the choice of selecting the retirement plan that provides the features and benefits most suitable for your future financial needs. In order to select the retirement plan most suitable for your needs, it is important you take the time to learn the details of each plan. The choices available include the traditional pension plan, which is a defined benefit plan, a defined contribution plan and a combined defined benefit and defined contribution plan. For specific information about these plans, contact the OPERS website at www.opers.org or see the Director of Human Resources.

As an employee, you contribute a percentage of your eligible earnings to your retirement plan through a pre-tax payroll deduction. The City also contributes, on your behalf, a percentage of your eligible earnings to your retirement plan. If you leave the City's employ before retirement eligibility, you must contact OPERS or the Ohio Police & Fire Pension Fund to discuss options for funds available to you in your account. If you have questions regarding your OPERS contributions or benefits, please contact the Director of Human Resources or the Finance Manager for assistance.

Employees hired after March 31, 1986, are required to also contribute to Medicare at a rate of 1.45% of pay, which is also automatically deducted from your regular paycheck, on an after-tax basis.

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4.05 DEFERRED COMPENSATION

The City provides the opportunity for employees to participate in a deferred compensation program. Deferred compensation allows you to "defer" or postpone receiving part of your current salary until you retire. By doing so, the employee pays no current federal or state income taxes on the deferred contribution until the money is withdrawn. The City chooses certain providers of this benefit, and currently offers two programs. Each employee determines for him/herself whether to participate and with which company to enroll. This is strictly a voluntary benefit, and the employee decides how much salary to defer. The Finance Department processes this benefit as a pre-tax payroll deduction, and the employee retains the right to stop the salary deduction and restore compensation to its original level at any time. If you are interested in this benefit, please see the Director of Human Resources or the Finance Manager.

4.06 HOLIDAYS

Each full-time City employee is entitled to a number of paid holidays, but depending on whether the employee is in a bargaining unit or not, the days vary in number. Certain City employees may be required to work on holidays, as a number of our departments maintain staffing levels seven days a week, twenty-four hours a day. If you are a member of a bargaining unit, refer to your collective bargaining agreement to identify those holidays for which you will be paid. Non-bargaining unit employees will receive each of the following paid holidays:

* One-half (1/2) day before New Year's Day
* New Year's Day
* Martin Luther King Day
* Presidents' Day
* Good Friday
* Memorial Day
* Independence Day
* Labor Day
* Veterans Day
* Thanksgiving Day
*One-half (1/2) day before Christmas Day
* Christmas Day

Holidays which fall on a Saturday or Sunday will be observed on the nationally recognized work day. When New Year's Day and Christmas Day fall on a Saturday or Sunday, the one-half day paid holiday before such day will be eliminated, and any Saturday holiday shall be taken on the preceding Friday and any Sunday holiday shall be taken on the following Monday. In place of these half-days, each full-time City employee shall receive one floating holiday to be taken at any time during the year with the approval of his/her Division or Department Head.

Most full-time employees are also eligible to receive each year, one (1) additional paid holiday, which is added to your vacation balance for that year. For new employees, the additional paid holiday is not available until January 1st of the year following your date of hire.

4.07 NOTE REGARDING LEAVE BENEFITS

Employees earn generous vacation and sick leave benefits and are encouraged to use those benefits for the purpose intended. For example, vacation is a planned absence and should not be

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used for absences due to illness. In the event of an absence due to illness or an FMLA event, employees must use sick leave first. Vacation may then be used when the sick leave balance is exhausted.

4.08 VACATION

Full-time City employees, except elected officials, are eligible to earn vacation leave. For employees who are members of a bargaining unit, specific provisions regarding vacation leave accumulation, use, transfer, and payment upon separation of employment, are covered in the City's various collective bargaining agreements.

For non-union employees, the following accrual schedule applies to most regular, full-time, employees of the City (except elected officials):

Years of Service*	Vacation Amount	Accrual Rate per Calendar Month Worked
0-7	80 hours @ full pay	6 2/3 hours
8-12	120 hours @ full pay	10 hours
13+	160 hours @ full pay	13 1/3 hours

*Based on anniversary date

Upon reaching the next step in the accrual level (i.e., at 8 years or 13 years) an additional 40 hours of vacation is added to the employee's vacation balance.

Employees may accumulate vacation leave to a maximum of twice their current annual vacation benefits plus eight (8) hours for the additional paid holiday, and forfeit the right to take or to be paid for any vacation leave in excess of their maximum. **Effective January 1, 2015,** the excess leave shall be eliminated from the employee's leave balance on the employee's anniversary date.

