

ORDINANCE NO. 946-11-2024

AN ORDINANCE REPLACING VILLAGE CODE CHAPTER 151: “EMPLOYMENT MANUAL” WITH A PERSONNEL CODE AND NOT DECLARING AN EMERGENCY.

WHEREAS, the existing Employment Manual (§151) requires modernization to better address the evolving needs and expectations of both employees and the municipality; and

WHEREAS, a comprehensive Personnel Code will provide clearer, more consistent, and equitable guidelines for employment practices, enhancing transparency and fairness; and

WHEREAS, the adoption of a Personnel Code aims to streamline procedures; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Roaming Shores, in the County of Ashtabula, State of Ohio, as follows:

SECTION 1. Village Code §151 shall be repealed.

SECTION 2. Village Code §151 shall read as follows:

“

CHAPTER 151: PERSONNEL CODE

151.001 Intent.

The purpose of this Personnel Code is to establish and maintain a system of administration for personnel functions in the Village of Roaming Shores. The objectives of these personnel rules and regulations are to facilitate the efficient and economical delivery of services to the public, and to ensure that any personnel action, including recruitment, examination, selection, and management, adheres to the best possible standards. For police officers of Roaming Shores (VRSPD), the police employment manual supersedes this manual in conflicting materials. Anything not in this manual is to be decided in policy and procedures and or by the Administrator and the Mayor.

151.002 Disclaimers

- a) The Personnel Code is provided for informational purposes only. No provision or portion of the code constitutes an implied or expressed contract, guarantee, or assurance of employment or a right to an employment related benefit, process, or procedure. Nothing in this code shall alter the Village’s power to employ personnel at will.
- b) **Oral Agreements.** No employee or representative of the Village is authorized to enter into any oral employment contract or agreement. Any agreement altering the terms and provisions of this code shall be in writing and signed by the Mayor.
- c) **Right to Modify.** The Village reserves the right to change, modify, eliminate, or deviate from any policy, procedure, process, or program in this code at any time. Policy changes are effective as of the date of their occurrence. Employees should confirm with their department chief or supervisor that they have the most recent version of the given policy.

- d) No personnel code can anticipate every circumstance or question about policy. As the need may arise, the Village may change policies described in the code. The Village of Roaming Shores, therefore, reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will be notified of such changes as they occur. Amendments to these policies and procedures shall be made by ordinance of the Council.

151.003 Severability

If any section, subsection, sentence, clause, or phrase of this Personnel Code is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of these rules and regulations.

151.004 Department Rules and Regulations

These policies and procedures apply to all Village of Roaming Shores employees, except when in conflict with special employment conditions set forth for elected officials, when specific departments have special regulations, policies, and/or general orders (such as the Roaming Shores Police Department), or when in conflict with various laws governing employment relationships.

151.101 Nature of Employment, At-Will Employment

Employment with the Village is voluntarily entered into, and each employee is free to resign or quit their position of employment at their will at any time, with or without cause, unless a written contract of employment was entered into between the employee and the Village. Similarly, the Village may terminate the employment relationship of any and all employees at its will at any time, with or without notice or cause, so long as there is no violation of applicable federal, state, or local law.

While the Village employees are free to resign or quit their employment at any time, employees are requested to give the Village as much advance notice as possible. At least two (2) weeks' advance notice prior to resignation or quitting is appreciated. Sufficient advance notice will also be taken into consideration should an employee ever seek reemployment in the future.

Sworn officers of the Roaming Shores Police Department shall be subject to progressive discipline in accordance with Ohio Revised Code §737.12.

151.102 Employment Categories

It is the intent of the Village of Roaming Shores to clarify the definitions of employment classifications, so those employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period. Accordingly, the right to terminate the employment relationship at will, at any time, is retained by both the employee and the Village of Roaming Shores.

Each employee is designated as either Nonexempt (hourly) or Exempt (salaried) from federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific

provisions of federal and state wage and hour laws. The requirements for exempt classification are determined by the United States Department of Labor.

In addition to the above categories, each employee will also belong to one of the following employment categories:

STATUS CLASSIFICATIONS

All employees will be included in one of the following status classifications:

- a) **FULL TIME HOURLY (non-exempt)** - an employee working 40 hours or more per week on a continuing basis and paid at an hourly rate for each hour worked, those who are not in temporary or introductory status and who are regularly scheduled to work the Village of Roaming Shores' full-time schedule. Generally, they are eligible for Village of Roaming Shores' benefits package, subject to the terms, conditions, and limitations of each benefit program.
- b) **FULL TIME SALARIED (non-exempt)** – an employee working 40 hours or more per week and is paid a set salary for the first 40-hours per week, and an overtime rate for hours worked in excess of 40-hours per week.
- c) **FULL TIME SALARIED (exempt)** - an employee working 40 hours or more per week on a continuing basis and paid a set salary per each pay period regardless of hours worked.
- d) **PART TIME (non-exempt)** - an employee working less than 40 hours per week on a continuing basis, those who have established an employment relationship with the Village of Roaming Shores, but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (such as workers' compensation and OPERS contributions), they are ineligible for most of the Village of Roaming Shores' other benefit programs.
- e) **PART TIME SALARIED (exempt)** – an employee working less than 40 hours per week on a continuing basis and paid a set salary per each pay period regardless of hours worked.
- f) **TEMPORARY OR SEASONAL (non-exempt)** - an employee scheduled to work on a job for a short or limited duration (i.e.: summer maintenance employees)

151.103 Equal Employment Opportunity

- a) **Equal Employment.** To provide equal employment and advancement opportunities to all individuals, employment decisions at the Village of Roaming Shores will be based on merit, qualifications, and abilities. The Village of Roaming Shores provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type with regard to race, color, sex, national origin, religion, age, disability status, genetics, protected veteran status, sexual orientation,

gender identity or expression, or any other characteristics protected by federal, state, or local laws.

- b) **Accommodation.** The Village of Roaming Shores will provide reasonable accommodation for qualified individuals with known disabilities unless doing so would result in undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Individuals will not be placed in positions where, with or without reasonable accommodation, they create a direct threat to the safety or health of themselves or others. The determination that an individual poses a direct threat will be confirmed by an opinion in writing from an appropriate professional selected by the Village.
- c) Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their department chief or Title VI Coordinator (as listed in the Roaming Shores Title VI Implementation Plan). Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.
- d) **Vacancy Notices.** Position vacancy notices, postings, advertisements, and recruiting literature shall specify that the Village of Roaming Shores is “An Equal Opportunity Employer.”

Equal Opportunity

[NOTE: THERE MAY BE STATE OR LOCAL LAWS WITH DIFFERENT REQUIREMENTS THAT MUST BE CONSIDERED.]

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

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

The Village Of Roaming Shores will endeavor to make reasonable accommodation of an otherwise qualified applicant or employee related to an individual’s physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon **The Village Of Roaming Shores** business operations.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Village Administrator. The

Village will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of the Village Administrator.

Retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes, but is not limited to:

- (1) Shunning and avoiding an individual who reports harassment, discrimination, or retaliation.
- (2) Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or
- (3) Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.
- (4) Preventing or inhibiting employees from completing job responsibilities.

Other examples of retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

Commitment to Diversity

The Village Of Roaming Shores is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in company policy and the way we do business at **The Village Of Roaming Shores** and is an important principle of sound business management.

151.104 Disability, Anti-Discrimination, and Accommodation Policy

It is the policy and practice of the Village of Roaming Shores to comply fully with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, to ensure equal opportunity in employment for all qualified persons with disabilities. The ADA and Section 504 require that employers offer equal employment opportunities for qualified individuals who may have a physical or mental disability but can still perform the essential functions of the job. The Village is committed to ensuring that there is no discrimination under any terms, conditions, or privileges of employment and to making reasonable accommodations for employees with physical or mental disabilities unless doing so would create an undue hardship for the Village. All employment decisions are to be made based upon job-related criteria without regard to physical or mental disabilities of qualified individuals.

The ADA and Section 504 defines a person with a disability as an individual who has a physical and mental impairment that substantially limits one or more major life activity; or has a record of such an impairment; or is regarded as having such an impairment.

- a) Reasonable Accommodations.** Reasonable accommodation is available to all employees and applicants with a disability when such accommodation is required to perform the essential functions of the job. A reasonable accommodation is one that does not cause an undue hardship for the Village. The supervisor, with assistance from the ADA/Title VI Coordinator, and the employee are responsible for considering what reasonable accommodation may be made.

