



## **Employee Handbook**

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## **SECTION 1: GENERAL INFORMATION**

### **A. INTRODUCTORY STATEMENT**

This employee handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook.

One of our objectives is to provide a work environment that is conducive to both personal and professional growth. This handbook is neither an employment contract, nor a legal document. No employee handbook can anticipate every circumstance or question about policy. As the City continues to grow, from time to time there may be a need to revise, supplement, or rescind policies or sections of the handbook as is deemed appropriate. Although the handbook is quite comprehensive, its intent is to give you an overview of what to expect from your employment with the City. Questions about interpretation of anything within this handbook should be directed first to your supervisor. The underlying ordinance, administrative directive, or policy will supersede any conflicting provisions found in this book, and may be referenced for your convenience.

The City of Trenton's organized labor force consists of three (3) different unions. Each union has a negotiated contract with the City. If your position is affiliated with one of these unions, your negotiated contract may supersede portions of this handbook, if the negotiated contract has governing provisions that conflict with this handbook. Please familiarize yourself with your individual contract language.

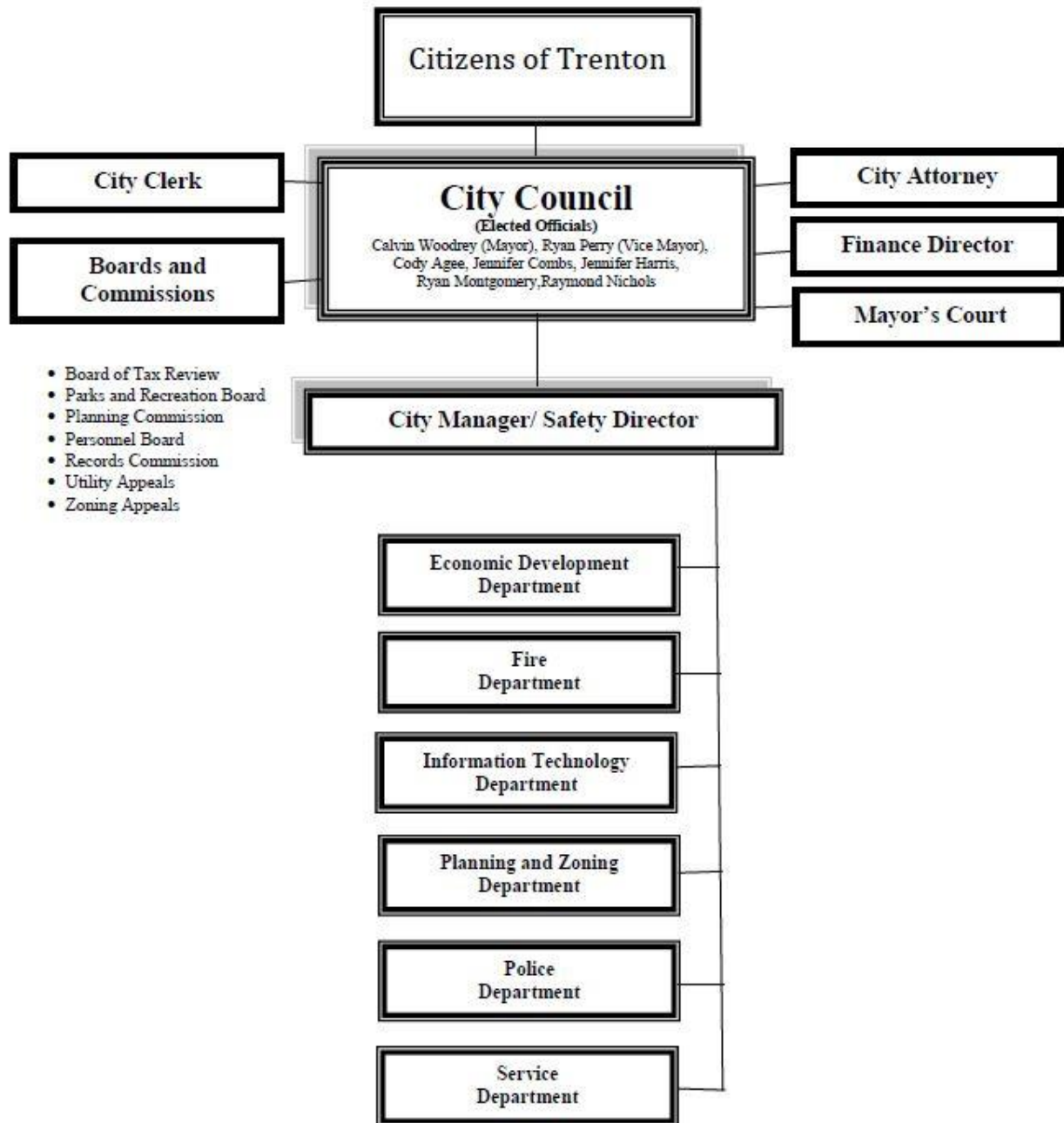
Trenton owns and operates a water plant, fire station, recreational areas, and other support facilities throughout the City.

### **B. IT'S YOUR BUSINESS ALSO!**

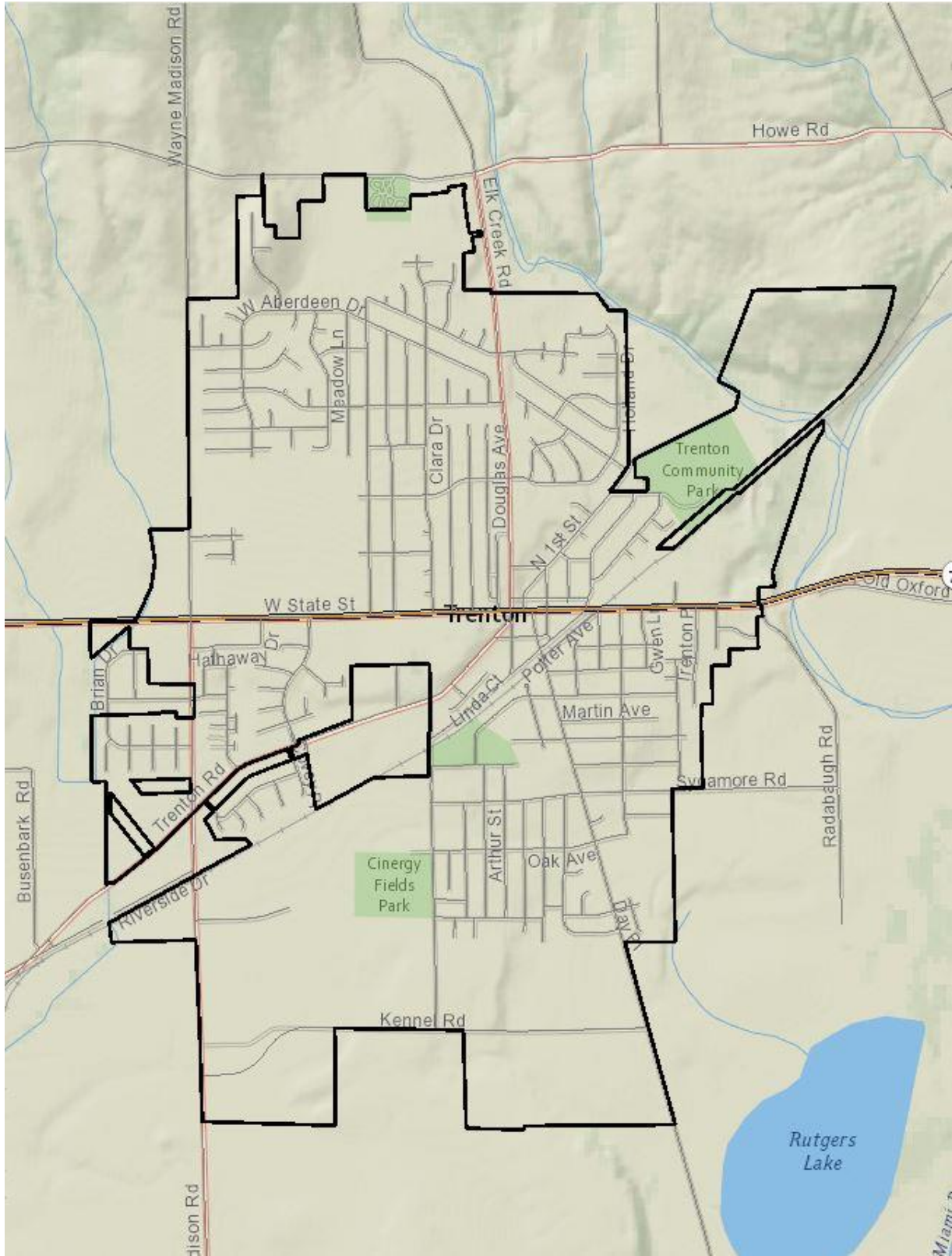
It may surprise some to learn that the City of Trenton is actually a corporation and, in many respects, resembles business firms and companies in the private sector. The stockholders of the corporation are the citizens and taxpayers of the City. They elect a board of seven (7) referred to as City Council who then have the responsibility under the City Charter for governing the municipality for a period of four (4) years. Council members are given the responsibility through the Charter of governing the municipality and making policy decisions. The Council selects and appoints a City Manager who is the officer in charge of the administrative service of the City. Due to the size of the corporation and the many different types of tasks that must be completed, the City service is divided into departments and then divisions, with each group or sub-group specializing in a particular field of work. Officers responsible for departments are known as Directors or Chiefs. For your information, the following organizational chart is included, listing the departments of the City service.

C. ORGANIZATIONAL CHART

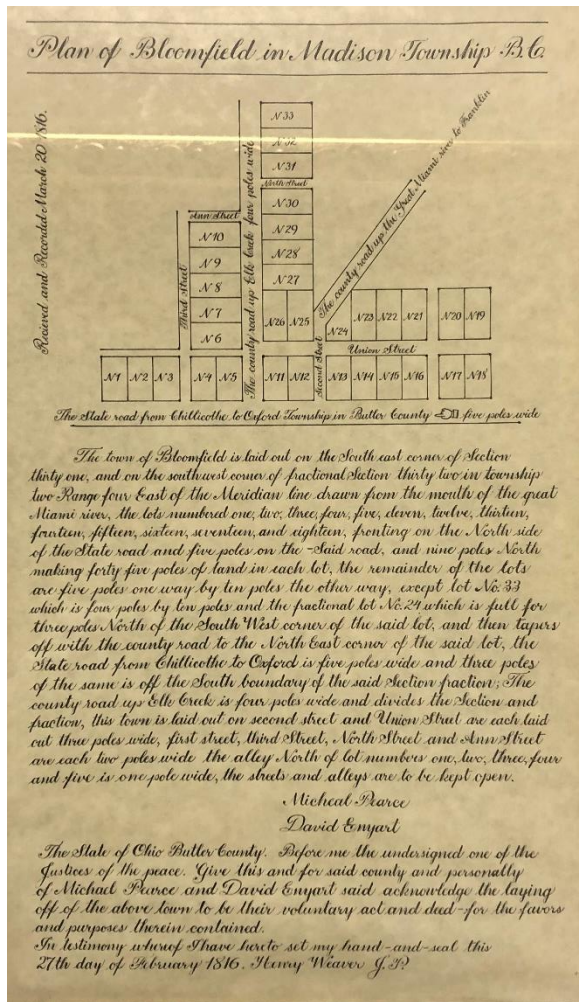
# Trenton Organizational Chart



**D. MAP OF TRENTON**



## E. THE HISTORY OF TRENTON



Michael Pearce, a native of Essex County, New Jersey, founded the community that was to become Trenton, Ohio in 1799. The land deed, signed by President Thomas Jefferson and the Secretary of State James Madison, established a parcel of 1,500 acres stretching from the Miami River on the East, to the present State Street on the north, and on towards the present Wayne Madison Road as the western boundary. Pearce platted 33 lots in 1816 and selected the name of Bloomfield for the new community. In 1820 an application for a post office was filed. Since another Ohio town already took the name Bloomfield, Pearce renamed the Village as a remembrance of his birthplace, New Jersey's state capital, Trenton. Growth was slow in the Village and it was not until 1971 that the population had grown to the required 5,000 to be classified as a City. By the 1990 census, the population of the City had increased to 6,100. Trenton has experienced, from 1995 to the present time, a steady 4% increase in new residential construction. Additional land has been annexed into the City's boundaries, increasing the overall area of the City. The 2018 estimated census places Trenton's population at 13,012.

Trenton has many nearby educational facilities, churches, parks and playgrounds, and cultural resources. The numerous colleges and universities in the surrounding metropolitan area provide

excellent opportunities and facilities for higher educational study by citizens of Trenton. Notably, these include Miami University in Oxford, 16 miles west of the City; Miami University satellite campuses in Middletown and Hamilton, 8 and 10 miles away, respectively; the University of Dayton, 30 miles north; Xavier University, 33 miles south; and the University of Cincinnati, 36 miles south. Additionally in the nearby surrounding area are Wright State University, Sinclair College, Antioch College, Kettering College of Medical Arts, Central Michigan University satellite campus at Wright Patterson Airforce Base, Thomas Moore College, Wilmington College satellite campus in Blue Ash, and Ohio State University extension in Cincinnati.

The Butler County Technology and Career Center Vocational School District offers various areas of study, primarily to provide education in the industrial and commercial field. In addition, an Adult Education Program offers courses in a wide variety of subjects. Butler Tech is located 6 miles southwest of the City of Trenton.

## F. UNION MEMBERSHIP

The City is neutral with respect to union membership. You may choose to either join or refrain from joining an employee organization. Such membership is not a condition of employment or continued employment.

## **SECTION 2: RECRUITMENT AND EMPLOYMENT RELATED**

### **A. APPLICATIONS**

Employment applications are designed for the purpose of hiring the most qualified applicant. City employees shall have an opportunity to apply for any new position and may compete equally with all applicants. Rule 4 (Applications for Examinations) of the Personnel Board's Rules and Regulations governs the application process and form for classified positions.