In order to utilize vacation leave, an employee must obtain prior approval from his/her department head and may be subject to additional restrictions regarding the scheduling of vacation depending upon operational needs or departmental restrictions. Employees should contact their department head or immediate supervisor to request specific information regarding departmental procedures for vacation use.

The Mayor, at his/her discretion, may grant additional vacation time to a newly-hired Director or Commissioner.

Vacation earned by an employee while working for the State of Ohio or any of its political subdivisions may not be transferred with the employee to the City of Rocky River.

4.09 SICK LEAVE

Sick leave is a benefit provided to full-time City employees, except elected officials.

The following provisions apply to the full-time, non-union employees of the City (except elected officials):

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ACCUMULATION: Eligible employees will earn sick leave at a rate of two and three tenths (2.3) hours of paid sick leave for each completed forty (40) hours of work consistent with ORC 124.38. Employees will not receive sick leave credit for any hours worked in excess of forty (40) in any one week.

Unused sick leave shall be accumulated up to 1,080 hours. However, an employee who has accumulated sick leave in excess of 960 hours at the end of any calendar year shall have the option to choose between receiving additional vacation during the following calendar year, and receiving pay at the straight time rate of one (1) hour for each three (3) hours of sick leave in excess of 960 hours. Such additional vacation or compensation shall eliminate the sick leave in excess of 960 hours. The employee must notify the Finance Department of the option chosen by December 31st of the year in which the excess is earned.

USE: Employees may use sick leave upon the approval of the Safety-Service Director or the Mayor for absence due to such employee's personal illness, pregnancy, injury, exposure to contagious diseases which could be communicated to other employees and for absences due to illness or injury of an immediate family member, or bereavement as described in Section 4.11. The employee should also refer to the City's Family and Medical Leave policy in the event there is a question regarding the appropriate leave for the circumstances.

When sick leave is used, it shall be deducted from the employee's accrued balance on the basis of one (1) hour for every hour of absence from previously scheduled work.

Employees are required to complete an Application for Use of Sick Leave to justify the use of sick leave. Absences of more than 3 days require documentation from the employee's health care provider. Falsification of either the Application for Use of Sick Leave or the documentation from the health care provider shall be grounds for disciplinary action, up to and including termination of employment. Furthermore, the City reserves the right to require an examination by an independent medical examiner if it is suspected the sick leave policy is being abused.

TRANSITIONAL DUTY: Full-time City employees returning from sick leave or family/medical leave other than for a work-related injury (referenced in Section 4.12 herein), who cannot perform their total job function for any reason, may request transitional duty work under the following circumstances:

1) The employee can perform most or all of the essential functions of the position;
2) The City can accommodate transitional duty performance without creating a new position or reducing productivity.
3) The employee's doctor provides a signed statement releasing the employee to transitional duty including any restrictions.

Transitional duty requests must be made in writing to the employee's Department Director, Commissioner, Superintendent or Chief. All such requests must be approved by the Department head, Safety-Service Director, the Director of Human Resources, and the Mayor. The transitional duty work assignment will be continued based on individual circumstances.

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SICK LEAVE DONATION: With advance approval of the Mayor, an employee may transfer unused sick leave to another employee for use by such other employee when no further sick leave is available to such other employee. Such transfer shall result in a deduction from the transferring employee's sick leave accumulation on the basis of one hour for every one hour transferred. Any such transfer shall be no less than eight (8) hours, and no more than two hundred forty (240) hours per calendar year.

TRANSFER FROM THE STATE OR ANY POLITICAL SUBDIVISION: An employee who transfers from the State or any of its political subdivisions to the City shall be credited with the unused balance of his/her accumulated sick leave up to the maximum permitted in this section, provided proof of such sick leave credit is furnished in writing by the employee's former employer. Such transferred sick leave shall be used first when an employee requests to use sick leave, before using any sick leave accrued while employed by the City of Rocky River.

4.10 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act of 1993 and the 2009 amendments require employers to provide up to twelve (12) weeks of unpaid, job-protected leave during a twelve- month period for:

1) **Family Leave**: the **birth** of a child and to care for such child, for the placement of a child for **adoption** or **foster care**, and
2) **Medical Leave**: to care for a spouse or an immediate family member with a **serious health condition**, or when the employee is unable to work because of a serious health condition, and
3) **Military Family Leave**: eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

In order to comply with the Family and Medical Leave Act of 1993 (FMLA) and the 2009 amendments, the City has established the following policy regarding Family and Medical Leave.