Upon requesting accommodation, the supervisor or the ADA/Title VI Coordinator may request that the employee provide a medical evaluation documenting the disability. All medical records obtained will be kept separate from general personnel files and will be confidential.

In compliance with the ADA and Section 504, it is also the policy of the Village to recruit, hire, and promote employees and applicants without regard to disability.

Therefore, in interviewing applicants for employment, supervisors:

- 1) cannot use interview questions that may have a discriminatory effect on a person with a disability; and
- 2) cannot use employment or skill tests which are not specifically job related; and
- 3) should refer only to the current and approved job description reflecting the requirements of the position.

For more information regarding Roaming Shores' ADA compliance, please see Roaming Shores ADA Transition Plan. Copies of this plan are available in the Administrator's Office.

Americans with Disabilities Act (ADA) and Reasonable Accommodation

The Village Of Roaming Shores is committed to the fair and equal employment of individuals with disabilities under the ADA. It is **The Village Of Roaming Shores** policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation imposes an undue hardship on the company. **The Village Of Roaming Shores** prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an employee has requested reasonable accommodation.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee or applicant with a disability may request accommodation from the Village Administrator and should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation to the extent permitted and in accordance with applicable law. The company then will review and analyze the request, including engaging in an interactive process

with the employee or applicant, to identify if such accommodation can be made or if any other possible accommodations are appropriate. If medical documentation regarding the disability and possible accommodation is requested, the employee is responsible for providing such information. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of **The Village Of Roaming Shores** to prohibit harassment or discrimination based on disability or because an employee has requested reasonable accommodation. **The Village Of Roaming Shores** prohibits retaliation against employees for exercising their rights under the ADA or other applicable civil rights laws. Employees should use the procedures described in the Harassment and Complaint Procedure to report any harassment, discrimination, or retaliation they have experienced or witnessed.

- b) Religious Accommodations.** The Village respects the religious beliefs and practices of all employees and will make, on request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the Village's business. An employee whose sincerely held religious beliefs or practices conflict with their job, work schedule, or with Village policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation must submit a written request for the accommodation to their supervisor or, when appropriate, the Administrator.

The written request will include the type of religious conflict that exists and the employee's suggested accommodation. The request will be evaluated to determine whether the request is available or if it will create undue hardship for the Village.

It is recommended that the written request include additional information, including written materials describing the specific religious belief or practice. Documentation from a religious authority is highly encouraged (pastor, imam, rabbi, priest, group leader, bishop, elder, etc.) and can expedite religious accommodation requests.

151.105 Employment Applications

The Village of Roaming Shores relies upon the accuracy of information contained in the employment application (including resume, cover letter, and other materials submitted), as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Village of Roaming Shores' exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment with cause.

Applications will be accepted only for vacant positions. Applications must be submitted in the medium requested by the hiring agency (paper/hard copy, via Indeed or another job platform, etc.).

151.106 Background Checks

- a) **Background Checks.** To ensure that individuals who join the Village of Roaming Shores are qualified and have a strong potential to be productive and successful, it is the policy of the Village to check the criminal background and employment references of all applicants. For specific positions related to finance or cash handling, prospective employees may also be required to submit to a credit history check. Completion of a Background Check Disclosure, Authorization, and Release Form is required. The Village will comply with state and federal laws in conducting such checks. The Disclosure results are filed separately from the employee's Personnel File. Further, the Village will not necessarily limit itself to reference checks only; and not necessarily, only the references supplied by the applicant.
- b) **Response to Reference Requests.** The Clerk-Treasurer, Administrator, or Mayor will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Personal feelings, opinions, and the results of performance evaluations shall be withheld as confidential information.

151.107 Personal Data Changes

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

All employees are requested to provide their Department head and the Clerk-Treasurer with the following information and promptly notify their Department Chief and Clerk-Treasurer of any changes within ten (10) business days unless otherwise specified:

- 1) Cancellation of insurance, and/or any other benefits provided to the employee by the municipality on an optional basis.
- 2) Change in number of dependents.
- 3) Change of marital status.
- 4) Change of address and/or phone number.
- 5) Driving status or status of the employee's driver license (within 24 hours).

151.108 Hiring of Relatives and Nepotism Policy

Immediate family members shall not be hired into the same department. The employment of persons who establish immediate family relationships after employment shall be prohibited if such employment will result in one immediate family member exercising supervision over the other or otherwise having the ability to influence the terms or conditions of the other's employment.

For the purpose of this policy, “immediate family” shall be defined as the following relatives of the employee or the employee’s spouse: spouse, parent, child, or sibling including the spouse of any such relatives; and the following relatives of the employee: aunt, uncle, nephew, niece, first cousin, grandparent or grandchild including the spouse of any such relatives.

In the case of Village employees who become immediate family members after employment and whose relationship would violate the policy as set forth herein, the employees shall determine which of them will seek employment elsewhere in the Village (if such a position is available) or, as necessary, outside the organization. Said decision shall be conveyed in writing to the appropriate department head and Village Administrator no later than sixty (60) days from the date the relationship was legally established. Said employees will be given a reasonable period of time, not to exceed sixty (60) days from the date the relationship is legally established, to make that decision. If the decision is not made within sixty (60) days, the Village reserves the right to transfer, demote or dismiss the affected employee(s) to resolve the nepotism violation. In the case of dismissal, the most senior of the employees, as determined by length of service with the Village, will be retained. If seniority is equal, the Village shall consider the qualifications and job performance of the employees in determining which will be retained.

This policy shall cover the immediate family relationships of all employees of the Village of Roaming Shores whether they are part-time or full-time.

This policy is not intended to alter the employment terms of any current full-time or part-time employee whose employment violates the above provision but did not violate the policy in force at the time of employment or at the time the immediate family relationship took place. Department managers and the Human Resources division shall assure that these “grandfathered” exceptions gradually cease as attrition occurs.

The nepotism policy may be waived by both the Village Administrator and Mayor when the lack of other qualified candidates necessitates the employment of immediate family members.

151.109 Immigration Law Compliance and E-Verify

- a) Pursuant to state and federal law, the Village’s policy is to strive to comply with all applicable laws and regulations regarding the verification of employment eligibility. As part of the Village’s verification program, the Village is enrolled in the federal E-Verify program, operated by the United States Department of Homeland Security in partnership with the Social Security Administration. The E-Verify system requires the Village to verify online the employment eligibility of all new hires after an employee has completed their mandatory Form I-9 for employment verification. The Village conducts annual audits of I-9 forms in order to ensure compliance with federal law.
- b) **New Hires and Immigration Law.** In compliance with the Immigration Reform and Control Act of 1986, all employees hired on or after June 1, 1987, must complete and sign the I-9 Verification form designated by the Immigration and Naturalization Service to certify that they are eligible for employment in the United States.

New employees must present documentation to the Clerk-Treasurer or Administrator

within three (3) days of their date of hire to verify their identity and employment eligibility. If unable to provide the required document or documents within three (3) days, employees must produce a receipt showing that they have applied for the documents(s). Employees must produce the document(s) within twenty-one (21) days of the date of hire. Employees unable to produce required document(s) within these deadlines shall be dismissed.

151.110 Outside Employment

An employee may hold a job with another organization as long as they, in the opinion of their supervisor or the Administrator, satisfactorily perform their job responsibilities with the Village. All employees will be judged by the same performance standards and will be subject to Village of Roaming Shores' scheduling demands, regardless of any existing outside work requirements. Employees should consider the impact that outside employment may have on their ability to efficiently perform their work, as well as any conflicts of interest that may arise.

If Village of Roaming Shores determines that an employee's outside work interferes with performance or the ability to meet the requirements of the position, as they are modified from time to time, or if the Village determines that the outside employment is in conflict with its ethics code or any other codes of conduct, directly or indirectly applicable to a specific employee, the employee may be required to terminate the outside employment if they wish to remain employed with the Village.

If an employee accepts outside employment, they are required to notify the Administrator in writing. This notification must state the employer, the hours they are required to work for their outside employment, and the term of that employment (full-time, part-time, seasonal, on-call, etc.).