### **B. BONDS (250.01)**

Before entering their official duties, City employees will be bonded as determined by the City Treasurer and paid for by the City. The premium will be paid by the City.

### **C. CLASSIFIED AND UNCLASSIFIED (CHARTER 6.061)**

All compensated positions in the service of the City shall be in the classified service and shall be appointed pursuant to competitive examination, so far as practicable, except the following, which shall comprise the unclassified service of the City:

- All officers elected by the people.
- The Clerk of Council.
- The City Manager.
- Secretary to the Manager.
- The directors of departments.
- Members of boards, commissions, agencies and authorities appointed by Council and by this Charter.
- Unskilled labor as defined by the Personnel Board.
- Employees of exceptional professional or scientific qualification engaged as consultants.
- Seasonal and part-time employees as defined by the Personnel Board.
- Volunteer personnel in the Division of Fire and Auxiliary Police within the Division of Police.
- Secretary of each board and commission established by this Charter or Council, provided that if such secretary holds other employment within the classified service of the City, this section shall not exempt such person from the requirement of competitive examination to hold other such employment.

Additional positions created by Council shall be under the classified service unless the ordinance or resolution creating the position states otherwise.

### **D. MERIT**

The City Charter specifically adopts, as its guiding principle, merit as the basis for appointment or hiring. As such, the Personnel Board in 2020, adopted a set of Civil Service Rules and Regulations that govern the process for how Classified positions are appointed.

### **E. POSITION DESCRIPTIONS**

Each position within the City has an associated position description which generally describes the duties. New classifications are created by the City Department Director ("Appointing Authority") with approval by City Council through Ordinance. The Appointing Authority shall inform the Personnel Board and provide the Personnel Board a written position description of the duties and responsibilities of every new classification.



**F. PROBATIONARY PERIOD (250.02; CHARTER 6.064)**

All permanent employees will undergo a period of probation.

The purpose of such a period is to determine that you can and will be able to perform the job for which you were hired. It also provides a period of training, supervision and counseling by your supervisor to help you succeed.

If you are later promoted to a higher position, you will also serve probation in that capacity as well.

The length of the probationary period is six (6) to twelve (12) months from the date of hire.

## **SECTION 3: EMPLOYEE BENEFITS**

### **A. HEALTH INSURANCE (250.06)**

The City provides full-time employees with an insurance program. Employees shall pay ten percent (10%) of the cost of the medical plan provided by the City and the coverage selected by the member, if optional coverages are provided. The employee's contribution share shall be automatically deducted from the employee's paycheck on a weekly basis.

If an employee waives the City health insurance plan (employee must first verify other current coverage prior to waiving) then the employee will receive the sum of four hundred fifty dollars (\$450.00) for an employee who is on a family plan; three hundred fifty dollars (\$350.00) for an employee plus spouse plan; three hundred dollars (\$300.00) for an employee plus child(ren) plan; or one hundred seventy-five dollars (\$175.00) for an employee on a single plan to be paid monthly in the employee's paycheck.

**Note:** For a new hire, your healthcare coverage will begin on the first of the second month following your initial date of hire.

### **B. MANDATORY RETIREMENT SYSTEMS**

There are presently two (2) major retirement/pension systems available to Trenton employees, the Ohio Public Employees Retirement System (OPERS) and the Ohio Police and Fire Pension Fund (OP&F). Both are established by Ohio law, under state administrative control and participation is required. Both the employee and the City of Trenton contribute a percentage (pre-tax) into the system. Members do not pay into the Federal Social Security System. Employees and the City also contribute to Medicare. We have noted the major features of these programs below.

#### **1. Ohio Public Employees Retirement System (OPERS)**

The Ohio Public Employees Retirement System (OPERS) provides retirement, disability, and survivor benefit programs for employees. Currently, employees contribute 10% of their gross pay to OPERS and the City contributes 14% of an employee's gross pay to OPERS (as of 6-18-19).

There are three (3) factors that impact the amount of an employee's retirement benefit: 1) final average salary; 2) employee's age at retirement; 3) employee's years of service credit.

For general or specific information, employees may call OPERS at 1-800-222-PERS (7377), write to OPERS, 277 East Town Street, Columbus, OH 43215-4642, or visit their website at <https://www.opers.org>.

#### **2. Ohio Police and Fire Pension Fund (OP&F)**

Only full-time, sworn police officers and firefighters may participate in the Ohio Police and Fire Pension Fund (OP&F). Non-sworn personnel assigned to the Police divisions are not eligible to participate in (OP&F) but will participate in the OPERS program.

The average annual salary is used in the formula to calculate an employee's retirement benefit.

For general or specific information, employees may call 614-228-2975, write to OP&F, 140 East Town Street, Columbus, OH 43215, or visit their website at: <http://www.op-f.org>.

### **C. VOLUNTARY SUPPLEMENTAL RETIREMENT PLAN**

The City of Trenton also offers a supplemental retirement program for employees. This option is voluntary and participation is not required.

- Ohio Public Employees Deferred Compensation (Deferred Comp)

The Ohio Public Employee Deferred Compensation Plan is a voluntary supplemental retirement plan for state and local government employees in the state of Ohio. It allows employees to defer a portion of their current paycheck until retirement. It is intended as a long-term financial program, as the amount employees defer and any related earnings are not subject to federal income taxes until they are paid out.

The most that can be deferred is as follows:

1. Regular Deferral Limit (\$18,000.00)
2. Age 50+ Deferral Limit (\$24,000.00)
3. Catch-Up Deferral Limit (\$36,000.00)

For general or specific information about Ohio Deferred Compensation, employees may call 1- 877-644-6457, write to Deferred Comp, 257 East Town Street, Columbus, OH 43215-4626, or visit their website at: <https://www.ohio457.org>.

### **D. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The City of Trenton cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Although many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the employee assistance program (EAP), Trenton provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees, short-term counseling and referrals to appropriate community and private services. This service is provided by Anthem. Call at **800-865-1044**. Or go to [anthemEAP.com](http://anthemEAP.com) and enter your company code: City of Trenton.

The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Information given to the EAP counselor may be released to Trenton only if requested by the employee in writing. All counselors are guided by a professional code of ethics.

Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the employee's personnel file.

There is no cost for an employee to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will describe community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

## **SECTION 4: COMPENSATION PACKAGE**

### **A. COMPENSATION**

City Council approves the Classification and Wage Plan which specifies each position and associated pay grade (except those covered by a Collective Bargaining Agreement) and consists of six incremental steps within that pay grade. A cost-of-living adjustment (COLA) must be approved by City Council, prior to implementation.

Generally, employees shall be hired at the lowest step. However, the City Manager, at his or her sole discretion, may hire at any step in recognition of extensive experience and qualifications.

### **B. EMPLOYEE SPECIAL COMPENSATION (250.03)**

Depending on your department and your position, you may receive special compensation. Check with your Department Supervisor if this section is applicable to you. Below are examples of some special compensation.

- Uniform Allowance
- Tool Allowance
- Call-In Pay
- On-Call Pay

### **C. FAIR LABOR STANDARDS ACT (FLSA) AND COMPENSATORY TIME**

#### **1. Statement of Purpose**

- A. To establish a system, consistent with the Fair Labor Standards Act (FLSA), for the control and administration of overtime for City employees not covered by a collective bargaining agreement and general overtime guidelines for use when a collective bargaining agreement does not provide otherwise.
- B. To assure uniformity and consistency among all departments of the City in the compensation and administration of work assignments outside the regularly scheduled workweek/workday.

#### **2. Policy**

- A. All positions shall be categorized as either “non-exempt” or “exempt” pursuant to the FLSA as it is applied to classifications within the City of Trenton.
- B. Each Department Head/Chief or Appointing Authority is responsible for assuring that appropriate records are maintained which record all work hours worked on a regular, as well as overtime basis.

#### **3. General Standards of Overtime**

- A. The responsibility for the determination of the need for overtime, the number of hours involved and the employees required shall rest with each Appointing Authority/Department Head/Chief.
- B. No employee has authority to determine overtime needs for his/her own position.
- C. Overtime shall be approved by Appointing Authority/Department Head/Chief prior to the employee working those hours; only in exceptional cases should overtime be worked without the express prior approval from the Appointing Authority
- D. Workweek and Workday:
  - i. Forty (40) hours shall constitute a normal workweek unless the work unit has specifically designated some other period by written policy during which the regular hourly rate shall be paid.

- ii. Eight (8) hours shall likewise constitute a normal workday unless the work unit has specifically designated some other period by written policy.
  - iii. Any hourly employee of the non-emergency service of the City who is called in for work outside his/her regular working hours shall be paid a minimum of three (3) hours pay at regular pay.
- E. Firefighters Work Period:
- i. Two-Hundred and twelve (212) hours in twenty-eight (28) days shall constitute a work period.
- F. In no event shall the overtime or premium pay be pyramided, duplicated, or compounded. Thus, if two (2) or more overtime or premium pay provisions are applicable to the same hours of work, only the applicable provision yielding the largest amount shall satisfy the requirements of all other pay provisions.

**4. Administration of Overtime**

- A. Cash Payment of overtime
- i. Non-Exempt Positions
    - a) Non-exempt positions shall be paid at least one and one half (1 ½) times his/her current hourly base rate for hours worked beyond forty (40) in any one week or in excess of the regularly scheduled workday for a full-time employee or in excess of 212 hours in a 28 day work period for firefighters.
    - b) Overtime shall not be pyramided. Thus, when two (2) or more rates would be applicable to the same hours, only the rate yielding the highest amount shall be applied.
  - ii. Exempt Positions
    - a) Exempt positions shall not receive cash payment of overtime.
- B. Compensatory Time
- i. Non-Exempt Positions
    - a) Non-exempt positions shall receive compensatory time at the rate of one and one half (1 ½) times. For example, one hour of overtime converted into compensatory time is one and one half (1 ½) hour of compensatory time for every hour worked.
    - b) Non-exempt positions may accrue up to two hundred forty (240) hours.
    - c) Compensatory time is not eligible for cash benefit conversion
  - ii. Exempt Positions
    - a) Exempt positions may accrue compensatory time at the rate of his/her current hourly rate and can accumulate a total of eighty (80) hours within a calendar period.
    - b) The compensatory time not used within that year is not eligible for carryover to the next year.
    - c) Exempt positions may never accumulate more than eighty (80) hours of compensatory time in a calendar year. Once the original eighty (80) hour threshold has been reached, if compensatory leave is utilized, an employee is not permitted to accumulate additional hours of compensatory time to bring his or her compensatory time balance back up to the eighty (80) hour threshold. For example, if an employee reaches his or her original 80-hour threshold in January, and subsequently utilizes eight (8) hours of compensatory leave, the employee may not accumulate an additional eight (8) hours in compensatory time or any other number of hours to bring his/her compensatory time balance back up to eighty (80) hours.
    - d) Compensatory time is not eligible for cash benefit conversion.

**5. Miscellaneous**

- A. Overtime assignments shall not be construed to include time commuting to and from the job site, travel time involved in attending conventions, seminars or meetings.
- B. In the event that provisions of a collective bargaining agreement conflict with this policy, the collective bargaining agreement shall prevail.

**D. HOURS OF WORK**

Most operating department schedules call for approximately forty (40) hours of work each week. Your department supervisor will inform you of your exact daily time schedule. The Municipal Building is open from 8:00 AM – 5:00 PM EST.

**E. LONGEVITY PAY (250.07)**

**1. Eligibility and Accrual**

- A. All full-time permanent employees of the City shall receive longevity pay as part of their weekly pay as follows:

<b><i>YEARS OF SERVICE</i></b>	<b><i>\$/HOUR</i></b>
After 5	.1442
After 6	.1611
After 7	.1779
After 8	.1947
After 9	.2115
After 10	.2284
After 11	.2452
After 12	.2620
After 13	.2788
After 16	.3293
After 17	.3462
After 18	.3630
After 19	.3798
After 20	.3966
After 21	.4135
After 22	.4303
After 23	.4471
After 24	.4639
After 25	.4808

- B. The maximum rate shall be \$.4808 per hour for more than twenty-five (25) years of continuous City service.
- C. To be eligible for longevity pay, an employee must be employed on the date payment is made, except in the case of retirement or death.

**2. Payment**

- A. Longevity shall be paid as an adder to the hourly rate of eligible employees, per the table referenced in Section 1(a).

- B. In order to receive longevity pay an employee must be on the payroll when such payment is made, except as provided herein.
- C. Payment will be part of the regular payroll check subject to applicable deductions.
- D. Death or retirement: In the event of the death or retirement of an employee, longevity due for that payroll will be paid through the date of death or retirement.

#### **F. PAYDAY**

The Mayor, Council Members, and the City Attorney, shall be paid monthly or as determined by the City Treasurer. All other employees shall be paid weekly or as determined by the City Treasurer. Direct Deposit is mandatory for all employees.

#### **G. PAYROLL DEDUCTIONS**

The following deductions are automatically made from your check as required by law:

- A. Federal Income Tax
- B. State Income Tax
- C. City Earnings Tax
- D. Public Employees Retirement or Fire or Police Pension amounts
- E. Garnishments
- F. Medicare

#### **H. WORK BREAKS**

Each department may have a break policy unique to their own operation. Any questions regarding your unit's work break policy should be directed to your supervisor.

Any other deductions such as deferred compensation and union dues are voluntary and are subject to employee approval. Additionally, the City of Trenton has partnered with the YMCA to provide for a payroll deduction for membership fees.

## **SECTION 5: ORGANIZATIONAL POLICIES AND CODE OF CONDUCT**

### **A. DRUG – FREE POLICY**

#### **1. Statement of Purpose**

- A. It is the policy of the City of Trenton (the “City”) that the abuse of alcohol and drugs by employees is detrimental to the health, safety and morals of the public. The unauthorized use, possession, transfer or sale of drugs or alcohol by a City employee, while on or off City property, while doing or after City business, or operating City equipment or vehicles, is strictly prohibited and shall be grounds for discipline, including termination. Possession, use or sale of illegal drugs off premises shall also be grounds for discipline, particularly when affecting the employee’s work performance, his or her own or others’ safety at work, or the City’s reputation as an employer.
- B. The purpose of this policy is to establish reasonable standards and procedures for drug and alcohol testing of City employees for City employment.