Employees who have completed at least one year of employment and who have worked 1,250 or more hours during the previous twelve (12) month period will be entitled to 12 weeks unpaid family/medical leave during a twelve-month period. Leave may be taken intermittently, but the twelve (12) month period is based on a calendar year.

When the need for leave is foreseeable, the employee should request the leave at least 30 days in advance of the first day of the planned absence, or as soon as possible if the leave is not foreseeable. Notification must be to the employee's supervisor and the Director of Human

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Resources who will review the eligibility for FMLA. Even if the employee does not specifically request family/medical leave, the City has an obligation to designate family/medical leave where the circumstances would indicate an FMLA qualifying event.

Employees who have sick or vacation leave balances available shall use those benefits concurrently with their family/medical leave to receive 100% of their regular rate of pay while they are on the leave for non-work related injuries/illnesses. If the leave is for a serious health condition, certification from the health care provider will be required.

During FMLA leave, the City will maintain any pre-existing group health coverage and will reinstate the employee to the same or an equivalent job with equivalent employment benefits, pay, and other terms and conditions of their employment with the City. All benefits accrued prior to the leave will remain intact; however, the employee will not accrue benefits during any unpaid portion of the leave.

If you have any questions about how the policy may apply to you, please contact the Director of Human Resources. Any provision of the Family and Medical Leave Act of 1993 and the 2009 amendments, or any subsequent amendments, which is in conflict with any section or subsection of this Handbook shall take precedence over provisions in the Handbook.

4.11 BEREAVEMENT LEAVE

Employees may use sick leave or vacation to grieve the death of a family member or loved one. As this is an individual and personal event in a person's life, employees are encouraged to use reasonable judgment as to the amount of time needed.

4.12 WORKERS COMPENSATION

State law provides that every City employee is eligible for Workers' Compensation insurance for injuries or illness arising out of or in the course of his/her employment. If an employee is injured or becomes ill as a result of performing their work for the City, he/she may be eligible to receive benefits through the Ohio Bureau of Workers' Compensation system. The City utilizes the services of an outside firm specializing in Workers' Compensation medical case management (MCO) to assist employees whose illnesses or injuries are covered by Workers' Compensation and a third party administrator to assist with claims management.

If you become injured or ill as a result of performing your work for the City, you must *immediately contact your supervisor.* Your supervisor will assist you in obtaining medical attention and will provide you with an Injury Reporting Kit which will contain the necessary paperwork for you to complete. You or your supervisor must immediately notify the Director of Human Resources regarding the injury or illness. If your illness or injury results in absence from work, you must keep your supervisor and the Director of Human Resources regularly informed as to your medical status and plans to return to work. If you are absent for an extended period of time, you may become eligible for workers' compensation benefits in lieu of using your sick leave. The Director of Human Resources or the BWC representative assigned to your

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claim can answer any questions you may have. You will be required to provide a fitness-for-duty certification before returning to work.

An employee representing him/herself at an Industrial Commission hearing shall use vacation time for such absence.

The Ohio Revised Code, Section 4123.54, requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury. The burden of proof is on the employee to prove the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

TRANSITIONAL DUTY: In the event a City employee is injured on the job, and the injury appears to necessitate the employee's absence from work, the City will provide a summary of the employee's regular job duties to the injured worker's physician for review. The physician will be asked to indicate which duties the employee is capable of performing with the employee's current physical restrictions. If the City is able to provide an opportunity for the employee to safely perform substantive work for the City in a transitional work setting, the employee may be required to return to work to perform such duties. The City, the injured worker, the Bureau of Workers' Compensation and the City's managed care organization will all work together to transition the injured worker back into full duty as soon as possible. The transitional work assignment will be continued based on individual circumstances.

4.13 LEAVE OF ABSENCE

The Mayor may grant a leave of absence without pay to an employee for any personal reason consistent with his/her position. An employee must request, in writing, all leaves of absence without pay. The request shall state reasons for taking the leave and the dates for which the leave is being requested.

4.14 JURY DUTY

Full-time employees called to serve on a municipal, county, federal or grand jury, to be examined at a specific time as a juror, will be granted the time away from his/her job to serve. The City will compensate the employee for his/her normal rate of pay while serving on the jury. If the employee is not required to be in court proceedings for a full workday, the employee is required to report to work as usual.

4.15 MILITARY LEAVE

The City of Rocky River supports employees' service to the uniformed services which protect our country. The City complies with both federal (Uniformed Services Employment and Reemployment Rights Act of 1994, the Veterans Benefits Improvement Act of 2004, state law (ORC 5923.05) and any amendments thereto regarding military leave.