Outside Employee Conflict of Interest

Village employees shall file a conflict-of-interest statement with the Administrator's Office whenever an employee's outside business activities are directly or indirectly linked to the Village in a business relationship, such as vender, supplier, contractor, or subcontractor.

151.111 Elected Officer and Village Employment Restricted

A Village employee that becomes an elected or appointed member of the Village Council, the elected or appointed Mayor, or the elected or appointed Clerk-Treasurer shall be considered to have resigned their employment with the Village upon taking their Oath of Office. The Village shall make no restrictions on employees running for or accepting elected office at the township, county, regional/special district, state, or national level, provided that this employment does not impact regular duties, schedule, and availability.

Elected officials shall be prohibited from accepting employment, either full-time, part-time, or contract, with the Village for a period of two (2) years after they have last held elected office.

151.112 Performance Evaluations

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations will be conducted to

provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage, and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Department heads shall conduct performance evaluations on an annual basis. Performance evaluations shall be confidential.

The Village of Roaming Shores may award merit-based pay adjustments in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by a formal performance evaluation process.

151.113 Weapon-Free Policy

ORC §2923.126(B)(7) prohibits individuals from carrying a concealed weapon into a government facility. This law applies to employees, residents, visitors, and any other persons entering a Village owned or leased property. The Village of Roaming Shores is hereby adopting a policy that is consistent with Ohio law forbidding concealed handguns.

In the interest of maintaining a safe working environment free of violence for all employees, the Village of Roaming Shores prohibits the possession of dangerous weapons in village owned or leased property. This policy does not apply to any law enforcement personnel engaging in official duties and will follow state guidelines.

“Village property” for purposes of this policy includes all village owned or leased buildings and land. This policy applies to all village-owned or leased vehicles. (With exception to inside your personally owned locked vehicle, obeying state law).

“Dangerous weapons” include, but are not limited to, handguns, firearms, explosives, knives, and other weapons as defined by federal, state, or local laws or ordinances. Employees who use work tools in the normal course of employment are not in violation of this policy. Any village employee who violated this policy is acting outside the course and scope of their duties. The village will not defend or indemnify such actions by any employee. A village employee found to be in violation of this policy, who uses a dangerous weapon or makes comments about dangerous weapons in such a way that intimidates, harasses, coerces, or threatens another person will be subject to disciplinary action, up to and including discharge.

If an employee believes another person covered by this policy possesses a concealed handgun or another dangerous weapon in violation of this policy, the employee shall immediately report this belief and the basis for this belief to their supervisor. Employees should be aware that the enforcement of this policy might involve confronting individuals carrying dangerous weapons. Under no circumstances should any employee take any unnecessary risks or compromise their safety in enforcing this policy. Law enforcement should be contacted immediately if deemed necessary.

151.201 Standard Work Week

The Village's standard work week is Monday – Sunday. The scheduled work week may include being scheduled for late night and weekend rotations, as well as meetings outside of normal business hours.

151.202 Scheduled Hours of Work

- a) **Village Hall/Utility Billing Office.** The office shall be open Monday through Friday. Individual workdays and shifts shall be scheduled by the Administrator.
- b) **Police Department.** Individual workdays and shifts shall be scheduled by the Chief of Police.
- c) **Public Works Department.** Individual workdays and shifts shall be scheduled by the Services and or Plant Foreman with the written approval of the Administrator.
- d) Weekend Rotation, Snow Removal Call-in, or Emergency Call-in will be directed by the appropriate department head and overall approved by the Administrator.

151.203 Lunch Period

A paid lunch period of thirty (30) minutes will be given to all non-police employees working an eight (8) hour shift.

Police officers will be given a lunch break during the regular eight (8) hour shift but will remain on call during this break.

151.204.1 Breaks

- a) **Fifteen-Minute Breaks.** Two fifteen (15) minute breaks are permitted each day, one during each four (4) hour work period (one in the morning, one in the afternoon). Break periods may not be altered by not taking designated breaks so that an employee can leave early or have a longer lunch. Breaks may not be compounded or banked to utilize at one time or broken into multiple smaller breaks.
- b) Additional breaks may be approved by the administrator if deemed necessary and positions can be covered appropriately.

151.205 Emergency Call-In Duty

All employees are subject to call to duty and must respond to emergency calls, unless physically unable to do so. If any employee is called in for an emergency but is not available when a need may arise the employee may be subject to disciplinary action.

151.206 Payroll Processing

- a) The pay period for full-time, hourly and salaried employees, part time employees, and temporary employees is every two weeks as established by the Clerk-Treasurer. Employees will be paid via Direct Deposit for the pay period ending the previous Sunday at 11:59 p.m. If a regularly scheduled payday falls on holiday, employees will receive pay on the last day of work before the regularly scheduled payday.
- b) The Mayor, Councilors, Solicitor, and Clerk-Treasurer are paid on a monthly basis.

- c) A time sheet is used to document time worked. Employees are expected to maintain a time sheet for their workday. Employees are to sign their timesheets and the department head will initial that they have reviewed them for accuracy. All timesheets under the Administrator's purview shall be signed by the Administrator as well. All employees must submit their timesheets to their department head by 10:00am on Monday of pay week (or in the event of a holiday, then the following business day). All time sheets must be submitted to the Clerk-Treasurer by 1:00pm.
- d) All employees shall be required to receive their paycheck via direct deposit. Failure to provide the Clerk-Treasurer with accurate account information may result in disciplinary action, up to and including termination of employment.

151.207 Overtime Pay and Compensatory Time

- a) **Exempt Employees.** The exempt employees, as described in §2.03 Employment Categories, shall not receive overtime pay.
- b) **Non-Exempt Employees.** The non-exempt employees, as described in §2.03 Employment Categories, shall receive overtime pay for hours worked over 40 hours in a work week and shall be calculated on a one and one-half (1 ½) hourly basis.

Supervisors will be accountable for controlling overtime situations and the associated expense. Whenever possible, work schedules shall be adjusted to avoid or reduce overtime work. In situations where unexpected changes in workload require additional hours mandated by the supervisor, overtime hours may be authorized.

- c) **Paid Leave/Overtime Policy.** Paid leave, such as holiday, vacation, bereavement leave, sick leave, and jury duty shall apply towards hours worked and may not be used towards overtime.

151.208 Employee Termination

- a) **Termination.** Employment with the Village of Roaming Shores is "At-Will" (unless otherwise modified by Ohio Revised Code) and based on mutual consent, both the employee and Village have the right to terminate employment at any time, with or without cause.
Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:
 - a. **Resignation:** Voluntary employment termination initiated by an employee. Although advance notice is not required, the Village requests at least two weeks written notice from the employee.
 - b. **Discharge:** Involuntary employment termination initiated by the Village.
 - c. **Retirement:** Voluntary employment termination initiated by the employee meeting Village retirement criteria as established by the Ohio Public Employee Retirement System (OPERS), or other enrolled retirement system.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner: All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. An employee's termination date shall always be the last day worked. An employee's termination date may not be extended to include accrued and/or unused paid or unpaid time off (e.g., sick days).

- b) Notice of Discharge.** In the event that an employee must be removed from their position, the Administrator or the employee's supervisor will provide the employee with a Notice of Discharge, which shall include the following information:
 - a. employee's name and current title.
 - b. date(s) and description(s) of incidents or deficiencies.
 - c. a brief overview of the employee's right to appeal (and the deadline to submit an appeal).
- c) Right to Appeal Discharge (Loudermill Hearing).** After an employee has been issued a Notice of Discharge by either their supervisor or the Administrator, the employee may choose to appeal the decision to the Mayor. The employee shall provide the Clerk-Treasurer with notification that they wish to appeal the discharge no later than five (5) business days after receiving the Notice of Discharge. The Mayor shall decide whether to uphold the discharge, reverse the decision, or amend the decision. Employees are permitted to bring a representative or legal counsel to the hearing. At the hearing, the employee will have the opportunity to answer questions raised in the notice and to provide information related to the incident(s) of misconduct/performance deficiencies. Employees who choose not to attend the hearing are permitted to submit a written response.
- d) Return of Property.** Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work. The Village may take all legal action deemed appropriate to recover or protect any Village property not returned by the employee.