#### **2. Current employees testing; general standard**

- A. The City may require an employee to undergo drug or alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:
  - i. A pattern of abnormal or erratic behavior;
  - ii. Information provided by a reliable and credible source;
  - iii. A work-related accident;
  - iv. Direct observation of drug or alcohol use;
  - v. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes); or
  - vi. An accident or injury occurring on the job.

#### **3. Testing**

- A. Submission to and full cooperation with the City and its agents in connection with alcohol and drug testing is a condition of employment, a violation of which will result in discipline, up to and including termination of employment.

#### **4. Confirmation of test results**

- A. An employee whose test yields a positive result shall be given a second test.
- B. If the second test confirms the positive test result, the employee shall be notified of the results in writing by the appropriate supervisor, designee, or the City Manager. The letter of notification shall identify the particular substance found and its concentration level.
- C. An employee whose second test confirms the original positive test result may, at the employee's own expense, have a third test conducted on the same sample at a laboratory selected by the City, provided said test is taken within twenty-four (24) hours of the most recent positive test.

#### **5. Consequences of a confirmed positive test result**

- A. If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination.

#### **6. Right to a pre-disciplinary hearing**

- A. If a full-time employee's positive test result has been confirmed, the employee is entitled to a pre-disciplinary hearing process before the City takes any disciplinary action. Part-time



employees are not entitled to a hearing process. Should any of the listed disciplinary actions be taken, the employee may appeal.

**7. Confidentiality of test results**

- A. All information from an employee's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any person, agency, or organization is prohibited unless written authorization is obtained from the employee. The results of a positive drug test shall not be released until the results are confirmed. The records of confirmed positive test results and negative test results shall be destroyed by the testing laboratory.

**8. Privacy in drug testing**

- A. Urine samples shall be provided in a private restroom stall or similar enclosure so that employees may not be viewed by non-administering personnel while providing the sample. Employees may be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses and other containers may not be carried into the test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples. A similar process aimed at protecting individual privacy, as well as the integrity of the testing process and sample, may be substituted by the administering facility or laboratory.

**9. Special Procedures for Employees having a Commercial Driver's License**

- A. The City, as a condition of continued employment, requires all employees of the Service Department to maintain a valid Commercial Driver's License (CDL) at all times. The City Manager may designate certain other positions, due the nature of their duties and operations, to maintain a CDL as well.
- B. The requirements of this section differ from sections 1-8. Employees covered by this section are also covered by sections 1-8. The City may take action against an employee covered by this section as well as sections 1-8 for an event which is a violation of the Drug-Free Workplace policy.
- C. Definitions:
  - i. Illegal Drugs as used in this policy refers to drugs specifically prohibited by the Department of Transportation, currently cocaine, PCP, amphetamines, marijuana and opiates, as well as any other listed elsewhere in the Drug-Free Workplace Policy.
  - ii. Alcohol Concentration means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. Alcohol limits in this policy are expressions of Alcohol Concentration.
  - iii. An accident is an incident in which a person has died or is treated at a medical facility, or when one or more vehicles incurs disabling damage as a result of the incident.
  - iv. Disabling Damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Excluded is damage which can be remedied temporarily at the scene of the accident without special tools or parts; tire disablement without other damage even if no spare tire is available; headlamp or taillight damage; or damage to turn signals, horn or windshield wipers which makes them inoperative.
- D. Policy
  - i. Participation in all aspects of this policy by covered employees is a requirement of employment with the City.
  - ii. The use of illegal drugs by covered employees is prohibited.
  - iii. The use of alcohol by covered employees is prohibited as follows:

- a) Four (4) hours prior to performing a safety sensitive function; and
  - b) While performing a safety sensitive function; and
  - c) Up to eight (8) hours following an accident or until an employee undergoes a post-accident alcohol test, whichever occurs first.
- iv. Covered employees shall be subject to testing for drugs and alcohol under the following situations:
- a) Pre-employment testing for drugs only shall be conducted prior to the first time a covered employee performs a safety sensitive function.
  - b) Reasonable suspicion testing shall be conducted when reasonable suspicion exists to believe the employee has violated the prohibitions in the Drug-Free Workplace Policy. The determination that reasonable suspicion exists to require the driver to undergo a drug or alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The supervisor shall complete the "Supervisor Reasonable Suspicion Checklist."
  - c) Random testing shall be conducted at an annual rate equal to not less than 10 percent of covered positions for alcohol testing and not less than 50 percent of covered positions for drug testing. These testing rates may be changed by the Department of Transportation in accordance with their regulations.
  - d) Post-accident testing of covered employees shall be conducted in the following situations:
    - All covered employees who were performing safety sensitive functions with respect to the operation of a vehicle involved in an accident if the accident involves the loss of life; or
    - FHWA covered employees who receive a citation for a moving traffic violation arising from the accident; or
    - FTA covered employees who are operating a revenue service vehicle or a vehicle used in ancillary service involved in an accident unless the City management representative determines, using the best information at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident; or
    - FTA covered employees whose performance, as determined by the City management representative responding to the scene, could have contributed to the accident, as determined by the management representative using the best information available at the time of the decision.
  - e) Return to duty testing shall be conducted on employees who have been removed from duty for a positive drug test or an alcohol test of over .02.
  - f) Unannounced follow-up testing shall be conducted 6 times in the first 12 months following return to work and during the following 48 months at a frequency determined by the substance abuse professional on employees who return to work following a positive drug test or an alcohol test of .02 or higher.
  - g) The City shall pay for all tests except for follow-up testing beyond the first 12 months the employee has returned to work following a positive test, and for testing of split urine samples which test positive for drugs. Cost for testing not paid by the City shall be paid by the employee.

- v. Covered employees shall submit to testing required by this policy and the Department of Transportation Regulations. Refusal by the employee to submit to testing shall constitute a positive test.
- vi. Covered employees who test positive for illegal drugs or refuse to submit to a test required under this policy shall be removed from performing a safety sensitive function.
  - a) An employee who tests positive for illegal drugs or refuses to submit to a test required by this policy shall be subject to disciplinary action up to and including termination of City employment.
- vii. Covered employees who have a test result showing an alcohol concentration of over .04 or who refuse to submit to a test required under this policy shall be removed from performing a safety sensitive function.
  - a) An employee with an alcohol test result showing a concentration of .04 or higher, or who refuses to submit to a test required by this policy shall be subject to disciplinary action up to and including termination of City employment.
- viii. Covered employees who have a test result showing an alcohol concentration of .02 or greater but less than .04 shall be removed from performing a safety sensitive function until:
  - a) Employees covered under the Federal Transit Administration regulations have an alcohol concentration level which measures less than .02 or until the beginning of the employee's next regularly scheduled work period, but not less than 8 hours after the administration of the test, or
  - b) If the employee is covered under the Federal Highway Administration regulations, the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
  - c) An employee who tests with an alcohol concentration of .02 or more, but less than .04, shall be subject to disciplinary action up to and including termination of City employment.
- ix. Any of the following actions shall constitute refusal to submit to a test:
  - a) Refusal to take a required test;
  - b) Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
  - c) Tampering or attempting to adulterate the specimen or collection procedure;
  - d) Not reporting to the collection site in the time allotted; or
  - e) Leaving the scene of an accident without a valid reason before the tests have been conducted.
- x. All employees covered by this policy at the time of adoption and all employees who are hired, promoted, demoted or transferred into a covered position shall receive a copy of this policy and supporting documents and participate in a training program regarding this policy, testing procedures and the consequences of the use of illegal drugs and the misuse of alcohol.
  - a) Each employee shall, upon receipt of the policy, related documents and training, sign a statement certifying receipt of the materials and training. This receipt shall be kept in the employee's personnel file.
- xi. The City Manager shall designate one or more Drug and Alcohol Testing Contacts who shall be available to answer questions of employees regarding this policy. The name, phone number and office location of this or these person(s) shall be widely disseminated.

- xii. Information pertaining to a covered employees drug and alcohol testing results shall be released only when required by law, or expressly authorized or required by the Federal Department of Transportation rules. Situations where testing results may be released include when a covered employee provides specific, written consent to release the results to the covered employee, a subsequent employer, or an identified third party. Results may also be released without the employee's written consent to the Federal Secretary of Transportation, the Federal Transit Administration or Federal Highway Administration, the National Transportation Safety Board as part of an accident investigation, or as part of a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from the results of a drug or alcohol test administered under this policy. When the information is furnished without the employee's consent, it is City policy to notify the employee that the information has been provided to the requesting party.
- E. Testing Procedures
- i. Sample Collection and Testing shall be conducted in a manner to assure confidentiality, a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). All sample collection and testing shall be conducted consistent with the procedures put forth in 49 CFR Part 40.
  - ii. The drugs that shall be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen shall be conducted on each specimen. For those specimens that are not negative, a confirmatory gas Chromatography/Mass Spectrometry (GC/MS) test shall be performed. The test shall be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40.
  - iii. Tests for alcohol concentration shall be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test shall be performed to confirm the results of the initial test using a NHTSA approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT).
- F. Description of the Effects of Alcohol
- i. The chronic consumption of alcohol (an average of three servings per day of beer, wine or distilled spirits) over time may result in the following life consequences:
    - a) Health: dependency on alcohol; fatal liver disease; increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma; kidney disease; decreased sexual functioning; pancreatitis; spontaneous abortion and neonatal mortality; ulcers; and birth defects.
    - b) Work: impairment in coordination and judgment and increased likelihood of having an accident than that of a sober person.
    - c) Personal Life: increased exposure to committing homicides, vehicle accidents, family problems including separation and divorce, increased likelihood of committing suicide and greater exposure to other forms of accidents.
  - ii. Signs and Symptoms: dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or stuporous condition, slowed reaction rate and slurred speech.
  - iii. Services are available to assist employees who feel they have problems with alcohol or drugs through the City's Employee Assistance Program and the City's health insurance programs.

## **B. OHIO ETHICS LAW AND RELATED STATUTES**

### **1. Statement of City's Philosophy**

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

### **2. General Standards of Ethical Conduct**

- A. City officials and employees must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Chapters 102. and 2921. of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. (A copy of these laws is provided by the City, and receipt acknowledged, as required in R.C. 102.09(D).) Officials and employees must conduct themselves at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.
- B. A general summary of the restraints upon the conduct of all officials and employees includes, but is not limited to, those listed below. No official or employee shall:
- C. Solicit or accept anything of value from anyone doing business with the City;
- D. Solicit or accept employment from anyone doing business with the City, unless the official or employee completely withdraws from the City activity regarding the party offering employment, and the City approves the withdrawal.
- E. Use his or her public position to obtain benefits for the official or employee, or family member, or anyone with whom the official or employee has a business or employment relationship;
- F. Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City of Trenton, unless the official or employee qualifies for the exception, and files the statement, described in R.C. 102.04(D);
- G. Hold or benefit from a contract with, authorized by, or approved by, the City (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met);
- H. Vote, authorize, recommend, or in any other way use his or her position to secure approval of a City contract (including employment or personal services) in which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;

### **3. Solicit or accept honoraria (see R.C. 10201(H) and 102.03(H));**

- A. During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the City;
- B. Use or disclose confidential information protected by law, unless appropriately authorized;
- C. Use, or authorize the use of, his or her title, the name "City of Trenton" or the City's logo in a manner that suggests impropriety, favoritism, or bias by the City or the official or employee.

### **4. For purposes of this policy:**

- A. "Anything of value" includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. "Value" means worth greater than de minimis or nominal.
- B. "Anyone doing business with the City" includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by or has interest before the City.

**5. Financial Disclosure**

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

**6. Ethics Education**

- A. Providing ethics education and information is an inherent part of good ethics governance. The Ethics Commission is available to provide educational seminars and informational materials. The Commission can be contacted at 614.466.7090.

**7. Assistance**

- A. The Ethics Commission is available to provide advice and assistance regarding the application of the Ethics Law and related statutes. The Commission can be contacted at 614.466.7090. The Commission's web site address is: [www.ethics.ohio.gov](http://www.ethics.ohio.gov). City counsel is available to answer questions involving this policy.

**8. Penalties**

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

**9. Changes**

- A. This policy may be changed only by City Administration.
- B. Ohio Ethics Law and Related Statutes – As Amended

**C. PERFORMANCE EVALUATIONS**

**1. Policy**

- A. To establish and maintain an equitable system for defining and improving the performance level of coworkers of the City of Trenton and to encourage communication between supervisor and coworker in regards to work expectations and responsibilities.
- B. Everyone in the organization will receive an annual performance evaluation at a minimum.
- C. Supervisors must meet with their coworkers prior to the beginning of the evaluation review period to communicate the performance expectations.
- D. Performance evaluation results should not be a surprise to the coworker as open communication with clear expectation between coworkers and supervisors should occur throughout the year. The selected performance scores by category should be fair and reflect the year-long effort made by the coworker in the measured area by the scoring criteria.
- E. Non-Exempt Coworker: Coworker performance evaluations establish individual performance goals that are aligned to each coworker's position description.
- F. Exempt Coworker: Coworker performance evaluations establish goals relative to their general work.
- G. Supervisor performance evaluations focus on specific supervisory responsibilities and allows for goals to be developed.
- H. Departments may deviate from the templates with written permission from the City Manager.

**2. Evaluation Meeting**

- A. In advance of the evaluation meeting, the supervisor and coworker should select a meeting time and place when a relaxing, uninterrupted, private discussion can take place. Supervisors should use discretion to avoid outlining areas needing improvement in an overly empathic manner and should attempt, when possible, to offer strong or positive

examples to provide a balanced review. Additionally, coworkers should feel comfortable providing the supervisor feedback and/or discussing potential inaccuracies in the performance evaluation.