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4.16 UNEMPLOYMENT COMPENSATION

Unemployment compensation is another form of compensation which is paid for by the City for eligible employees, and is administered by the State of Ohio. Questions about unemployment should be directed to the Ohio Department of Job & Family Services.

4.17 HEALTH INSURANCE FOLLOWING SEPARATION OF EMPLOYMENT

COBRA: COBRA is the popular name of the Consolidated Omnibus Budget Reconciliation Act of 1985. The Act mandates that certain employers, including the City, continue health care coverage for employees (and covered dependents) enrolled in the benefit plan for a certain number of months (usually 18) following a qualifying event resulting in a loss of health care benefits, for example:

1) Employee's death,
2) Termination of employment (other than a discharge), and
3) Reduction in hours that makes employees ineligible for the benefit plan.

When you begin coverage under the City's health insurance plan, you will be provided notice of this policy which explains in detail the provisions regarding eligibility for the coverage and further description of the specific qualifying events which trigger COBRA eligibility.

When a qualifying event occurs, all persons covered by a plan, including spouses and children, are eligible for COBRA. Health care continuation coverage premiums are paid in full by the employee, but the City *also charges the employee 2% of the premium* for administrative costs. The Act mandates the length of time employees have to elect COBRA benefits, response time for employers, and what notices must be provided. **It is important for employees to notify the Director of Human Resources of any event that might trigger the employee, spouse or dependent children continuation coverage under this plan. Notification of such triggering events shall be made within 60 days of the event. If you have questions about your eligibility for COBRA, contact the Director of Human Resources.**

ALTERNATIVES TO COBRA COVERAGE: Instead of enrolling in COBRA continuation coverage, there may be other coverage options for you and your family through the Health Insurance Marketplace, Medicaid or other group health plan coverage options (such as your spouse's plan) through what is called a "special enrollment period." You may be able to buy coverage that costs less than COBRA continuation coverage through the Health Insurance Marketplace at www.HealthCare.gov or call 1-800-318-5926. You have 60 days from the time your City coverage ends to enroll in the Marketplace.

4.18 TERMINATION COMPENSATION AND BENEFITS

Following are guidelines for termination compensation and benefits:

REGULAR PAY – Employee shall be paid regular pay, defined as base pay, through the last day actually worked.

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VACATION - When an eligible employee leaves the service of the City for any reason, the employee shall be entitled to compensation at his/her current rate of pay for all lawfully accrued and unused vacation leave at the time of separation up to the maximum allowed amount.

SICK LEAVE - A full-time employee having five (5) or more years' of service with the City, shall be compensated for the value of his/her accrued but unused sick leave credit at the time of his termination, resignation, dismissal other than for cause, or retirement from active service. Such payment shall be based upon the employee's rate of pay at the time of separation. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. More than one payment may be made provided that no more than 960 hours is paid to any one employee for their years of service with the City of Rocky River. The provisions of this section shall not apply to any sick leave credit transferred to the City by an employee's former employer.

COMPENSATORY TIME - Upon termination of employment for any reason of a non-exempt employee, all accumulated unused compensatory time will be paid at the employee's rate of pay at the time of termination, up to the maximum eighty (80) hours.

LONGEVITY - An employee must be on the active payroll on December 1 of each year. However, benefits will be prorated for an employee who retires with more than 25 years of service, leaves under the disability provisions of the pension program, or dies while still on the active payroll. Prorated benefits shall be paid in a lump sum within 30 days after the termination date to the employee or in the event of death, to the surviving spouse, dependent children or heirs designated in the estate, in that order named.

UNIFORM ALLOWANCE – If an employee is due or has received uniform allowance at the time of his termination of employment, the amount so due or received shall be pro-rated based on the employee's annual allowance and shall be adjusted in the employee's final payment.

4.19 CIVIC CENTER EMPLOYEE MEMBERSHIP

As part of our commitment to provide high quality, valued benefits to our employees, full-time employees may receive a no-cost individual Rocky River Civic Center membership, and part-time employees may receive a membership at a discounted rate. In addition, family members may be included at a reduced rate. Employees and their families enjoy the same benefits that a resident member receives – full access to the indoor track, fitness, pool and playground areas, class discounts, babysitting availability, etc. For complete details, the current recreation program guide can be found on the City's website.