151.209 Tardiness, Unauthorized Absence, and Call-In

- a) Tardiness.** Tardiness is defined as arriving at work later than the employee's scheduled start time. Employees who are tardy two (2) days within a three (3) month period may be subject to disciplinary action.
- b) Unauthorized Absence.** Unauthorized absence is defined as calling off for the day. Employees with one (1) day unauthorized absence shall be disciplined for unauthorized absence. Exception to this rule is if an Employee calls off sick, then restrictions on sick leave apply ([§4.09: Sick Leave](#)). Employees who violate the tardiness or unauthorized absence policy shall receive a warning letter from their department head. A copy of the letter will be permanently retained in the employee's personnel file. Further tardiness and/or unexcused absences will be met with disciplinary action, as determined by the disciplinary action section.

- c) **Call-In Notice.** If an employee knows that they are going to be tardy or absent from work on any given day, the employee must notify their supervisor of such tardiness or absence at their earliest possible opportunity prior to the beginning of their schedule shift.
- d) **Absenteeism.** Excessive absenteeism causes unnecessary increases in operating expenses. Employees who are excessively unavailable for work (regardless of cause) force others to carry their extra loads as well as withhold job opportunities and positions for more available personnel. Employees shall not establish patterns of absenteeism. Establishing a pattern of absenteeism is a violation of official standards. This may result in discipline up to termination.

151.210 Employee Appearance

- a) **Employee Grooming.** Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image we present to our citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the job requirements.
- b) **Uniforms.** All employees issued a uniform are required to wear that uniform while on duty. Uniforms should be clean, laundered regularly, and maintained in acceptable condition. All employees working outside of an office environment should wear appropriate close-toed shoes and highly visible outer garment. Employees in the Public Works Department are required to wear safety-toe shoes at all times.
- c) **Uniform allowance.** Amounts will be reviewed and approved annually based on need by the Administrator and Mayor.
- d) **Change of Clothes.** All employees in the Public Works Department shall be required to keep a change of clothes in their assigned locker.

151.211 Commission of Unlawful Acts

Employees are required to report all arrests and convictions to their Department Head in writing. The Village will conduct a proper, lawful analysis to determine whether the arrest or conviction will result in any disciplinary action, up to and including termination of employment. With respect to convictions, the Village will conduct an individualized assessment and consider whether the conduct is job-related and consistent with business necessity, including the nature of the crime, the time elapsed, and the nature of the job. After completing this assessment, the Village will determine whether disciplinary action, up to and including termination, is appropriate.

Failure to report an arrest or conviction will result in disciplinary action.

151.212 Harassment or Discrimination

The Village of Roaming Shores is committed to maintaining a work environment that is free of discrimination and conduct that can be considered harassing, coercive, or disruptive. In keeping with this commitment, the Village will not tolerate such conduct by anyone, including supervisors, co-workers, vendors, or citizens of the Village.

Under federal law and regulations, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment when either:

- 1) Submission to such conduct is or becomes a term or condition of an individual's employment or is used as a basis for employment decisions relating in any way to that individual; or
- 2) such conduct substantially interferes with an individual's work performance; or
- 3) such conduct creates an intimidating, hostile, or offensive working environment.

Other forms of unlawful harassment are also prohibited by this policy. Such harassment may include harassment based upon a person's race, color, national origin, religion, age, sex, sexual orientation, gender identity, income status, limited English proficiency, or disability. Such forms of harassment may be reported pursuant to this policy.

Any employee found to be engaged in such conduct, or who condones such action, will be subject to appropriate disciplinary action up to and including termination of employment. An employee may be subject to individual liability and penalties as a harasser.

If an employee experiences any job-related harassment or has a related complaint, an employee should promptly report the matter to your supervisor or Village Administrator if the situation warrants. The Village of Roaming Shores will undertake an investigation ensuring confidentiality to the greatest possible extent.

For additional policies related to harassment or discrimination, see *Title VI Implementation Plan* and the *ADA Implementation Plan*.

151.213 Garnishments

When the Village is served a writ of garnishment or government levy requiring payment of a portion of an employee's compensation, a processing fee, as allowed by law, may be deducted from the employee's pay, and retained by the Village. Questions concerning garnishments should be directed to the Fiscal Office. If this occurs, employees will be notified of any pending action involving garnishments.

If an employee is subject to garnishment, the employee is strongly encouraged to seek legal counsel.

151.214 Conflicts of Interest

- a) The Ohio Revised Code explicitly prohibits conflict of interest situations for all Village Council Members and Employees of the Village of Roaming Shores.
- b) The policy of the village regarding possible conflicts of interest of council members and employees is based on the principle that decisions made in the performance of their responsibilities must be made in the best interest of the village. In reaching these decisions, people previously cited in this paragraph must not be influenced by personal considerations which might affect judgments as to what is in the best interest of the Village.
- c) No councilor, employee or agent of the Village of Roaming Shores shall:
 - a. Have any personal interest, financial or otherwise, in any organization which might profit from their decision made in the execution of Village responsibilities.
 - b. Have other employment or any responsibility for the operation of any business or

devote substantial amounts of time to any other income-producing activity where such outside employment, responsibility or activity may interfere with the satisfactory performance of their duties with the Village.

- c. Solicit or receive any money in addition to that received from the Village for the performance of their Village duties.
 - d. Uses or discloses confidential information gained in the course of or by reason of their position or activities in any way that could result in personal advantage or financial gain for himself or herself or for any other person.
 - e. Knowingly authorize or use their office to secure authorization of any public contract or to secure the investment of public funds in any security in which they or a member of their family or business associate, has any interest.
 - f. Knowingly, participate in or condone decisions or activities that favor or advance one person's interest at the expense of others where a conflict of interest exists.
- d) If an individual is uncertain whether a given situation would violate the Village's conflict of interest policy, they must immediately bring questionable situations to the attention of their Supervisor, Village Solicitor, or Village Administrator.
- e) A question of a possible conflict of interest must be regarded as a matter of major importance. The disclosure of any conflict or potential conflict and the determination of whether it is material is necessary for the protection of councilors, employees, and the Village of Roaming Shores.

151.215 Political Activity

No employee of the Village may use their position and/or time during normal working hours to assist in the campaign of any political candidate. Employees shall not force, compel, coerce, or intimidate any Village employee to make, refrain from making, or solicit any type of political contribution. However, nothing in this section is intended to restrict the right of a public employee to express their personal political views.

Village employees shall not be allowed to participate, financially or otherwise, in any political campaign or party activity during their working hours. This policy includes any threats or coercion by elected or appointed officials, or political party representatives. Consideration of political or religious opinions as a test for employment or promotion in any position of Village service shall be prohibited.

Village-owned equipment shall not be used to generate, copy, or reproduce campaign materials. Village vehicles shall not be used to distribute campaign materials. Village telephones or facsimile machines shall not be used for campaign purposes.

151.216 Public Relations

- a) **General Public.** When dealing with the public, during telephone conversations, or in written correspondence, employees shall do so in a courteous and professional manner. Excessive complaints about an employee will be investigated and may result in disciplinary action.
- b) **Media Communications.** Questions from the media, or media coverage, shall be deferred by employees to the Mayor, Administrator, or Chief of Police. All other employees shall be prohibited from speaking to the media.

- c) **Emergency Notifications.** In emergency situations, such as boil advisories, the department head in charge of operations shall be responsible for notifying the proper media organizations related to their charges (ex.: the Chief of Public Works shall issue notices of boil advisories, the Chief of Police shall issue notices of major road closures, etc.). These notifications shall be sent via email, and the Administrator, Mayor, and Chief of Police shall be copied.

151.217 Ethics and Conduct

The successful operation and reputation of the Village of Roaming Shores is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation requires careful observance of the spirit and letter of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct and personal integrity.

- a) **Policy Statement.** It is policy of the Village of Roaming Shores to carry out its mission in accordance with the strictest ethical guidelines and to ensure that Village members and employees conduct themselves in a manner that fosters public confidence in the integrity of the Village, its processes, and its accomplishments.
- b) **General Standards of Ethical Conduct.** Village of Roaming Shores 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 Village, and receipt acknowledged, as required in R.C. 102.09(D).) Officials and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

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

- a. Solicit or accept anything of value from anyone doing business with the Village.
- b. Solicit or accept employment from anyone doing business with the Village, unless the official or employee completely withdraws from Village activity regarding the party offering employment, and the Village approves the withdrawal.
- c. Use their public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship.
- d. Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the Village, unless the official or employee qualifies for the exception, and files the statement described in R.C. 102.04(D).
- e. Hold or benefit from a contract with, authorized by, or approved by, the Village, (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).
- f. Vote, authorize, recommend, or in any other way use their position to secure approval of a Village 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.