- B. Coworkers should be granted the latitude to provide a timely written response if desired, and such response is to be attached to the evaluation form.
- C. A coworker's signature on the evaluation form documents that the evaluation was completed and reviewed with them; it does not necessarily indicate agreement.
- D. If there are items that are left open for whatever reason, the Supervisor should make every effort to follow-up and close the item in a reasonable time period.

### **3. Rating**

- A. The rating categories will be applied to the individual factors of the work performance stands, as well as to the overall appraisal results. At least one (1) specific example of documented work behavior must be written on the evaluation form for any rating of "Needs Improvement". Two (2) or more specific examples of documented work behavior must be written on the evaluation form for any rating of "Unacceptable" or "Exceeds Expectations". Three (3) or more specific examples of documented work behavior must be written on the evaluation form for any rating of "Far exceeds expectations".
  - i. **Unacceptable:** Inadequate performance that is frequently below expectations and clearly problematic.
  - ii. **Needs Improvement:** Generally adequate performance but needs some improvement in order to consistently meet expectations.
  - iii. **Meets Expectations:** Capable, satisfactory performance that consistently meets and expectations.
  - iv. **Exceeds expectations:** Strong performance that consistently meets and frequently exceeds job requirements.
  - v. **Far exceeds expectations:** Superior performance that regularly exceeds job requirements. This rating should be reserved for truly outstanding performance throughout the review period.

### **4. Common Errors**

- A. The City encourages all supervisors seek initial and refresher training on completing evaluations, coaching/mentoring coworkers, and improving communication skills. Additionally, supervisors should avoid the following rating pitfalls:
  - i. **The "Halo" Effect** – Coworkers that are personally liked by the supervisor are rated as excellent in every area; if disliked, they are rated as unsatisfactory.
  - ii. **The "Recency" Effect** – Supervisors are rating their coworkers based upon recent events (ie., there's no reference of actions/behavior from the beginning or middle of the review period).
  - iii. **Central Tendency** – Supervisors, reluctant to rate a coworker either high or low, rates all their coworkers as "meets expectations" to avoid the need for justification.
  - iv. **The "Sunflower" Effect** – All coworkers are rated high in order to look good to the supervisor's boss.

### **5. Performance Improvement Plan**

- A. When behavior and/or performance falls to the overall "Unacceptable" rating, supervisors must implement a specific Performance Improvement Plan (PIP) for the coworker. When behavior and/or performance falls to the overall "Needs Improvement" rating, supervisors may implement a specific Performance Improvement Plan (PIP) for the coworker.
- B. PIPs focus on current behavior, why it's unacceptable, and what the desired result should be within a clearly established timeframe. Plans should be both objective and measurable.

The plan may specify the consequences for not meeting stated objectives within the prescribed timeframe. Communication between the supervisor and the coworker should be more frequent in order to provide direct feedback during the duration of the work plan.

**6. Demotion, Suspension, or Dismissal**

- A. Any decision to demote, suspend, or dismiss a co-worker must go through the process outlined in the Pre-Disciplinary Hearing Policy.

**7. Merit Adjustment**

- A. A coworker at the top step cannot go any higher than their current range. A merit increase shall be limited to one step per year. Coworkers qualify for a merit increase only if the coworker receives an overall "Meets Expectations" or better performance rating.
- B. A coworker may not receive any merit increase if he or she receives an overall performance rating of "Needs Improvement".
- C. A coworker may receive a merit decrease of one step if he or she receives an overall performance rating of "Unacceptable".

**8. Filing**

- A. Once completed and executed, performance evaluations and PIPs are to be sent to the City Manager's Office and incorporated in the coworker's personnel file.

**D. PRE-DISCIPLINARY HEARING (250.04 & 250.05)**

**1. Statement of Purpose**

- A. No full-time employee shall be demoted, suspended or dismissed from the service of the City without benefit of a hearing prior to determination and disciplinary action (i.e., pre-determination hearing). Said hearing shall be presided over by the department head.
- B. This policy establishes a pre-disciplinary hearing procedure to be used when any supervisor or the appointing authority believes employee disciplinary action is necessary. This policy shall not apply if a different procedure is mandated by a collective bargaining agreement. Disciplinary action is defined as a suspension, a reduction in pay or position, or discharge. A pre-disciplinary hearing procedure is intended to permit an appointing authority to make an informed decision on whether misconduct occurred, whether discipline is appropriate, and what that discipline should be.

**2. Pre-Disciplinary Hearing Process**

The following procedure shall be followed unless modified by a collective bargaining agreement.

- A. Whenever a supervisor or appointing authority believes employee misconduct has occurred, the appointing authority will submit the relevant facts to the employee. Along with the statement of alleged misconduct, the appointing authority will send the accused employee a written notice of a pre-disciplinary hearing. This notice shall contain the following:
  - i. A statement of the charges in sufficient detail to permit the accused employee to respond in an intelligent manner.
  - ii. The date and time of the pre-disciplinary hearing.
  - iii. The pre-disciplinary hearing shall be conducted by the employee's appointing authority.
  - iv. The hearing shall be recorded.
    - a) The appointing authority will need to provide the recording device.
  - v. The accused employee may present witness and exhibits.



- vi. All witnesses may be examined and cross-examined.
- vii. Written findings shall be provided to the employee by the appointing authority within five (5) workdays from the date of the pre-disciplinary hearing.
- B. The appointing authority shall also set the time and place of the hearing with notification to the charged employee.
- C. The hearing shall be informal and not controlled by rules of evidence as used in judicial proceedings.
- D. The appointing authority shall have full control of the hearing consistent with permitting the employee a full and fair opportunity to respond to the allegations.
- E. At the hearing, the employee shall present his or her evidence, if any, and the appointing authority shall have an opportunity to cross-examine all employees' witnesses.
- F. At the close of testimony, the appointing authority shall, within five (5) work days, prepare and submit written findings and a disciplinary response to the employee, where appropriate, based upon the evidence presented at the hearing and a consideration of the following factors:
  - i. Nature of offense
  - ii. Degree of severity and cost of the offense
  - iii. Employee's length of service
  - iv. Number and nature of previous offenses
  - v. Conferences, warnings, and other corrective actions for previous offenses
  - vi. Employee's pattern of conduct
  - vii. Time interval between offenses
- G. Classified employees have the ability to appeal the decision to suspend, demote, or terminate to the Personnel Board.

### 3. **Exception**

- A. This policy does not apply to probationary employees. Probationary employees may be subject to disciplinary action without a pre-disciplinary hearing.
- B. Those departments with collective bargaining agreements that mandate a different disciplinary procedure will follow the procedure called for in the agreement.

## E. **PROCEDURES REGARDING ON-THE-JOB INJURIES**

### 1. **Statement of Purpose**

- A. The safety of our employees will always be a foremost concern. To that end, the City of Trenton (the "City") considers serious all claims of on-the-job injuries. Any employee injured at work should be provided with prompt treatment and support. The City has a relationship with Premier Occupational Health ("Premier") to ensure that we provide that treatment as promptly as possible, while complying with the State of Ohio Bureau of Worker's Compensation ("BWC") Plan Program procedures and requirements.
- B. The following pages outline the procedures that should be followed to get prompt treatment for on-the-job injuries. Also included is a **REFERRAL FROM EMPLOYER** form that, whenever possible, should be filled out by your supervisor and taken by you to Premier to get treatment. **Note that in an emergency, you don't have to fill out a 'Referral' form.**
- C. It is strongly recommended that you go to Premier for your treatment to minimize any problems with the BWC regarding payment. Premier will submit all paperwork to the BWC on your behalf. If you go to your own doctor or emergency room, it will be your responsibility

to make sure that your doctor is aware that this is an on-the-job injury so that his or her staff can fill out the appropriate forms.

## **F. STANDARDS OF CONDUCT (250.04)**

### **1. Statement of Purpose**

- A. The tenure of every employee in the classified service of the municipality shall be during good behavior and efficient service. The standards of conduct which follow are established to promote efficiency in the municipal service and to set forth those activities which, if engaged in by employees, may result in disciplinary action, to include dismissal.

### **2. Standards of Employee Conduct**

Below are a list (not exhaustive) of causes for demotion, suspension, or dismissal:

- A. Attendance
  - i. An unreasonable amount of lost time or abuse of sick leave;
  - ii. Absence without leave;
  - iii. Excessive tardiness;
  - iv. Patterned Absenteeism;
- B. Conviction of a felony or serious misdemeanor;
- C. Insubordination, willful disobedience, refusal to obey lawful orders;
- D. Failure to carry out an assignment or unnecessarily delay an assignment; neglect of duty;
- E. Inefficiency, careless workmanship, or negligence;
- F. Deliberate misrepresentation, falsification, spreading of false statements, exaggeration of or concealment of a material fact in connection with any official City record or document, and unauthorized entries or changes to such records and information are each prohibited.
- G. All files and records shall be maintained in accordance with applicable regulations, law, and/or departmental standards and as controlled by the state and local Records Commission. Destruction of public records shall be only as authorized by that appropriate agency. No employee shall willfully destroy, remove, or corrupt the files or records stored by electronic or other means. Any act of this nature shall be construed as sabotage.
- H. All employees shall conduct themselves in such a manner as to reflect most favorably the public trust. Unbecoming conduct shall include that which brings the City or the work unit into disrepute; or, that which reflects discredit upon the employee; or, that which causes a negative effect upon the City's or work unit's effectiveness or efficiency. The performance of any act which is illegal, while an employee is on or off duty, in and of itself shall also be sufficient grounds for disciplinary action against the employee.
- I. Employees are required to conduct themselves in a respectful, courteous manner in their dealings with one another; members of City management and supervision; representatives of firms doing business with the City; and the public at large.
- J. The use of drugs (other than prescription medication) and alcoholic beverages and reporting for duty under the influence of such proscribed drugs are each forbidden. The unlawful manufacture, distribution, dispensing, possession and use of a controlled substance within the workplace are each prohibited.
- K. Discovery of a false statement or misrepresentation, including but not limited to misrepresentation made in an application that had not been detected previously;
- L. Failure to follow all departmental safety procedures and rules.
- M. Acceptance of gratuities;
- N. Refusal to be examined by a City-authorized physician when so directed;

- O. The use of City supplies, materials, equipment or other property for personal purposes or securing the same for others;
- P. Pursuing any non-job related activity during work hours;
- Q. Theft, actual or attempted; the unauthorized use of City facilities, property, tools, or equipment; and willful damage to or loss of City property, records, or information are each prohibited.
- R. Use of profane, obscene or insulting words or gestures toward the public or any City employee;
- S. Fighting; threatening or actually inflicting bodily harm on another; physical resistance to competent authority; horseplay; and interference with the work of other employees are each prohibited. Any threat or act of violence, any threat or use of a weapon.
- T. Violation of prohibited political activities or unethical conduct;
- U. Gambling during work hours is forbidden;
- V. A reduction of work force when authorized by Council.
- W. Violation or failure to follow Federal or State statutes, City Charter or ordinances, administrative policies, or departmental rules, including but not limited to safety practices or regulations;
- X. Any other failure of good behavior or any other acts of misfeasance, malfeasance, or nonfeasance in office or any violation of the Trenton City Charter, ordinances of Council, or administrative rules or regulations established by competent jurisdiction may result in disciplinary action to include dismissal.

**3. Disciplinary Policy**

- A. In recognition of the fact that each instance differs in various respects from somewhat similar situations, the City of Trenton (the “City”) retains the right to treat each occurrence upon its individual merit and without creating precedent for the treatment of any other cause which may arise in the future. The City retains the right to suspend the operation of any disciplinary action which it may take, during good behavior for a specified term, in its exclusive discretion. With respect to any given offense, consideration will be given to the severity, cost involved, the time interval between violations, the length and quality of the employee’s service record, and the ability of the employee concerned.

**G. TOBACCO, SMOKE AND VAPE-FREE FACILITIES**

**1. Introduction**

- A. The City of Trenton (the “City”) maintains a tobacco, smoke and vape-free workplace. The following policy has been adopted and applies to all employees.

**2. Policy**

- A. No smoking or other use of tobacco products is permitted in any part of a City building or in vehicles owned, leased or rented by the City. Employees should not smoke anywhere outside the building if the smoke will enter the building through an entrance, window, ventilation system or other means. Do not leave cigarette butts or other traces of litter or tobacco use on the grounds or anywhere else. Dispose of any litter properly in the receptacles provided for that purpose.

**3. Scope**

- A. Smoking refers to the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette or pipe of any kind. Tobacco products include products that mimic the use of tobacco, including but not limited to, chewing tobacco, dip, or chaw. Vaping refers to the

use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

**4. Procedures**

- A. Employees who violate this policy may be encouraged to participate in the City's Employee Assistance Program or other counseling. Employees may also be subject to disciplinary action up to and including immediate discharge.

**H. TRAVEL REGULATIONS**

**1. Purpose**

- A. To provide policy and procedures regarding City of Trenton (the "City") Council and City staff business-related travel expenditures inside and outside the City.

**2. Reimbursement Provisions**

A. General.

- i. No expenses for business-related travel, either on a reimbursement or pre-payment basis, will be granted unless pre-approved on the appropriate travel request form by the employee's department head and the City Manager or, **in the case of a travel request by a City Council member, pre-approved by the Mayor.** Note that where the term "City Manager" is used, "Mayor" shall be substituted in the case of council member requests. Unless otherwise authorized below, no reimbursement shall be paid without properly documented receipts.
- ii. The mileage reimbursement rate is inclusive of gasoline expenses, oil, and vehicle maintenance expenses. Employees will not be reimbursed for any vehicle maintenance or gasoline expenses outside of the mileage reimbursement rate. Tolls, parking fees and any other expense that would be incurred whether driving a City vehicle or personal vehicle will be reimbursed as long as an expense report with receipts is submitted.