4.20 EMPLOYEE ASSISTANCE PROGRAM

The City provides to all full-time employees and at no cost to the employee, a comprehensive Employee Assistance Program (EAP) which provides professional counseling services and support to employees and members of their families experiencing personal difficulties. The EAP is a confidential, professional service and employees experiencing personal problems affecting

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their performance may be referred to the service by their supervisors. The EAP is also available to employees who wish to contact the service directly.

The EAP is able to assist employees experiencing any of a number of difficult issues, including the following problem areas:

- Marital
- Family
- Parenting
- Financial
- Legal
- Drug, alcohol or substance abuse
- Addictive Disorders
- Grief
- Anxiety
- Depression
- Stress
- Emotional

The EAP also provides wellness coaching in the areas of nutrition and fitness.

Contact information for the EAP is available on the various City bulletin boards. If you need more information, contact your immediate supervisor or the Director of Human Resources. The City's supervisors are trained to respond to your requests and inquiries with discretion.

4.21 TRAINING AND DEVELOPMENT

Job-related outside development courses or seminars may be taken with the prior approval of the employee's supervisor, the Director of Finance and the Mayor.

4.22 CLOTHING AND UNIFORM ALLOWANCES

Various City employees are required to wear uniforms or special clothing when performing their jobs for the City, and the City has a number of procedures in place to provide clothing or to reimburse eligible employees for the expenses involved in such purchases. Specific provisions regarding clothing and uniform allowances are contained in the annual Wage Ordinance and are administered by the Directors of Finance and Safety-Service.

4.23 TRAVEL AND EXPENSE REIMBURSEMENTS

TRAVEL

Travel to meetings, conferences or conventions, or travel to conduct official City business during the course of an employee's regular duties, must be authorized by the employee's supervisor, the Mayor, and the Director of Finance before travel plans can be made. The employee must submit a purchase order to obtain approval for travel, to prepay expenses, and to obtain a State of Ohio Tax Exemption Certificate from the Finance Department. **Employees will not be reimbursed for any taxes for which the City may otherwise claim a valid exemption.**

CITY VEHICLES

Those employees who are authorized to drive a City vehicle, should refer to the City Vehicle Policy for specific guidelines.

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When operating or riding in a City vehicle, employees are required to use seat belts. Failure to use seat belts while operating or riding in a City vehicle may result in disciplinary action. Drivers of City vehicles must have a valid State of Ohio driver's license.

EXPENSE REIMBURSEMENT

Every travel expense must be documented with an itemized receipt, and attached to a Detailed Statement of Personal and Traveling Expenses form, submitted to the Finance Director and the Mayor for approval.

Reasonable and necessary expenses related to meals will be allowed, if travel extends through a normal meal period, and meals are not included as part of a workshop or seminar. Good judgment should be exercised in incurring meal expenses using the following as **guidelines**:

Breakfast	$7.50
Lunch	$10.00
Dinner	$25.00

Taxes on meals will be reimbursed as well as gratuities up to 15%.

An employee on overnight travel may be reimbursed for one personal telephone call of a reasonable duration.

No reimbursement will be made for:

1) State of Ohio Sales Tax – Employees must obtain a State of Ohio Tax Exemption Certificate from the Finance Department to present when paying for lodging or other authorized purchases
2) Alcoholic Beverages
3) Entertainment, in-room movies, restocking in-room snacks, dry cleaning, or laundry charges

Whenever it is necessary for employees to use their personal automobiles in the performance of their regular duties and to conduct business on behalf of the City, they will be reimbursed at the applicable rate per mile designated by the Internal Revenue Service. Parking and highway tolls will be reimbursed if properly documented with receipts.

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SECTION 5 DEPARTMENT POLICIES

(Reserved for policies specific to individual Departments.)

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ACKNOWLEDGEMENT

I have been presented with the City of Rocky River Employee Handbook. I have read and reviewed and generally understand the policies and procedures contained in this Handbook, and further understand the provisions contained in this Handbook are subject to change without notice. I also understand that this Handbook is not to be viewed as an employee/employer contract. The City reserves the right to exercise management rights in administering the rules, policies and procedures contained in this Handbook. As changes occur, the Director of Human Resources will maintain the Handbook, and will distribute updates and clarifications as needed to ensure the Handbook remains current, accurate, and consistent with various local, state and federal laws. Any questions concerning the policies outlined in this Handbook should be addressed to the Director of Human Resources at 440-895-3371, or humanresources@rrcity.com.

_____

EMPLOYEE SIGNATURE

_____

EMPLOYEE NAME (PLEASE PRINT)

_____

DATE

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