- g.** Solicit or accept honoraria (see R.C. 102.01(H) and 102.03(H)).
- h.** During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the Village.
- i.** Use or disclose confidential information protected by law, unless appropriately authorized, or Ohio Ethics Commission
- j.** Use, or authorize the use of, their title, the name “Village of Roaming Shores,” or “RSV,” or the Village’s logo in a manner that suggests impropriety, favoritism, or bias by the Village or the official or employee.

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 Village of Roaming Shores” includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the Village of Roaming Shores.
- c) Ethics Education.** Providing ethics education and information is an inherent part of good ethics governance. The Ethics Commission is available to provide educational seminars and informational materials. The Commission can be contacted at (614) 466-7090.
- d) Assistance.** The Ethics Commission is available to provide advice and assistance regarding the application of the Ethics Law and related statutes. The Commission can be contacted at (614) 466-7090. The Commission’s web site address is: www.ethics.ohio.gov. Village counsel and or Legal council is available to answer questions involving this policy.
- e) Penalties.** Failure of any Village 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.

151.218 Safety

The establishment and maintenance of a safe work environment is the shared responsibility of the Village and employees from all levels of the organization. The Village will take all reasonable steps to ensure a safe environment and compliance with federal, state, and local safety regulations.

Employees are required to obey safety rules and to exercise caution in all their work activities and shall immediately report any unsafe conditions to their supervisor and/or the Administrator and Mayor. Not only supervisors, but employees at all levels of the organization are expected to correct unsafe conditions as promptly as possible.

All accidents that result in injury must be reported to the department head within twenty-four hours or less, regardless of how insignificant the injury may appear. The department head shall advise the Administrator and Mayor of the injury in writing within twenty-four hours. Such

reports are necessary to comply with laws and initiate insurance and workers' compensation procedures. Failure to report an injury will result in disciplinary action.

Employee Health. The Village of Roaming Shores values the health and safety of all our employees. No employee shall report to work if their personal health and/or hygiene jeopardizes the health of other employees. This includes having contagious illnesses (such as COVID-19, flu, fevers, etc.). If an employee violates this policy, they will be subject to disciplinary action. If an employee does not have adequate sick time, unpaid leave or vacation time may be taken.

Safe driving is the first priority when operating a vehicle while driving with in the **Village of roaming shores** business. Employees' first responsibility is to pay attention to their driving. They should never allow a cellphone or another mobile device to distract them from concentrating on driving.

Under no circumstances should employees feel that they need to place themselves or others at risk while driving to fulfill business needs. Employees should follow these procedures to avoid distracted driving:

- Follow all applicable state and local laws that address the use of cellphones and other mobile devices while driving.
- Avoid using cellphones while driving and avoid using them as a hand-held device. Find a safe place to pull over to make or receive phone calls, send or receive text messages, or manipulate navigation apps.
- Program their destination into navigation apps or GPS devices before they start driving.
- Do not read or respond to text messages or e-mail or browse social media or the Internet while driving.
- Be aware of distractions from in-car "infotainment" systems. Just because they are built into vehicles does not mean they do not create a hazardous distraction.

Employees who fail to follow safety guidelines are subject to discipline.

151.219 Purchases and Use of Credit Cards

a) **Purchases.** All purchases must be approved by the department head and either the Chief of Police or Administrator. All purchasers shall be required to obtain a Purchase Order number prior to purchase. Failure to receive a purchase order number, or correct authorization, shall result in disciplinary action.

b) **Credit Card Use.** For Credit Card Purchase policy, see Village Code §125.03.

151.220 Use of Village Property

The security of Village of Roaming Shores property is of vital importance. Village property includes not only tangible property (vehicles, desks, computers, etc.), but also intangible property such as proprietary and confidential information, and intellectual property. All employees share responsibility to ensure that property security is maintained at all times. Employees may not use Village property, funds, information, or equipment unless authorized to do so.

a) Proprietary Information

Proprietary information includes all information relating in any manner to the business of the Village and its affiliates, consultants, customers, clients, and business associates produced or obtained by Village employees during the course of their work if not categorized as public record. All proprietary information that is not known generally to the public or the industry, or is known only through improper means, is confidential information. Customer files, personnel files, computer records, financial and marketing data, process descriptions, research plans, formulas, electronic codes, computer programs, and trade secrets are examples of confidential information. This information can be confirmed by legal counsel if unsure of public records.

Given the nature of the Village's business, protecting proprietary and confidential information is of vital concern. This information is one of the Village's most important assets. It enhances the Village's opportunities for future growth and indirectly adds to the job security of all employees.

Employees must not use or disclose proprietary or confidential information that they produce or obtain during employment with the Village, except to the extent such use or disclosure is required by their jobs. This obligation remains even after an individual's employment relationship with the Village ends.

b) Equipment.

Any equipment assigned to an operator must be checked for oil, water, fuel, tire condition, etc., by the operator before operating the equipment. If any equipment or vehicle is not performing correctly, the operator shall notify their supervisor and shall not move the equipment until the supervisor releases it.

Village vehicles to include police vehicles shall be used for official business of the Village only and may not be used for private purposes. Speed limit and motor vehicle statutes and ordinances shall be followed at all times and places, except for emergency vehicles when necessary. Violation of this subsection shall constitute a minor infraction. Use of any Village equipment or office equipment for personal need will be subject to disciplinary action.

The loaning or personal use of tools, material, or equipment is forbidden. Employees shall not store equipment at their residence or personal property. Employees shall not store personal equipment at work.

Upon termination of employment, whether voluntary or involuntary, all Village documents, computer records (emails, files, etc.), and other tangible Village property in the employee's possession or control must be returned to the Village.

151.221 Drug-Free Workplace

It is the policy of the Village of Roaming Shores to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the Employer.

The unlawful use, possession, purchase, sale, or distribution of or being under the influence of any illegal drug or controlled substance (including medical and recreational marijuana) while on Employer time or while performing services for the Employer is strictly prohibited. The Village of Roaming Shores also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, the Village of Roaming Shores prohibits off-premises abuse of alcohol and controlled substances (including marijuana), as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the Employer's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

- a. Preemployment: as required by the Employer for all prospective employees who receive a conditional offer of employment; and
- b. For cause: upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or have adversely affected the employee's job performance; and
- c. Accident or Injury: upon the report of an accident or injury upon discretion of Executive Director who will consider certain factors such as employee history and magnitude or circumstances associated with the accident or injury.

Compliance with this policy is a condition of employment.

Employees who test positive or who refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, including, but not limited to, termination, for the first offense. Employers reserve the right to terminate any employee even after first offense and Employer is not required to consider second-chance opportunity.

151.222 Computer Use

- a) The Village's computers, computer files, email system, and software are Village property, intended for business use only. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email use may be monitored without notice to employees.
- b) Personal and Village email accounts may be accessed by the village for legitimate business purposes if messages are sent, received, or accessed using Village equipment or the Village's computer system. All communications and information transmitted by, received from, or stored in the Village's system or computers are considered to be Village property. All email messages sent using the Villages email system are Village records. The contents of email may be disclosed without the employee's permission. Therefore, employees should not assume that messages are confidential. Backed up copies of emails may be maintained and referenced for business and legal reasons. Use of the Village's email, internet, or electronic devices constitutes consent to monitoring of these systems and devices.

- c) The Village strives to maintain a workplace that is free of harassment and sensitive to the diversity of its employees. Therefore, the Village prohibits the use of computers and the e-mail system in ways that are intimidating, hostile, disruptive, offensive to others, or harmful to morale.
- d) E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.
- e) To ensure compliance with this policy, computer and e-mail usage may be monitored. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.
- f) **Off-duty use of social media.** Employees may maintain personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the village considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas. In addition, employees may not post on a personal blog or webpage or participate on a social networking platform for personal purposes during work time or at any time with Village Of Roaming Shores equipment or property.
- g) **On-duty use of social media.** Employees may engage in social media activities during work time provided it is directly related to their work and approved by their manager and does not identify or reference village clients, customers, or vendors without express permission. The village monitors employee use of village computers and the Internet, including employee blogging and social networking activity.
- h) **Confidentiality.** Employees should not identify or reference village clients, customers, or vendors without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. For examples of confidential information, employees should refer to the confidentiality policy. When in doubt, ask before publishing.
- i) **Discipline.** Violations of this policy may result in discipline up to and including immediate termination of employment.