**3. Personal vehicle Use and Associated Allowance**

- A. Any employee using his or her personal vehicle for travel for the transaction of City business shall be reimbursed for actual mileage based upon the most current federal mileage reimbursement rate as announced by the Internal Revenue Service. The traveling employee shall support all such local travel by a travel expense report form showing the trip date, purpose, MapQuest or some similar fashioned report showing roundtrip total mileage from the departure point and point of final destination will be utilized to determine mileage. Use of a personal car is restricted to Ohio or a radius of approximately 500 miles from the City's boundary lines if outside Ohio, unless the City Manager approves the use of a personal car for travel in excess of 500 miles. If two or more individuals are traveling to the same destination to jointly attend a meeting, arrangements should be made to travel in the same automobile to the extent practical. Transportation costs will be paid only to the driver.

**4. City Vehicle Use**

- A. Use of a City car is restricted to Ohio or a radius of 500 miles from the City boundary lines if outside Ohio, unless the City Manager approves the use of a City vehicle for travel in excess of 500 miles.

**5. Air Travel**

- A. All air travel will be reimbursed at actual cost but not in excess of coach tourist airline fare, unless authorized by the Department Head or City Manager. Travel insurance is not reimbursable. When and where practical, the use of Super Savers or like promotions should be used. Also, the cost of transportation to and from terminals and local travel

expense (bus, taxi or rented car) will be reimbursed. The employee shall make every effort to schedule the lowest priced fare, even if departure and/or arrival dates and times are not the most convenient but are within the appropriate “travel window.” The City Manager may, at his or her sole discretion, limit reimbursement of airfare to the lowest priced fare available during the travel window if, in his or her opinion, the employee is not making every effort to be price conscious. Vehicle rental expenses may be reimbursed for the trip purpose when required to most cost effectively accomplish the purpose of the trip if approved in advance by the employee’s supervisor.

**6. Meal Allowance**

- A. Employees will be reimbursed for meals at the per diem reimbursement rate only. A standard per diem daily meal allowance for the trip destination as determined by the current IRS per diem rates will be allowed without need for receipts. This eliminates the need for receipts and itemized per meal listings. On the day of departure; per diem allowance is paid for lunch and dinner on the day of return per diem is paid for breakfast and lunch. The individual per diem allowance may be rounded up to the nearest dollar provided the total does not exceed the aggregate daily per diem allowance subdivided as follows:
  - i. For partial days on which no overnight stay is involved, the per diem allowance is subdivided as follows:
    - a) Breakfast: 20% of the daily per diem rate
    - b) Lunch: 30% of the daily per diem rate
    - c) Dinner: 50% of the daily per diem rate

**7. Lodging**

- A. The City will pay or reimburse for accommodations in the medium price range beginning with the evening prior to the first day of the scheduled engagement and ending no later than the evening of the final day of the scheduled engagement. Every effort should be made, particularly through early reservations, to obtain accommodations as close to the engagement as possible, to minimize the need for rental or taxi transportation. However, where several lodging options are available within walking distance of the engagement, the employee shall make accommodations based upon the cost of the lodging and not the convenience. Reimbursement for accommodations that exceed the medium price range shall require a written justification and the City Manager’s written pre-approval. In no case shall expenses unrelated to lodging (e.g., entertainment, liquor, or in-house movies) be reimbursed – those costs will be the responsibility of the employee. Receipts are necessary and an expense account form must be completed.

**8. Miscellaneous**

- A. Actual cost of registration fees or tuition costs are reimbursable. Incidental expenses related to City business such as telephone calls, baggage handling, etc., will be allowed at actual cost. One personal call home, upon arrival, and up to one each day thereafter of reasonable duration will be permitted. The City Manager must approve any unusual expenditure prior to incurrence. For periods in excess of three weeks, reimbursable expenses shall include room and board, tuition, books, necessary supplies and laundry.

**9. Travel Advance**

- A. After trip approval by the Department Head, an advance of funds will be permitted to cover expenses if they cannot be temporarily financed by the traveler. No advance will be granted for total travel expenses estimated to be less than \$50.00 or if the employee has a City Credit Card. All travel expenditures must be reported to the City’s statement of travel expense. Receipts must be obtained whenever possible and attached to this form.

## **10. Tips and Gratuities**

- A. The tip for meals is considered inclusive in the per diem. Therefore there will be no reimbursement above the meal per diem for tips.

## **11. Administration**

- A. The City Manager or his or her designee shall be responsible for the administration of this travel policy. Attached hereto is the official travel/reimbursement request form. At a minimum, reimbursement requests shall detail the date of any meetings, luncheons, etc., the location, individuals in attendance and the purpose of the meeting. The City Manager shall be the deciding authority as to the appropriateness of any expenditure.
- B. The City Manager may modify certain of the above provisions to accommodate unusual circumstances.

# **I. UNLAWFUL HARASSMENT AND DISCRIMINATION**

## **1. Statement of Purpose**

- A. The City is committed to providing a work environment that is free of unlawful harassment. Further to this commitment, we strictly prohibit all forms of unlawful harassment, which includes harassment on the basis of race, religion, color, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, national origin, citizenship status, uniform service member status, age, genetic information, disability, or any other category protected by applicable federal, state, or local laws.
- B. This policy against unlawful harassment applies to all employees of the City, including supervisors and managers. We prohibit managers, supervisors and employees from harassing co-workers as well as our customers, vendors, suppliers, independent contractors and others doing business with the City. In addition, we prohibit our customers, vendors, suppliers, independent contractors and others doing business with us from harassing our employees.
- C. Violation of this policy will subject an employee to disciplinary action, up to and including immediate termination.
  - i. Examples of Prohibited Sexual Harassment: Sexual harassment includes a broad spectrum of conduct. By way of illustration only, and not limitation, some examples of unlawful and unacceptable behavior include:
    - a) unwanted sexual advances;
    - b) offering an employment benefit (such as a raise or promotion or assistance with one's career) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, or disciplinary action) for an employee's failure to engage in sexual activity;
    - c) visual conduct, such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons or posters;
    - d) verbal sexual advances, propositions, requests or comments;
    - e) sending sexually-related text-messages, videos or messages via social media;
    - f) verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations; and
    - g) physical conduct, such as touching, assault, impeding or blocking movement.
  - ii. Examples of What Constitutes Prohibited Harassment: In addition to the above listed conduct, the City strictly prohibits harassment concerning race, color, religion, national origin, age or other protected characteristics. By way of illustration only, and

not limitation, prohibited harassment concerning race, color, religion, national origin, age or other protected characteristics includes:

- a) slurs, epithets, and any other offensive remarks;
- b) jokes, whether written, verbal, or electronic;
- c) threats, intimidation, and other menacing behavior;
- d) other verbal, graphic, or physical conduct; and
- e) other conduct predicated upon one or more of the protected categories identified in this policy.

- D. If you have any questions about what constitutes harassing behavior, ask your supervisor or another member of management.
- E. Harassment of our customers, clients, vendors, suppliers, independent contractors, or employees of our customers, clients, vendors, suppliers or independent contractors by our employees is also strictly prohibited. Such harassment includes the types of behavior specified in this policy, including sexual advances, verbal or physical conduct of a sexual nature, sexual comments and gender-based insults. Any such harassment will subject an employee to disciplinary action, up to and including immediate termination.

**2. What Should You Do If You Feel You Are Or Have Been Harassed**

- A. If you feel that you are being harassed in violation of this policy by another employee, supervisor, manager or third party doing business with the City, you should immediately contact your supervisor or any member of management. If your supervisor or management does not address your complaint of harassment, you should contact the City Manager. In addition, if you observe harassment by another employee, supervisor, manager or non-employee, please report the incident immediately to the individuals above. Appropriate action will also be taken in response to violation of this policy by any non-employee.
- B. Your notification of the problem is essential to us. We cannot help resolve a harassment problem unless we know about it. Therefore, it is your responsibility to bring your concerns and/or problems to our attention so that we can take whatever steps are necessary to address the situation. The City takes all complaints of unlawful harassment seriously and will not penalize you or retaliate against you in any way for reporting a harassment problem in good faith.
- C. All complaints of unlawful harassment which are reported to management will be investigated as promptly as possible and corrective action will be taken where warranted. The City prohibits employees from hindering internal investigations and the internal complaint procedure. All complaints of unlawful harassment which are reported to management will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

**J. USE OF CITY IT**

**1. Statement of Purpose**

- A. To inform employees about the City of Trenton's (the "City") policy regarding the use of its Information Technology (IT) equipment. Computers, computer software, electronic mail, Internet access, portable cellular phones, office telephones, voice mail, radios, and alphanumeric and tone-alert pagers are resources made available to City employees and other individuals for the purpose of efficiency in performing necessary City functions and communication with other employees and other governmental entities, companies, and individuals as needed for the benefit of the City. The distribution and control of these devices falls under the City's Information Technologies Department, also known as the IT Department.

## **2. Use of City Computer Equipment and Software**

- A. The City, through the IT Department, purchases, owns, and administers all desktop and laptop computers, software, and licenses necessary to provide access to e-mail, Internet services, and other programs the City has deemed essential to the operations of City functions. Employees shall treat computer equipment with utmost care and shall not rent, copy, or loan any software or any software documentation. Employees shall not copy any software or any software documentation unless specifically permitted to do so by existing software-licensing agreements and only when the City Manager has specifically authorized such in advance.

**\*\* Any information request asking for information about any IT equipment should be transferred to the IT Department. Do not give out any information pertaining to the IT infrastructure. \*\***

- B. The City has invested time and money to secure its electronic systems from intrusion and harmful viruses. Employees shall neither provide nor install alternative software on the City of Trenton's computer network without prior approval of the City Manager or designee. The City will not provide any software support or administrative help for any software supplied by an employee and approved for installation on a City workstation.
- C. Employees shall be held responsible for any damages caused by any unauthorized software or viruses introduced into the City system through software supplied or installed by an employee. Department heads are responsible for the implementation of and adherence to this policy within their departments.
- D. Employees will be provided with an account (username and password) to access the computer network if their job requires such access. Accounts will be restricted to specific areas within the computer network. An employee's account may, however, provide access to an area or areas not specifically required for that employee's job function. This access does not give the employee any rights to access, read, move, or delete any files that are not directly related to that employee's job and/or function.
- E. Any security flaws found in the system should be reported to the IT Department as soon as possible.

**Usage of City Network to include: Servers, e-mail, Internet, all computers, and all data.**

## **3. Privacy**

- A. With regard to the City-provided network (including servers, e-mail, Internet, all computers and all data), the Department heads reserve the right to monitor and/or log all network and Internet activity and e-mail use and content, and to access, review, read, disclose, and use all records of use and all content in any way deemed necessary. No person should expect that any message or its contents, or any record of use, whether for City business, personal use, or a prohibited use, will be private, even in those instances where a personal password or other form of security is used.
- B. This policy is a minimum standard for the use of all network activity. Department heads have the authority to apply additional and/or more restrictive standards to govern specific situations affecting operations. The City does not intend to create contractual rights through this policy. The City reserves the right to unilaterally change this policy at any time.

## **4. E-mail**

- A. The City of Trenton's Electronic Mail System (e-mail) is City property and is intended for City business. All data and other electronic messages generated within or received by this system are the property of the City.



- B. Generally, e-mail messages are intended to be temporary communications that are non-vital and shall be discarded routinely; however, dependent upon the content, some e-mail messages may be considered a more formal record and should be retained pursuant to that department's record retention schedule. As such, these e-mail messages are similar to printed communication and should be written and retained with the same care.
- C. The City has established and maintains a retention schedule for all information communicated through the e-mail system; however, employees should be aware that a message deleted from the workstation's mailbox may not have been deleted from the central e-mail system. E-mail messages may be stored on the back-up system for an indefinite period, during which time they may be considered public documents.

**5. Personal Use of E-Mail and Internet Access**

- A. Incidental and occasional personal use of e-mail and network access is tolerated subject to the same policies, procedures, and legal considerations that apply to business related e-mail and Internet use. It is encouraged that only incidental and occasional personal use be done on employee time, such as during lunch or breaks. Such personal use is permissible as long as the incremental cost is negligible, no City business activity is preempted by the personal use, and no City policies or laws are violated. Excessive personal use and/or personal use in violation of this policy can be grounds for discipline up to and including termination. Personal use of the City's Internet access and e-mail constitutes the user's consent to the City to monitor, read, and use in any way any message, record, or other information attached to a user's account.

**6. Shareware Downloading and Use Exception**

- A. When shareware, freeware, public domain software, or another non-City online source constitutes the only practical source of required software, the software is to be thoroughly examined and tested for viruses and approved by the IT Department before being installed on any City computer.

**7. General Information on Passwords**

- A. While all users have a confidential access password to the City's network, users should be aware that this does not mean that any component of the City's Information System is for personal or confidential communication, nor does it suggest that e-mail is the property right of the employee creating or receiving the e-mail. Use of the City's Information System is for City business. Users may be required to periodically change access passwords to ensure security of the City network system. Users should not share their passwords with anyone.

**8. Disposal of Computer Equipment & Media**

- A. Computer equipment and media will be properly erased and/or destroyed after it has been removed from service. (Required by LEADS.) Disposal of computer equipment and/or media will be done at the discretion of the IT Department with approval by the City Manager.

**9. Usage of City Portable Cellular Phones**

- A. City cellular devices are provided as a communication tool used for everyday communications and various duties. Personal use is allowed, however it should be kept to a minimum for a short durations. If a supervisor deems the use by an employee to be excessive, the device may be temporarily or permanently removed from the employee. Minutes, messaging and data will be monitored on all cellular devices.
- B. Abuse of this policy may include removal of the cellular device from the employee or any appropriate disciplinary action deemed necessary by the Department Head after consulting with the City Manager.

- C. In the event that any employee damages or loses any City issued cellular device the employee may be held responsible for repair or replacement costs if the City Manager determines that the employee is at fault in the damage or loss.
- D. Employees shall use extreme caution and sound judgement when using a cell phone while driving. It is recommended that employees stop the vehicle in a safe location to allow for safe use of the cell phone. It is understood that this is not always possible and each incident will be evaluated.
- E. Calls made to 4-1-1 or any other directory assistance are discouraged.

**10. Usage of City Telephone System**

- A. The City Telephone System (desktop phones) offers local, long-distance, and voice recording messaging. Personal use is allowed, however it should be kept to a minimum and for short durations. All City employees shall answer any incoming call in a professional manner.
- B. Calls made to 4-1-1 or any other directory assistance are discouraged.