151.223 Internet Policy

- a) Internet access is provided by the Village of Roaming Shores to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage.
- b) All internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the Village of Roaming Shores and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.
- c) The equipment, services, and technology provided to access the Internet remain at all times the property of the Village of Roaming Shores and as such, reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.
- d) Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening,

harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law. Viewing of pornography is prohibited.

- e) The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not obtained authorization for its use, it should not be put on the Internet.
- f) Employees are responsible for ensuring any material sent over the Internet has the appropriate distribution rights.
- g) Abuse of the Internet access provided by the Village of Roaming Shores in violation of law or Village policies will result in disciplinary action, up to and including termination of employment. Employees might also be held personally liable for any violations of this policy.

151.224 Cell Phone Policy

The Village issued cell phones are intended for official business use only. While occasional personal use is permitted, it must be responsible, and it must be clearly incidental to business usage. Employees must reimburse the Village for any costs associated with personal use of the Village issued phone.

Cell Phones shall be issued only to those employees with a demonstrated need for this type of communication. Cell phones shall be requested only by authorized personnel within the departments. Employees who use the Village issued cell phone agree to the following rules of use:

- a. Employees must reimburse the Village for any costs associated with personal use. Personal use must be clearly incidental to business use. Personal use with associated charges must be reported to supervisors.
- b. Employees must reasonably safeguard any cell phone in their possession.
- c. The loss of any cell phone shall be reported to the employee's supervisor immediately. If theft is suspected, the police should also be notified.
- d. Employees shall be prohibited from having games or personal social media accounts linked to their government-issued phone.
- e. Employees shall be prohibited from searching for or viewing illegal, pornography or other sexual content on their government-issued phone.
- f. Employees understand that text messages, emails, and photos found on the government-issued phone are public records.

- g. Repeated non-compliance with this policy and failure to remain within allotted minutes, business hours only use, costs, etc., shall result in progressive discipline, up to and including termination, or may result in loss of an employer-issued cellphone.

151.225 Required Licenses and Continuing Education

- a) **Public Works Employee Licenses.** The Village will pay for training leading towards an employee receiving any of the following licenses, with the approval of the Village Administrator.

- (1) Ohio EPA Class I Wastewater Treatment
- (2) Ohio EPA Class II Wastewater Treatment
- (3) Ohio EPA Class I Water Distribution
- (4) Ohio Department of Agriculture Herbicide Application

For each license, the Village will cover the exam registration costs for up to three (3) attempts. Subsequent attempts must be paid for by the employee. Unused attempts will not roll over to the next exam type. The Village reserves the right to require a training repayment agreement for any/all training or examination costs.

Employees shall be considered on-duty for their first three exam attempts, and are permitted to take work vehicles and be clocked-in. Subsequent attempts shall be taken off-the-clock and without use of a village vehicle.

- b) **Continuing Education.** The Village will cover continuing education necessary to maintain the above-listed licenses.
- c) **Commercial Driver's License (CDL).** For employees required to obtain a Class A CDL license, the Village will cover the costs of the training course and Bureau of Motor Vehicles exam. Only one exam attempt will be paid for or reimbursed by the Village. Subsequent attempts must be paid for by the employee.
- d) **Management and Leadership Training.** The Village may provide management or leadership training for employees, upon the approval of the Mayor or Administrator. The Village reserves the right to require a training repayment agreement for any/all training.
- e) **Village Administrator / Billing Clerks / Fiscal officers / Zoning administrators.** Will be reimbursed for continued learning programs deemed appropriate to their job titles and the benefit of the village by the Administrator for a maximum of \$250.00 per employee per year. If the employee completes the Course, class, or semester with a passing grade only.

151.226 Conventions and Conferences

The Village encourages employees to participate in professional organizations and attend professional development conferences.

The following shall be the rules, regulations and amounts of reimbursements to be paid to Village officers and employees for attendance at conventions and conferences and while on Village business.

- a) **Approval.** Prior to attending a meeting, conference or convention, individuals must receive approval from the Mayor, Administrator or Chief of Police, and supervisor. The request must include the estimated cost and the funds to be charged.
 - a. **Distance Approval.** Any official trip on Roaming Shores business in excess of five hundred miles one way shall require approval by the Mayor and/or Administrator before the individual shall be entitled to reimbursement of expenses by Roaming Shores.
- b) **Receipts.** Itemized receipts for all expenses should be provided to the Clerk-Treasurer upon the conclusion of the trip. Expenses without an itemized receipt will not be reimbursed.
- c) **Lodging.** The Village will pay the actual costs of overnight lodging. If an employee's spouse also attends, no reimbursement will be made for their added costs.
- d) **Registration fees.** Registration fees in connection with attending a meeting, conference or convention will be considered a part of the attendance expense and will be paid by Roaming Shores after proper documentation is presented to the Clerk-Treasurer.
- e) **Milage.** If traveling by car with a personal vehicle, the employee may submit a milage reimbursement form to the Clerk-Treasurer.
- f) **Meals.** Employees will be provided with a per diem based on the Meals and Incidentals (M&IE) rates established for that primary destination by the United States General Services Administration. The Village will not reimburse spouse meals or alcoholic beverages. The per diem shall be a reimbursement, and subject to the receipt policy.

151.301 Health Insurance

- a) Full-time Employees can participate in health, vision, and dental insurance. The employee will be required to contribute 15% of the premium through a payroll deduction.
- b) Part-time Employees can participate in group health insurance at the employee's expense and paid through payroll deductions, at the discretion of the carrier. No portion of the premium will be covered by the Village for part-time employees.
- c) **Health Savings Account.** If the Village selects a health insurance policy with a Health Savings Account, the Village shall contribute two-thousand dollars (\$2,000) to each employee carrying an individual/employee only plan, and four-thousand dollars (\$4,000) to each employee carrying a family plan. Half of the contribution will be made in January and the remainder will be made in July each year for new hires within a calendar year.

151.302 Life Insurance

All full-time employees shall be offered an employer-provided life insurance policy. Employees may add dependent life coverage or additional coverage at the employee's expense and at the discretion of the insurance carrier.

151.303 Secondary Insurance

Full-time and part-time employees are eligible to participate in secondary insurance offerings. The Village will select a single firm to offer policies that may be paid for through payroll deductions. The Village will not contribute to secondary insurance policies. These policies are offered at the discretion of the selected agency, and subject to their terms and conditions.

151.304 Vacation Time Application for Vacation Time.

- a) **New hires.** Are to receive four (4) personal days to utilize after their first ninety (90) days of employment. Days will be utilized within employees first year (365 days) of employment. After employee has reached their anniversary date they will be awarded the below associated vacation hours.
- b) **Part-time employees.** Employees such as Billing Clerks and Peace Officers will receive either forty hours (40) of vacation time or equivalent pay out for every 2,080 hours worked. These vacation days if chosen must be utilized by the employee within twelve (12) months of reception.
- c) **Availability.** Vacation time below is available for use after employees first (365) days of employment. Prior please see (**New hires**).
 - Any employee that has completed their first year, (365) days of employment will be awarded their hours allotted below to utilize starting January 1st each new year.

Completed Years of Service	Hours Per Year
1-4 Years	80 hours
5-7 Years	120 hours
8-12 Years	160 hours
13-19 Years	200 hours
Over 20 Years	240 hours

- d) **Vacation Time Carry-Over.** Employees are encouraged to take all vacation time in the year in which it is earned. Employees may carry over up to eighty (80) hours of vacation earned for that year into the following year. Vacation will be approved based on department needs and availability this will be determined by the department head and Administrator.
- e) **Supervisor Approval.** Vacation time will be granted at a time that is mutually acceptable to the employee, their immediate supervisor, consistent with the nature of the service provided by the department in which they are employed.
- f) **Minimum Usage.** Vacation time must be used in (2) hour increments.

- g) **Resignation.** An employee who has earned vacation time and has not received it because of resignation, termination, death, or other reasons shall receive earned benefits upon separation. In the case of death, benefits shall be paid to the widow, widower, or the estate of the employee as may be appropriate by the statutes of the State of Ohio.
- h) **Mayoral Prerogative.** The Mayor may utilize vacation time to negotiate with potential employees, provided that such negotiations meet the following conditions:
 - 1) Are in the best interest of the village.
 - 2) Are written in the form of a contract that defers to the Personnel Code.
 - 3) Are approved by the Solicitor.
- i) Full time employees must work the business day before and the business day after a holiday to receive their (day off) holiday pay, unless the vacation days are approved a minimum of (30) days before the holiday by their appropriate supervisor.

151.305 Sick Leave

- a) **Application of Benefits.** The Village provides paid sick leave benefits to all full-time employees for periods of temporary absence due to their own serious illness or injuries or the care of a child or immediate family member. Part-time employees are not eligible for sick leave benefits.
- b) **Accrual Rate.** All full-time employees shall earn 4.6 hours of sick leave per 80 hours worked (0.0575 per hour worked).
- c) **Minimum Usage.** Sick leave may be used in half-hour (30) increments.
- d) **Sick Leave Restrictions.** Sick leave may be taken according to the following limitations:
 - (1) Sick leave can be used for personal or family illness or doctor appointments, which absolutely necessitates the employee's absence from their duties. This applies only to parent, stepparent, spouse, children, stepchildren, siblings, and grandchildren.
 - (2) The employee or someone on their behalf shall notify their supervisor of the absence of the employee as soon as possible prior to the scheduled hours of work.
 - (3) The presentation of a physician's (or physician's assistant or nurse practitioner) written certification of illness will be required when:
 - i. Three (3) consecutive days or more sick leave are claimed, or
 - ii. Less than (3) days are claimed, and the Supervisor deems a certificate necessary because of suspected sick leave abuse.
- e) **Sick Leave Payout.** Employees who resign or are terminated will be compensated for 25% of the sick leave hours accumulated.
- f) **Sick Leave Donation.** Employees may choose to donate sick leave to another sick-leave eligible employee. Such donations must be in writing, a copy of which will be placed in the employee's personnel file. Sick leave that is donated to an employee may not be converted into a cash benefit.

151.306 Paid Holidays

- a) **Application of Benefits.** The Village provides paid holidays to all full-time employees. Part-time employees shall be paid their straight time rate for any holiday off that they are regularly scheduled for and are only off due to the holiday causing the Village government to close that day.
- b) **Paid Holidays.** The schedule of holidays are as follows:
 - (1) New Year's Day
 - (2) Martin Luther King, Jr. Day
 - (3) President's Day
 - (4) Memorial Day
 - (5) Independence Day
 - (6) Juneteenth
 - (7) Labor Day
 - (8) Columbus Day
 - (9) Veterans Day
 - (10) Thanksgiving Day
 - (11) Half-Day Christmas Eve
 - (12) Christmas Day
 - (13) Half-Day New Years' Eve
- c) **Weekend Holidays.** If any of the preceding holidays fall on a Sunday, the Monday immediately following the holiday shall be observed as the holiday. If any of the preceding holidays fall on a Saturday, the Friday before shall be observed as the holiday.
- d) **Holidays Defined.** Holidays are defined as eight-hour workdays.
- e) **Future Federal Holidays.** Future federal holidays shall automatically be recognized by the municipality.
- f) **Worked Holidays.** If an employee works on a holiday, that employee shall receive both time-and-a-half pay and their regular holiday pay. This section shall not apply to sworn police officers subject to floating holidays.
- g) **Floating Holidays.** Sworn officers in the Roaming Shores Police Department are subject to that department's policy on floating holidays.

151.307 Mileage and Travel Expenses

- a) **Application.** This policy should apply to all employees and elected officials.
- b) **Milage Reimbursement.** Whenever an Employee must use their personal vehicle for municipal business, they will be reimbursed at the IRS standard mileage rate for business use. Employees must fill out a mileage reimbursement form provided by the Fiscal Office. Employees are required to keep a mileage log or map and are encouraged to submit a milage claim form quarterly.
- c) **Travel Expenses.** The Village will reimburse employees for reasonable business expenses incurred while on assignments over fifty (50) miles from their normal work location. All business travel expenses of over \$1,000 must be approved in advance by the Administrator or Mayor. Business travel of less than \$1,000 shall be approved by the employee's supervisor.
- d) **Travel Arrangements.** Employees must make their own travel arrangements.

- e) **Business Expenses.** Business expenses are defined and will be reimbursed as follows, lodging at the single room rate of the host hotel and per diem as defined in §151.226(f).
- f) **Travel Expense Report.** When travel is completed, employees should submit completed travel expense reports within seven business days. Reports must be accompanied by receipts for all expenses to receive reimbursement. When paying by credit card the summary receipt is not sufficient for payment. An itemized receipt must be provided in order to be paid by the Village.
- g) **Abuse.** Abuse of this policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

151.308 Bereavement Leave

- a) **Application of Benefit.** Full-time employees shall be entitled to paid bereavement leave as of their date of hire. An employee wishing to take time off for the death of an eligible family member should notify their supervisor immediately. Bereavement leave may be divided between bereavement and funerals as noted below.
- b) **Immediate Family Death.** In the event of a death in the immediate family, the employee will receive three (3) days leave with their regular pay rate and hours. Immediate family shall be defined as:
 - (1) Spouse.
 - (2) Son/Daughter or stepson/stepdaughter.
 - (3) Mother/Father or stepmother/stepfather.
 - (4) Grandchild.
 - (5) Any family member residing in the employee's household.
 - (6) Mother-in-law/Father-in-law.
 - (7) Brother/sister or stepbrother/stepsister.
 - (8) Brother-in-law/Sister-in-law.
 - (9) Grandparent or Great-grandparent.
- c) **Other Deaths.** Employees shall receive one (1) day leave upon the death of an aunt, uncle, niece, nephew, cousin, or any other family member not defined as immediate family.
- d) **Close Friend Deaths.** In the event of a death of a close friend, vacation time should be used.
- e) **Evidence of Death.** At their discretion, the supervisor may request the employee to provide evidence of death. Acceptable evidence may include the published obituary, memorial card, or death certificate. The supervisor shall use discretion and remain respectful in their request.
- f) **Additional Leave.** Sick leave or vacation time can be utilized upon the recommendation of the supervisor if additional time off is necessary.

151.309 Military Leave

This applies to all employees who are members of the United States Armed Forces, Federal and State Reservists and National Guard.

If an employee is called upon to perform military service, whether it involves active duty or annual training requirements, they may be entitled to reinstatement/reemployment and other

rights under the Uniform Services Employment and Reemployment Rights Act of 1994 (“USERRA”).

In order to qualify for benefits under USERRA, the employee’s separation from military service must be under honorable conditions and it must meet all of the other requirements of the law. In order to qualify for Village military benefits, your military service must be in compliance with the following requirements:

- a) **Eligibility.** This policy applies to any person who must be absent from employment to perform a duty, either voluntary or involuntary, in the uniformed services. To qualify under the Village’s military leave policy, an employee requesting leave must provide advance written notice to their supervisor as soon as possible and furnish a copy of their military orders that identifies the time period for the leave as specifically as possible.
- b) **Reinstatement.** Upon returning from a military leave lasting fewer than thirty-one (31) days, in order to be eligible for USERRA and Village military benefits, an employee must report to work at the beginning of the first full regularly scheduled workday following the completion of the military service.
Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or in a comparable position depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.
- c) **Reemployment.** For military leave lasting more than thirty (30) days, but less than one hundred eighty-one (181) days, in order to be eligible for USERRA and Village military benefits, an employee must submit an application for reemployment before the expiration of fourteen (14) days after the completion of the military service. An employee on a military leave lasting longer than one hundred eighty-one (181) days must submit an application for reemployment before the expiration of ninety (90) days after the completion of the service.
- d) **Compensation.** Employees are entitled to their civilian (Village) pay and military pay for up to fifteen (15) days per year. Thereafter, the employee may determine how and when they wish to be paid for their balance of vacation, and/or extra holiday hours.
- e) **Benefits While On Leave.** Continuation of health insurance benefits is available as and if required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible. Benefit accruals, such as vacation or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.
- f) **Military Family Leave.** An employee who has been employed with the Village for at least twelve (12) months and has worked at least one thousand five hundred (1,500) hours during the twelve (12) month period immediately preceding the day the leave begins; and is the spouse, parent, grandparent, child, or sibling of a person who is ordered to active duty, is entitled to an unpaid leave of absence not to exceed a total of ten (10) working days per calendar year. An employee may take this leave of absence during one or more of the following periods: (1) During the thirty (30) days before active-duty orders are in effect, (2) During a period in which the person ordered to active duty is on leave while active-duty orders are in effect, and (3) During the thirty (30) days after the active-duty

orders are terminated. An employee wanting to take Military Family Leave shall provide written notice, including a copy of the active-duty orders, if available. The employee is required to give the Village thirty (30) days written notice before the date on which the employee intends to begin the leave, unless the active-duty orders are issued less than thirty (30) days before the date the requested leave is to begin. The Village requires that accrued compensatory time, vacation, and/or floating holidays be paid for and taken concurrently with the leave. The Village requires an employee to first use any banked vacation and/or floating holiday time during the approved leave. Accrued sick time cannot be used during the leave. If you have any questions regarding your rights surrounding military leave, please contact the Fiscal Office or Administrator.