**11. Pagers**

Tone-Alert Pagers:

- A. Tone-Alert Pagers are the primary emergency notification for the City Fire Department (“CFD”). Being part of the CFD requires a certain level of responsibility to act and respond when an emergency arises. Those employees and volunteers who are issued a tone-alert pager are expected to carry, monitor, and respond to emergencies if they are within a reasonable distance of the City.
- B. The CFD requires an electronic text message system as a backup notification system and to provide information if the tone-pager system malfunctions or is not operational. Every member of the CFD must have the capability to receive messages in clear text.

Base Station, Hand Held, and Portable Radios:

- C. All City employees and any volunteers should use radios in a professional manner, maintaining a calm, clear, speaking voice and ensuring that others in the area will not be overhead. The mic should be held away from the face and should be held down for a second before speaking to allow the repeater to begin transmitting the signal. Inappropriate language is strictly prohibited. Each department should adhere to local and FCC regulations.

**12. Applicability to Employees, Part-Time Employees, Contractors, and Other Users**

- A. This Use of City Information Technologies (IT) policy applies to all employees, contractors, part-time employees, and volunteers, as well as any other individuals who might have gained access to the City's communication or network system. Administrators or supervisors may access e-mail and voice mail if the employee, contractor, volunteer, or other individual is on leave of absence or vacation, or is no longer associated with the City, and deem it necessary for the City's business purposes.

**13. Penalty for Noncompliance**

- A. City employees and others are responsible for knowing and following this Use of City Information Technologies (IT) policy. Any person who violates this policy may be removed from the City's Information Infrastructure and/or lose the use of equipment. Violations of this policy shall be considered sufficient cause for discipline in accordance with the City's personnel policies and procedures and/or other applicable rules or laws. In addition, violations of this policy or misuse of the City's Information Infrastructure may be referred for criminal prosecution. Non-employees who are allowed access to the City's Information

Infrastructure and who violate these standards may have any existing contract revoked. All other legal remedies may be pursued.

## **K. VEHICLE POLICY**

### **1. Policy**

- A. It is the responsibility of the City to provide a safe and productive work environment. As such, the City must ensure that its vehicles are operated by valid and safe drivers.
- B. City-owned vehicles shall only be operated by officials and employees of the Municipality while engaged in the direct function of governmental activities or in the course of their employment.
- C. Members of the City Council may operate City-owned vehicles while engaged in the direct function of governmental activities incidental to carrying out their powers, duties, and responsibilities as set forth in the Charter, pursuant to such rules and regulations as Council may adopt and as specified herein.
- D. No smoking or other use of tobacco products is permitted in any vehicles owned, leased or rented by the City.
- E. The City Manager may request periodic verification of valid driver's license, CDL and current auto insurance.

### **2. Assignment of City Vehicles**

- A. City vehicles shall be assigned to departments, individual employees, or to a general vehicle pool on the basis of work responsibility. Vehicles may be assigned to an employee, either solely for use during normal working hours or as a take home vehicle when deemed appropriate and resources permit.
- B. Department Heads will maintain a vehicle assignment list to include: the employees name; the vehicle number (if applicable); and make and model.

### **3. Responsibilities**

Employees who drive City of Trenton vehicles or operate motorized equipment in the course of their employment shall be required to meet the following minimum conditions of eligibility for driving/operating privileges:

- A. Have current, valid Ohio Driver's license in the appropriate class for the position.
- B. Wear seat belts and other relevant safety equipment when operating City of Trenton vehicles or motorized equipment when appropriate.
- C. Observe all City of Trenton vehicle and traffic related policies.
- D. Observe all laws and ordinances relating to the operation of City of Trenton vehicles or motorized equipment.
- E. Employees with take home vehicles will also use the vehicle for their daily responsibilities in support of City operations during normal business hours.
- F. Employees operating City of Trenton vehicles or motorized equipment must report to their supervisor(s) any accident involving said vehicles as soon as possible and no later than twenty-four (24) hours of the occurrence.
- G. Employees who are in jobs that require the driving/operating of City of Trenton vehicles or motorized equipment shall report any Driver's License suspensions to their immediate supervisor within twenty-four (24) hours of the suspension.
- H. Failure to report license suspensions; or failure to maintain the required driver's license; or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and may subject the employee to disciplinary action.

## **L. WEAPONS FREE WORKPLACE**

### **1. Introduction**

- A. To ensure that the City of Trenton maintains a workplace safe and free of violence for all employees, the City prohibits the possession or use of dangerous weapons on City property, at any City worksite, or in any City programs.
  - i. “City property” covered by this policy includes all City-owned or leased buildings and surrounding areas, such as parking lots or parking areas, sidewalks, walkways, and driveways (subject to applicable laws). “City property” also includes all City-owned or leased vehicles and all locations at which employees conduct business as representatives of the City.
  - ii. “City worksite” includes any place that City employees are performing work.
  - iii. “City programs” include on and off-site meetings and any other City sponsored or arranged events of any kind.
  - iv. “Weapons” include, but are not limited to, handguns, firearms, explosives, and other items that may be defined as weapons under state, federal or local laws or ordinances. “Weapons” does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon. Mace, Pepper Spray, and Stun Guns are exempt from this policy.
- B. For purposes of monitoring compliance with this policy, the City reserves the right to search all City-owned or leased vehicles and all other vehicles, packages, containers, briefcases, purses, lockers, desks, storage devices, and the like maintained or brought onto City property, City worksites or City programs.
- C. Any contractor or vendor coming upon City property is responsible for communicating this policy to its employees, agents, invitees and guests and shall be responsible for enforcing the policy during the contract term or vendor relationship.
- D. Any employee who becomes aware of alleged, apparent, or suspected weapons on City property or weapons-related activity by any City employee shall promptly notify either his or her supervisor, Department Director or Chief, or City Manager.

### **2. Exceptions**

- A. This policy does not apply to the Director of Public Safety, Chief of Police or any law enforcement personnel or security personnel.
- B. This policy does not apply to any City employee who is carrying unconcealed working tools.

### **3. Disciplinary Action**

- A. Any employee failing or refusing to comply with any aspect of this policy will be subject to discipline, up to and including dismissal.
- B. Any contractor, vendor, visitor or guest bringing a weapon onto City property or into a City program is in violation of this policy, forfeits any express or implied permission to enter or remain on the property or in the program and is subject to immediate removal, without reimbursement for any fees paid for rent, programs or events. Any organization or individual using City property is responsible for communicating this policy to members and guests, and shall be responsible for enforcing it during the period of use.

## **M. WORKPLACE VIOLENCE**

### **1. General Provisions**

- A. The City of Trenton (the “City”) is committed to preventing workplace violence and to maintaining a safe work environment. Accordingly, the City has adopted the following guidelines to deal with intimidation, harassment, and other threats of (or actual) violence that may occur during business hours or on its premises.

### **2. Workplace Violence**

- A. All employees, elected officials, volunteers and members of the public should be treated with courtesy and respect at all times.
- B. Employees are expected to refrain from fighting, horseplay, hazing or other conduct that may be dangerous to themselves or others.
- C. Conduct that threatens, intimidates, or coerces another employee, an elected official, a volunteer or a member of the public at any time will not be tolerated.
- D. All threats of or actual violence, both direct and indirect, should be reported as soon as possible to an employee’s immediate supervisor or any other member of management. This includes threats by employees, as well as threats by elected officials, vendors, solicitors, volunteers or members of the public. When reporting a threat of violence, employees should be as specific and detailed as possible.
- E. Employees should immediately report all suspicious individuals or activities to a supervisor or any other member of management. An employee should not place themselves in peril. If an employee sees or hears a commotion or disturbance near their work station, they should not try to intercede or see what is happening.
- F. The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or City management before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

### **3. Investigations and Discipline**

- A. The City will act positively to investigate all reports of threats of or actual violence, violations of these guidelines and reports of suspicious individuals or activities. Department heads and supervisors are required to promptly communicate any reported or observed violations of this policy to the City Manager.
- B. In order to maintain workplace safety and the integrity of its investigation, the City may immediately suspend employees, either with or without pay, pending an investigation. Anyone determined to be responsible for threats of or actual violence or other conduct that is a violation of this policy will be subject to prompt disciplinary action up to and including termination from employment.

## SECTION 6: LEAVE POLICIES

### A. COMPASSIONATE LEAVE

#### 1. Policy

- A. Upon the death of a member of their immediate family, a City employee may receive up to three (3) days' compassionate leave with pay. Compassionate leave shall be granted at the discretion of the department head.
- B. Verification of funeral service attendance must be provided upon request.
- C. It is recognized that three (3) days may not be sufficient; therefore additional leave usages may applied for additional days.

#### 2. Definition

- A. "Immediate family" is defined as a spouse, sibling, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepchild, stepparent and step-grandparent.

### B. FAMILY AND MEDICAL LEAVE (FMLA)

#### 1. Introduction

- A. The City will provide Family and Medical Leave Act ("FMLA") leave to its eligible employees. The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and applicable law, employees will be afforded all rights required by law.

#### 2. Eligibility

- A. To be eligible for FMLA leave, an employee must have:
  - i. Been employed by the City for at least 12 months which need not be continuous;
  - ii. Accumulated at least 1,250 working hours during the 12-month period immediately preceding the commencement of the leave.
- B. FMLA makes no distinction between permanent and temporary appointment status as to coverage for leave eligibility. However, existing City policies do not provide paid leave benefits for other than full-time permanent employees. The FMLA does not mandate paid leave. Thus, leave granted under the FMLA to temporary appointees will be unpaid.

#### 3. How much FMLA Leave may be Taken

- A. An eligible employee is entitled to up to 12 workweeks of unpaid leave during a 12-month period for any FMLA qualifying reason(s). The 12-month period will commence from the first date FMLA leave is used.
- B. Only the time actually taken as FMLA leave may be charged against the employee's 12 week entitlement when leave is taken on an intermittent or reduced leave schedule basis.
- C. This leave may extend up to twenty-six (26) weeks in a 12-month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the service member's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is receiving medical treatment, recuperation or therapy, even if the service member is on temporary disability retired list.

#### 4. Events Which May Entitle an Employee to FMLA Leave

- A. FMLA leave may be taken for anyone, or for a combination of, the following reasons:
  - i. A **serious health condition** that makes the employee unable to perform the employee's job.

- a) A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a healthcare provided for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.
  - b) Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a healthcare provided or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
  - c) A more detailed complete definition of “**serious health condition**” can be found on the Department of Labor’s Website: [www.dol.gov](http://www.dol.gov).
- ii. Parental Bonding
- a) Parental bonding following birth. Leave for this purpose does not involve an employee condition as in the case of a sick leave covered absence of a female employee for pregnancy or childbirth. Both female and male employees are eligible for leave for bonding and to care for a son or daughter following birth.
  - b) Child adoption, foster care. Similar in intent to parental bonding following birth, the adoption or placement by a state agency of a child for foster care with an employee constitutes a qualifying event for leave request and approval under FMLA.
  - c) For purposes of this policy, a husband and wife both working for the City are considered one (1) person and may therefore take a total of twelve (12) weeks FMLA leave between them for parental bonding. Additionally, each individual is entitled to the difference between the amount he or she has taken individually and 12 weeks for another purpose. For example, if each spouse took 6 weeks (for a combined total of 12) due to parental bonding, each could use an additional six (6) weeks for their own serious health condition or to care for another dependent with a serious health condition.
- iii. To care for the employee’s spouse, child, or parent (but not “in-law”) with a serious health condition
- a) For purposes of this policy, a husband and wife both working for the City are considered one (1) person and may therefore take a total of twelve (12) weeks FMLA leave between them to care for their spouse, child, or parent (but not “in-law”) with a serious health condition. Additionally, each individual is entitled to the difference between the amount he or she has taken individually and 12 weeks for another purpose. For example, if each spouse took 6 weeks (for a combined total of 12) due to care for a spouse, child, or parent (but not “in-law”), each could use an additional six (6) weeks for their own serious health condition or for parental bonding as described in Section 4(A)(i) and (ii).
- iv. Military Family Leave
- a) Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status 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. This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12 month period. This provision applies to members of the National Guard or Reserves, but does not apply to members of the Regular Armed Services. Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up before leave is granted.

- v. Military Caregiver Leave
  - a) FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member (spouse, son, daughter, or next-of-kin) during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. FMLA leave is not available for service members who are no longer in the military. Employees requesting this type of FMLA leave must provide proof of the qualifying member's active military service before leave is granted.

## **5. Use of FMLA Leave**

- A. **All available sick leave, vacation time, and any other available paid leave must be exhausted before unpaid leave status begins. FMLA leave will run concurrently with paid leave set forth in the preceding section.** Leave requests, for reasons qualifying under FMLA whether with or without pay, are to be presented for supervisory approval on the City's Employee Leave Request Form.
  - i. An employee who believes he or she is entitled to FMLA leave should contact the City Manager's Office.
  - ii. A supervisor who believe one of his or her employees may need FMLA leave or may be off a total of three (3) or more consecutive calendar days for a serious health condition should contact the City Manager's Office.
  - iii. An employee who is on leave related to a workers' compensation claim for three (3) or more workdays will be contacted by the City Manager's Office regarding designation of leave as FMLA leave.
- B. Where leave requirements are known in advance or are foreseeable by the employee (childbirth, placement of a child, planned medical treatment for the employee's or family member's serious health condition), FMLA places an obligation on the worker to provide a thirty (30) day advance notice before the date on which the leave would begin. Additionally, in the event of a foreseeable event the employee shall make reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations. Otherwise, the leave notice is to be submitted as soon as practicable (within 1 or 2 business days of learning of the need for the leave). **In view of certain record keeping requirements of the FMLA, all leaves are to be documented using the proper leave form. Medical Certifications (WH-308E or WH-380F) are only to be submitted to the City Manager's Office.**
- C. The employee may take FMLA leave in twelve (12) consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a



reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill service member over a 12-month period).

- D. Employees who wish to take parental bonding leave under FMLA must take the leave within the twelve (12) months following the birth of his or her child, or within twelve (12) months of placement of the child in his or her adoptive or foster care. Leave must be consecutive.
- E. In the event that the eligible employee has given birth to a newborn child, parental bonding leave will commence no earlier than after the conclusion of any certification provided to the employee for the employee's own medical recovery following childbirth.

#### **6. Required Documentation**

- A. Absences of three (3) or more consecutive workdays for FMLA qualifying events require medical certification.
- B. An employee will be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition.
- C. Employees will be required to submit documentation such as, but not limited to, a birth certificate, hospital discharge papers, certification of adoption or foster care placement or order of custody to support a request for FMLA leave for parental bonding via the **Parental Bonding Leave Form**.
- D. Employees requesting leave due to a covered family member's (spouse, son, daughter, or parent) impending call to order to active duty must provide proof of the qualifying family member's call-up or active military service. This documentation may be a copy of the military orders or other official Armed Forces communication.
- E. Employees requesting FMLA leave to care for an injured or ill service member must provide documentation of the family member's or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, order for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.
- F. FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.
- G. If the City has reason to doubt the employee's initial certification, the City may:
  - i. Contact the employee's health care provider in an effort to clarify or authenticate the initial certification; and/or
  - ii. Require the employee to obtain a second opinion by an independent City-designated provider at the City's expense.
- H. If the initial and second certifications differ, the City may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected healthcare provider.
- I. During FMLA leave, the City may request that the employee provide re-certification of a serious health condition at intervals in accordance with the law. In addition, during FMLA leave, the employee must provide the City Manager's Office with periodic reports not to exceed six (6) weeks regarding the employee's status and intent of return to work.
- J. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the City with reasonable notice (i.e., within two (2) business days) of the employee's changed circumstances and a new return to work date.

- K. In emergency situations, the employee will complete the required request form upon return to duty. The employee is required to properly report off from work, unless precluded from doing so by the nature of the situation. A report will be accepted from a family member or designee of the employee.
- L. Every employee returning to work from FMLA medical leave must complete the attached **Return to Work Form** or have a doctor's certification that has the same information as the Return to Work Form.

**7. Benefit Administration during FMLA Leave**

- A. Sick Leave. During an unpaid leave, credit for sick leave will not be added to the employee's accrual in any month in which the employee has not been actively at work.
- B. Medical/Surgical. Benefit coverage will continue uninterrupted during a leave taken in accordance with FMLA. The City will continue payment of its portion of monthly premiums provided the employee continues their contributions for health coverage.
- C. The City may recover health insurance premiums that the City paid on behalf of the employee during any unpaid FMLA leave except that the City's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, the City may require the employee to provide medical certification of the employee's or the family member's serious health condition.
- D. Group Life Insurance. Coverage will continue during FMLA leave. The Department of Finance will bill the employee for monthly premium costs of optional coverage amounts for any month in which the employee receives no earnings from which such premium are normally deducted.
- E. Performance Evaluations. The timing of performance evaluations may be extended to accommodate periods of leave time during which no services are performed and thus cannot be evaluated.
- F. Retirement. Service credit in OPERS and OP&F is based upon contributions made by the employee and employer and is calculated based upon salary earned in a calendar year. Thus, during an unpaid leave, no such contributions are made by the employer.
- G. Longevity. An employee's service (seniority) continues during an authorized leave status. A pro-rated benefit is payable to employees who separate for reasons other than dismissal.
- H. Compassionate Leave. No payment for compassionate leave purposes will be made to an employee on either paid or unpaid leave status.
- I. Hours of work. An employee taking FMLA leave on an intermittent or reduced schedule basis will be paid only for hours worked unless periods of time off are covered by authorized paid leave.

**8. Return to Active Service**

- A. Employees returning from a Certified FMLA leave of absence will be placed in their former position or an equivalent one with equivalent status and pay, as required by law. If the same position or one of equivalent status and pay is not available as a result of a reduction in force or other reason, the employee will be treated in the same manner as though he or she were not on leave at the time of the workforce reduction.
- B. Upon return to active service, the employee must present all required medical statements or releases, including a Return to Work Form or doctor's certification that has the same information as the Return to Work Form from their treating physician.
- C. If an employee fails to return to work at the conclusion of an approved leave or any extension thereof, the employee will be considered to have resigned. If the employee gives

the City notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

**9. Records Maintenance**

- A. Payroll records are to reflect leave periods taken under provisions of FMLA.
- B. All written leave requests associated with FMLA, physician certificates or statements of healthcare providers attesting to the employee's need for leave will be confidentially maintained by the City Manager's Office in accordance with the Records Retention Schedule for such documents.

**10. Notifications**

- A. It is unlawful, under provisions of the Family and Medical Leave Act of 1993, for the employer to interfere with, restrain or deny the exercise of any right provided by the FMLA, or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or being involved in any proceeding under or relating to the FMLA.

**11. Additional Information**

- A. If you need clarification or further information, do not hesitate to contact your supervisor, department head, or the City Manager's Office.

**C. HOLIDAY LEAVE**

**1. Policy**

- A. The official holidays of the City of Trenton are those recognized by the United States Postal Service (USPS). In addition to the holidays recognized by the USPS, all full-time City employees shall also be granted Good Friday and the day after Thanksgiving as official holidays.
- B. Non-exempt employees required to work on holidays shall receive holiday pay at overtime rates.
  - i. Payment in lieu of holidays may be allowed at the convenience of the City as determined by the City Manager.
- C. Part-time employees of the dispatch and the Fire Department not covered by a collective bargaining agreement who are required to work on Thanksgiving Day, one-half day (noon - midnight) on Christmas Eve, Christmas Day, New Year's Eve and/or New Year's Day shall be paid premium pay in an amount equal to one and one-half (1 ½) times the amount which they receive for any other regular work day.
- D. Hourly employees of the non-emergency service of the City, who perform work on any holiday or on any day celebrated as a holiday, but not both, shall be paid an amount equal to one and one-half times the amount that they would receive for the work performed on any other regular work day, in addition to their regular holiday pay.

**2. Eligibility**

- A. In order to receive holiday pay, an employee must have worked his or her regularly assigned shift, used vacation time or personal time, both before and following the holiday or be on approved, paid leave.

**D. MILITARY SERVICE LEAVE**

**1. Policy**

- A. The City recognizes its responsibility under applicable state and federal laws to grant employees leave for military obligations.
- B. Employees called into active service by federal order are guaranteed certain rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. These include: health insurance for the first thirty (30) days at the customary cost to

employee and employer; like or similar job and pay as the position vacated; and right to continue certain benefits.

**2. Short-Term Military Leave**

- A. Regular part-time and regular full-time employees who serve as a member of the National Guard or of any reserve component of the United States Armed Forces are eligible to be granted an annual leave of absence with pay for temporary duty not exceeding thirty-one (31) days in a calendar year, for such time as he or she is in the military service on field training or on active duty.
- B. During such short-term military service leave, the City shall pay the difference between the employee's military pay and the amount he or she would normally receive if he or she were actively employed at his or her regular City job.
- C. Payment during such leave shall apply to those days during leave that employee ordinarily would have worked.

**3. Long-Term Military Leave**

- A. When employees are called into active service and they have exhausted their thirty-one (31) calendar days, they shall be granted leave without pay.
- B. No benefits will accrue when an employee is on unpaid leave. All accruals will be frozen and become available upon the employees return to full employment. Employees may only utilize their accrued time off benefits of vacation time, earned compensation hours, and holiday compensation hours as compensation to supplement their military pay.
- C. Employees who participate in the military who are re-employed will receive salary or wages at a rate that reflects increases they would have received had they not been called to active duty (this does not include step increases). They will be restored to the position held before being called to active duty or to a position of like seniority, status, and pay if the individual is still qualified for the position.
- D. When on Long-Term Military Leave, the employee shall turn in his/her City issued equipment into his/her supervisor for safekeeping.
- E. Verification of service attendance must be provided upon request.

**4. Benefits**

- A. An employee on Short-Term Military Leave will continue to receive health insurance coverage and is required to pay the employee portion of the costs.
- B. An employee on Long-Term Military Leave, has the right to continued health insurance coverage for a period not to exceed twenty-four (24) months at his/her own expense, beginning the first day of absence, whether the absence is paid through accrued time off benefits or unpaid. The employee will be required to pay the full cost of the coverage during this 24-month period.
- C. Employees will be paid no greater than 80 hours of time in a pay period.
- D. PERS/OP&F will be notified of the employee's leave of absence status.

**5. Employee Responsibilities**

- A. An employee is utilizing Military Leave (Short or Long Term) shall provide his/her supervisor with a written or verbal request for military leave and a schedule of military events, which require their attendance, within twenty-four (24) hours of the employee's receiving notice of the events. The schedule shall include dates and locations of events as well as the name, phone number, and address of the commanding officer. If, due to security reasons, location of events cannot be revealed, this should be so indicated. Employees who fail to provide notice may not be covered by this policy.

- B. When utilizing Long-Term Military Leave, and the employee elects to be compensated for accrued time off benefits this election will be documented with a written request from the employee indicating specifically the benefits to be utilized.
- C. Employees who participate in the military are entitled to make application for re-employment after military service based on the following conditions:
  - i. The period of service must not have exceeded five (5) years.
  - ii. The person must have been released from service under honorable conditions; and
  - iii. The person must notify the City of their intention to resume their former job within ninety (90) days of release from duty for service of One Hundred Eighty (180) days or more, and within fourteen (14) days of release from duty for service from thirty-one (31) to One Hundred and Seventy-Nine (179) days. The City may require documentation that these conditions have been met.
- D. An employee returning from Short-Term Military Leave needs to report to work at the start of the next regularly scheduled working period after expiration of the last calendar day necessary to travel home from training.
- E. An employee preparing for Long-Term Military Leave will meet with the City Manager's Office to complete the necessary paperwork and discuss benefit election and leave accrual usage.

**6. Re-Employment**

- A. An employee who returns as outlined under Section 5 will have his/her medical, dental, and life insurance reinstated effective the date of return. The returning employee will meet with the City Manager's Office to complete the necessary paperwork.

**E. PERSONAL LEAVE (250.09)**

An employee of the City shall receive personal leave credit according to the employee's status, as follows:

- (a) Each full-time employee shall be credited with thirty-two hours of personal leave each year. Such credit shall be made to each eligible employee beginning on the first day of the base pay period. Employees, upon giving reasonable notice to the department head, may use personal leave for matters of a personal nature.
- (b) When personal leave is used, it shall be deducted from the unused balance of the employee's personal leave on the basis of one hour for every hour of absence. Compensation for such leave shall be equal to the employee's base rate of pay.
- (c) A newly appointed full-time employee or a non full-time employee who receives a full-time appointment shall be credited with personal leave of thirty-two hours, prorated as described herein. (Less six-tenths of an hour for each pay period that has elapsed following the base pay period until the first day of the pay period during which the appointment was effective.)
- (d) A full-time employee who is separated from service or is no longer a full-time employee during the year shall receive a reduction of personal leave credit, prorated as described herein. (Less six-tenths of an hour for each pay period that remains, beginning with the first pay period following the date of separation until the pay period preceding the next base pay period.) If the reduction results in a number of hours less than zero, the cash equivalent value of such number of hours shall be deducted from any compensation that remains payable to the employee, or from the cash conversion value of any vacation or sick leave that remains credited to the employee.
- (e) Conversion or Carry-Forward of Personal Leave Credit at Year's End. All employees shall have the option to convert to cash benefit or carry forward the balance of any unused personal

leave credit at the year's end. For purposes of this subsection, "year's end" means the last day of the pay period preceding the base pay period.

(1) Personal leave. Employees who are credited with personal leave pursuant to subsection (a) hereof shall have, at year's end, the following options with regard to the unused portion of personal leave credit:

A. Carry forward the balance of personal leave credit up to a maximum of sixteen hours;

B. Convert the balance of personal leave to accumulated sick leave to be used in the manner provided in Section [250.08](#), subsection (e) hereof. The conversion rate shall be equal to two hours of sick leave credit for every one hour of unused personal leave.

C. Receive a cash benefit conversion for the unused balance of personal leave. The cash benefit conversion shall equal one hour of the employee's base rate of pay for every one hour of unused credit that is converted.

(f) Notification of Option to Convert Personal Leave Credit at Year's End. An employee eligible to receive a cash benefit conversion of personal leave credit at year's end must indicate his or her desire to convert any personal leave no later on or about December 1st as determined by the City Treasurer.

(g) Definitions. As used in this section:

(1) "Active pay status" means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave and personal leave.

(2) "Base pay period" means the pay period that includes the first day of December.

(3) "Base rate of pay" means the rate of pay established under the City ordinance establishing wage and salary ranges and classifications for various employees.

(4) "Full-time employee" means an employee whose regular hours of duty total forty hours in a pay period and whose appointment is not for a limited period of time.

(5) "No pay status" means the conditions under which an employee is ineligible to receive pay, and includes, but is not limited to, leave without pay and leave of absence.

(6) "Pay period" means the seven-day period of time during which the payroll is accumulated.

(7) "Retirement" means service retirement under any State retirement system.

(h) Procedures, Rules and Regulations. The City Manager shall establish procedures, rules and regulations to administer this section.

## **F. SICK LEAVE (250.08)**

(a) Sick Leave Credit. An employee of the City shall receive sick leave credit according to the employee's status, as follows:

(1) Full-time employees.

A. Each full-time employee shall be credited with sick leave of eighty hours per year. Such credit shall be made to each employee in active pay status beginning the first day of the base pay period.

B. A full-time employee in no pay status as of the beginning of the base pay period shall be credited with sick leave of eighty hours per year, less one and one-half hours for each pay period that has elapsed following the base pay period, up until the first day of the pay period during which the employee returns to active pay status.

C. A newly appointed full-time employee shall be credited with sick leave of eighty hours per year, less one and one-half hours for each pay period that has elapsed following the base pay period, up until the first day of the pay period during which the appointment is effective.

D. A full-time employee who is separated from service or is no longer a full-time employee during the year shall receive a reduction of sick leave credit of one and one-half hours for each pay period that remains, beginning with the first pay period following the date of separation until the pay period preceding the next base pay period. If the reduction results in a number of hours

less than zero, the cash equivalent value of such number of hours shall be deducted from any compensation that remains payable to the employee, from the cash conversion value of any vacation or personal leave that remains credited to the employee or from any sick leave accumulated that remains credited to the employee.

(2) Non full-time employees. An employee who is not a full-time employee shall not receive sick leave credit.

(b) Charge of Sick Leave. Sick leave used by an employee shall be charged in minimum units of one-quarter hour. Employees shall be charged sick leave only for the days and hours for which they would have otherwise been regularly scheduled to work. Sick leave may not exceed the amount of time an employee would have been regularly scheduled to work in any pay period. If sick leave is utilized in the regularly scheduled work week, the employee cannot receive overtime pay for the same hours used in sick leave unless otherwise determined by the department head and the City Manager.

(c) Compensation for Charged Sick Leave. Sick leave for an employee which is credited during or subsequent to the base pay period shall be exhausted before the use of sick leave accumulated prior to the base pay period is allowed. Compensation for charged sick leave shall be at a rate equal to the employee's hourly base rate of pay.

(d) Notification.

(1) An employee who is unable to report for work shall notify his or her immediate supervisor that he or she is unable to report for work. The notification must be made at least one hour prior to the time that the employee is scheduled to report for work, unless emergency conditions prevent such notification. If operational need of a department requires a different notification time, the department head, with the approval of the City Manager, may establish a reasonable notification time requirement. The department head shall inform all employees of the applicable notification policy.

(2) Physicians statement. The department head may require, at any time, an employee to furnish an affidavit from a qualified physician noting that a reported illness or injury justified use of sick leave and was severe enough to cause an employee to miss work, and documenting specifically the type, diagnosis and remedy within HIPAA Guidelines and clearing the employee to return to work. The department head shall require the above information in the case of a condition exceeding three consecutive calendar days. Further, in all cases where medicine has been prescribed which may cause significant side effects, such as but not limited to the impairment of an employee's ability to operate a vehicle, the employee shall submit the appropriate documentation from the appropriate and qualified medical professional for inclusion in the employee's confidential medical file. Falsification of either the signed statement or a physician's certificate shall be grounds for disciplinary action, which may include dismissal.

(3) Institutionalization or hospitalization. When institutionalization or hospitalization is required, the employee shall notify his or her immediate supervisor upon admission to and discharge from such institution or hospital, unless emergency conditions prevent such notification. A physician's statement shall be required, pursuant to paragraph (d)(2) hereof, as soon as reasonably possible but no later than just prior to the employee's return to work.

(4) Convalescence. (Period of Recovery) When convalescence at home is required, the employee shall notify his or her immediate supervisor at the start and termination of such period of convalescence. A physician's statement shall be required, pursuant to paragraph (d)(2) hereof, as soon as reasonably possible but no later than just prior to the employee's return to work.

(e) Uses. Employees may use sick leave, provided that a credit balance is available, upon approval of the department head, for the following reasons:

- (1) Illness, injury or pregnancy-related condition of the employee;
- (2) Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees;

(3) Examinations of the employee, including medical, psychological, dental or optical, by an appropriate practitioner;

(4) Illness, injury or a pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member; or

(5) Examinations, including medical, psychological, dental or optical, of a member of the employee's immediate family by an appropriate practitioner where the employee's presence is reasonably necessary.

(f) Abuse. An employee who fails to comply with this section shall not be allowed to use sick leave for time absent from work under such noncompliance. An application for the use of sick leave with the intent to defraud shall be grounds for disciplinary action which may include dismissal.

(g) Inadequate Sick Leave.

(1) Leaves of absence. If any disabling illness or injury continues past the time for which an employee has accumulated sick leave, the City Manager may authorize a leave of absence without pay in accordance with administrative regulations.

(2) Pooling. When an employee has no accumulated sick leave, personal leave or vacation leave and faces the prospect of leave of absence without pay, fellow employees may voluntarily "pool" portions of their accumulated sick leave and donate it to an employee with the special permission of the City Manager.

(h) Prior Credit. An employee hired into the City service shall be given credit for accrued but unused sick leave earned by the employee at a previous place of employment with the State or any of its subdivisions, up to the limits allowed by the Ohio Revised Code.

(i) Conversion or Carry-Forward of Sick Leave Credit at Year's End. All employees shall have the option to convert to cash benefit or carry forward the balance of any unused sick leave credit at the year's end. (Refer to subsection (j) below.) For purposes of this subsection, "year's end" means the last day of the pay period preceding the base pay period.

(1) Sick leave. An employee who is credited sick leave pursuant to subsection (a) hereof shall have, at year's end, the following options with regard to the portion of sick leave credit:

A. Carry forward the balance of sick leave credit.

B. Receive a cash benefit conversion for the unused balance of sick leave credit accrued within that year. The cash benefit conversion shall be equal to one hour of the employee's base rate of pay for every two hours of unused sick leave credit that is converted.

C. Carry forward a portion of the balance of sick leave credit and receive a cash benefit conversion of a portion of the sick leave credit.

(j) Limitations of Conversion of Sick Leave Credit at Year's End.

(1) The options for conversion of sick leave credit listed in paragraphs (i)(1)B. and C. hereof may only be utilized for sick leave credited to an employee in the year in which the credit is given.

(2) To be eligible for cash benefit conversion of sick leave credit listed in paragraphs (i)(1)B. and C. hereof, an employee must have a minimum carry-forward balance of 240 hours of sick leave credit. No conversion shall be allowed if the balance left after conversion decreases to less than 240 hours of sick leave.

(3) All sick leave credit balances that are carried forward are excluded from further cash benefits under this section. The failure of an employee to utilize one of the sick leave conversion options listed in paragraphs (i)(1)B. and C. hereof shall result in the automatic carry-forward of any balance of sick leave credit up to the maximum allowed elsewhere in these provisions.

(4) Any employee who is separated from service during the year shall not be eligible for the cash benefit conversion of unused sick leave credit.

(k) Limitations on Accumulated Sick Leave Credit. There is no limit on accumulated sick leave credit.



(l) Notification of Option to Convert Sick Leave Credit at Year's End. An employee eligible to receive a cash benefit conversion of sick leave credit at year's end must indicate his or her desire to convert any sick leave no later than on or about December 1st as determined by the City Treasurer.

(m) Conversion of Sick Leave Credit Upon Separation from Service.

(1) Upon separation from service for retirement or resignation, an employee hired prior to January 1, 2017 shall be paid for one-half of the value of any accrued but unused sick leave credit.

(2) Payments made under paragraph (m)(1) hereof shall be considered to eliminate all sick leave accrued by the employee.

(3) This division, as amended, shall apply to all full-time employees not covered by a collective bargaining agreement.

(4) Upon separation from service for retirement or resignation, an employee hired after January 1, 2017 shall be paid for one-half of the value of any accrued but unused sick leave credit up to a max of 500 hours, to be paid at the employee's rate of pay at the time of separation.

(n) Definitions. As used in this section:

(1) "Active pay status" means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave and personal leave.

(2) "Base pay period" means the pay period that includes the first day of December.

(3) "Base rate of pay" means the rate of pay established under the City ordinance establishing wage and salary ranges and classifications for various employees.

(4) "Full-time employee" means an employee whose regular hours of duty total forty hours in a pay period and whose appointment is not for a limited period of time.

(5) "No pay status" means the conditions under which an employee is ineligible to receive pay, and includes, but is not limited to, leave without pay and leave of absence.

(6) "Pay period" means the seven-day period of time during which the payroll is accumulated.

(7) "Retirement" means service retirement under any State retirement system.

(o) Procedures, Rules and Regulations. The City Manager shall establish procedures, rules and regulations to administer this section.

**G. VACATION LEAVE**

**1. Vacation Leave Accrual**

A. An employee of the City of Trenton (the "City") shall receive vacation leave credit according to the employee's status, as follows: Full-time employees

i. Full-time employees of the City in an active pay status shall accrue paid vacation leave weekly, for continuous years of service with the City, at the following rates, unless authorized by the City Manager:

Length of Service	Accrued Yearly Vacation Leave	Hours Per Week
Through first 4 years	80 hours or 10 working days	1.53846
After 4 years	120 hours or 15 working days	2.30769
After 9 years	160 hours or 20 working days	3.07692
After 14 years	200 hours or 25 working days	3.84615

B. Non full-time employees

i. An employee who is not a full-time employee shall not receive vacation leave credit.

C. Vacation leave shall not exceed two years accrual.

**2. Charge of Vacation Leave**

A. Vacation leave used by an employee shall be charged in minimum units of one-quarter (1/4) hour - fifteen (15) minutes. Employees shall be charged vacation leave only for the time

for which they would have otherwise been regularly scheduled to work. Vacation leave may not exceed the amount of time an employee would have been regularly scheduled to work in any pay period. If vacation leave is utilized in the regularly scheduled work week, the employee cannot receive overtime pay for the same hours used in vacation leave unless otherwise determined by the department head and the City Manager.

**3. Vacation Leave Payment Rate**

A. Vacation leave shall be paid at the employee's current hourly base rate of pay.

**4. Implementing Procedure**

A. The department head or appointee shall grant requests for vacation based on the best interest of the City, including but not limited to seasonal workload, staffing levels, and balancing vacation use among departmental employees. The department head shall give due consideration to seniority.

**5. Prior Credit**

A. An employee shall not be permitted to transfer accumulated vacation leave credits from prior service at a previous place of employment with the State of Ohio or any of its subdivisions, Unless, the City Manager, at his or her sole discretion, recognizes some or all length of service from other State of Ohio political jurisdictions in determining an employee's rate of vacation earning.

**6. Cash Benefit Conversion or Carry-Forward of Vacation Leave Credit**

Employees shall have the option to convert vacation leave to cash benefit or carry forward the balance of any unused vacation leave credit.

A. The following are options with regard to vacation leave conversion or carry forward:

- i. Carry forward their entire balance of vacation leave credit.
  - a) Up to a maximum of two (2) years accrual.
- ii. Receive a cash benefit conversion for the unused balance of vacation leave credit accrued within that year, a maximum of one hundred twenty (120) hours. The cash benefit conversion shall be equal to one hour of the employee's base rate of pay for every one (1) hour of unused vacation leave credit that is converted.
  - a) There is not a minimum balance requirement for this benefit. Only one hundred twenty (120) hours of vacation leave credit can be converted to cash benefit, and only up to two (2) years vacation accrual is permitted. Anything above both of those, if not taken will be erased for the following year.

B. The failure of an employee to utilize one of the vacation leave conversion options listed under section 6(A)(ii) and 6(A)(iii) shall result in the automatic carry-forward of any balance of vacation leave credit. Anything above two (2) years vacation accrual, if not taken will be erased for the following year.

**7. Notification of Cash Benefit Conversion of Vacation Leave Credit**

A. An employee eligible to receive a cash benefit conversion of vacation leave credit at year's end must indicate his or her desire to convert any vacation leave no later than on or about December 1st as determined by the City Treasurer.

**8. Employee Separation**

A. An employee terminating service through resignation, involuntary separation, or retirement and who has served more than one (1) year, shall be entitled to payment for accrued but unused vacation leave. In the event of death, such payment shall be paid to the estate of the decedent.

## **H. WITNESS AND JURY DUTY LEAVE**

### **1. Policy**

- A. To provide income protection while an employee carries out his or her civic responsibility, the City of Trenton (the “City”) provides the difference between jury duty pay and an employee’s regular day’s pay for time spent serving on jury duty. Generally, income protection for time spent serving on jury duty will be provided for a maximum of five (5) workdays. Additional income-protected time away from the workplace for this purpose will be considered on a case-by-case basis.

### **2. Process.**

- A. If an employee is called for jury duty or subpoenaed to testify in a court of law during the employee's regularly scheduled working day for a work related event or civic requirement, such employee may choose to be compensated for such time in one of the following ways:
  - i. The employee may choose to receive his or her regular salary or wage in full for such time from the City. In such case, all moneys received as compensation for court service shall be turned over to the City Treasurer in full.
  - ii. The employee may choose to retain all moneys received as compensation for court service and waive his or her regular salary or wage from the City in full for such time.
- B. The employee will be expected to report for work following jury duty, if a reasonable period of time remains during his or her scheduled workday.
- C. If an employee is called for jury duty or subpoenaed to testify in a court of law, outside of his or her regularly scheduled working hours, all moneys received as compensation for such court service shall be retained by the employee.

### **3. Responsibility**

- A. Upon receipt of notification from the state or federal courts of an obligation to serve on a jury or to act as a court witness, the employee should notify his or her supervisor. The employee is required to provide copies of the subpoena or jury summons to his or her supervisor and to the payroll department.
- B. The supervisor will verify the notification by contacting the office issuing the summons or subpoena and make scheduling adjustments to accommodate the employee’s obligation. The supervisor will also provide court documentation to payroll for processing.
- C. Employees appearing in their own case as a plaintiff or defendant or for a non-subpoenaed court appearance will not receive paid time off. Vacation or unpaid time should be used for such instances.

## EMPLOYEE ACKNOWLEDGEMENT FORM

Please read the statements below, sign, and return this form to the City Manager's Office.

I acknowledge this employee handbook is neither an employment contract nor a legal document. I have received the handbook. I understand it is my responsibility to read and comply with all policies contained in the handbook as well as stand alone policies, Codified Ordinances, the Charter of the City of Trenton, departmental policies, and applicable collective bargaining agreement (CBA) language.

I acknowledge that the information, policies, and benefits described herein are subject to change and may be revised from time to time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Any conflicting CBA language will supersede anything in the employee handbook.

This employee handbook describes important information about the City of Trenton. Employees should consult their supervisor regarding any questions not answered in the handbook.

EMPLOYEE'S NAME (Printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_