151.309 Extended Leave

- a) **Application of Benefit.** Extended leave is a benefit available to full-time employees. Part-time employees are not eligible for this benefit.
- b) **Extended Leave.** Leave without pay and without loss of fringe benefits may be granted as a protection for village employees should a need arise for extended time off work for the following reasons only:
 - (1) Extended illness.
 - (2) Other reasons deemed necessary by the Mayor upon notification.
- c) **After Exhaustion.** Extended leave may be granted after the exhaustion of all accrued sick leave, vacation leave, and FMLA leave.
- d) **Petition for Extended Leave.** Employees seeking extended leave shall petition the Mayor for approval.
- e) **Records.** Records of both denials and granted leaves without pay will be kept by the Fiscal Office in the employee's personnel file.
- f) **Accrual of Benefits.** While an employee is on extended leave, vacation days, sick days, and personal days will not be accrued, and holidays will not be paid.

151.310 Family and Medical Leave

- a) **Purpose of the Policy.** The Village is committed to providing Family and Medical Leave to eligible employees in accordance with the federal Family and Medical Leave Act of 1993 ("FMLA"). It is the policy of The Village to meet its full obligations under this federal law, and all other federal and state laws, in meeting the special leave of absence needs of its employees who for reason of pregnancy, childbirth, infant care, adoption, foster care, family care for the employee's spouse, child or parent with a serious health condition.

It was the intent of The Village in drafting this policy to put into terms that everyone could understand the minimum statutory and regulatory requirements that The Village is required by law to provide. Because that was The Village's intent, should any term or condition of this policy be determined to be contrary to federal or state law, including the FMLA, the provision of federal or state law that is the minimum requirement shall be the one that is applied instead of what this policy actually states in writing. Furthermore, should any provision of federal or state law be amended, repealed, or interpreted differently in the future, this policy shall be amended, read, and administered in such a way so that The Village continues to provide the minimum requirements under the law.

- b) **The General Policy.** So long as The Village is an employer which is governed by the FMLA, all eligible employees (as defined below) will be entitled to a total of up to twelve (12) work weeks of Family and/or Medical leave of absence during a twelve month leave year as defined within the remainder of this policy.
- c) **Definitions.** As used in this policy, the following terms and phrases shall be defined as follows:
- (1) **Eligible employees.** An eligible employee is an employee of The Village who:
 - i. has been employed by The Village for a total of at least twelve months; and
 - ii. has been employed for at least 1,250 hours of service during the twelve-month period immediately preceding the commencement of the leave.
 - (2) **Family and/or Medical leave of absence.** This is an approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave, per leave year, upon the occurrence of a qualifying event.
 - (3) **Leave year.** A leave year is the rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave the management of The Village will compute the amount of leave the employee has taken under this policy, subtract it from the twelve (12) weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee used four weeks of FMLA leave beginning February 4, 2012, and four weeks beginning June 1, 2012, and four weeks beginning December 1, 2012, the employee would not be entitled to any additional leave until February 4, 2013. On February 4, 2013, the employee would be entitled to four weeks of FMLA leave.
 - (4) **Qualifying event.** The occurrence of any of the following shall serve as a qualifying event triggering the right to receive a family and/or medical leave of absence:
 - i. upon the birth of an employee's child and in order to care for the child.
 - ii. upon the placement of a child with an employee for adoption or foster care.
 - iii. when an employee is needed to care for an immediate family member who has a serious health condition.
 - iv. when an employee is unable to perform the functions of their position because of the employee's own serious health condition.
 - v. Leave for a qualifying exigency, which entitles an eligible employee to take leave because of the necessities associated with a covered military member on active duty leave, or because the covered military member has been notified of an impending call to order or active duty.
 - (5) **Immediate family member.** An immediate family member with a serious health condition that the employee is needed to care for includes:
 - i. spouses (current husband or wife).
 - ii. biological parent or individual who stands or stood in the place of a parent when the employee was a child as defined below (this excludes all parents "in-law").
 - iii. child meaning a biological, adopted, foster child, stepchild, legal ward, or a child of a person standing in the place of a parent who is either under age

eighteen, or age eighteen and older and incapable of self-care because of a mental or physical disability.

- (6) **Needed to care for.** This term encompasses both physical and psychological care on a continuous or intermittent basis. It includes situations where, for example, because of a serious health condition, the family member is unable to care for their own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse, or parent with a serious health condition who is receiving inpatient or home care. The term also includes situations in which the employee is needed to fill in for others providing for care or needs to make arrangements for changes in care.
- (7) **Serious health condition.** Is an illness, injury, impairment, or physical or mental condition that involves:
- i. inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or
 - ii. continuing treatment by a licensed health care provider.
 - iii. A serious health condition includes but is not limited to heart attacks or other serious heart conditions, most cancers, strokes, appendicitis, pneumonia, incapacity due to pregnancy and prenatal care.
 - iv. Unless complications arise, the common cold, flu, earaches, upset stomach, minor ulcers, headaches (other than migraine), routine dental problems, and periodontal disease are conditions that do not qualify for FMLA leave.
 - v. In dealing with the illness of an employee or family member, Family or Medical leave does not apply to brief illnesses, such as absences of less than four (4) consecutive calendar days and where it does not involve ongoing treatment by a physician or health care provider. This policy applies solely to a "serious health condition," which is intended to cover conditions or illnesses affecting the health of an employee or family member to the extent that inpatient care (e.g., hospitalization) is required or absences are necessary on a recurring basis or for more than a few days for treatment or recovery.
- (8) **Continuing treatment.** Continuing treatment includes all of the following types of treatment:
- i. a period of incapacity of more than three (3) consecutive calendar days involving
 - ii. treatment two (2) or more times by, or under the orders of, a licensed health care provider, or (b) treatment by a health care provider on at least one occasion that results in a supervised regimen of continuing treatment.
 - iii. a period of incapacity due to pregnancy or time needed for prenatal care.
 - iv. any period of incapacity and related treatment due to a chronic health condition, such as asthma, diabetes, or epilepsy.
 - v. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, if the employee is under the supervision of a licensed health care provider (but not necessarily

- undergoing active treatment), as when the employee has Alzheimer's, a severe stroke, or is in the terminal stages of a disease; or
- vi. any period of absence to receive multiple treatments by, or under the orders of, a licensed health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days if left untreated, such as dialysis for kidney disease or chemotherapy for cancer.

(9) **Regimen of continuing treatment.** This term, as specified in (8i) immediately above does not include taking over-the-counter medications, bed rest, drinking plenty of fluids, or any similar activities that can be initiated without a visit to a licensed health care provider, unless something more serious is involved.

d) Leave Eligibility. To be eligible for leave under this policy, a The Village's employee must meet all of the following conditions at the time the leave meets the qualifying conditions is to begin. The Village's employee must:

- (1) have been employed by The Village for a total of at least twelve (12) months; and
- (2) have been employed for at least 1,250 hours of service during the twelve-month period immediately preceding the commencement of the leave; and

e) Use Of Leave. The provisions of this policy shall apply to all family and medical leaves of absence as follows:

(1) Generally

- i. Whether leave is paid, unpaid, or a combination of both, an employee is only entitled to a total of twelve (12) weeks of leave under the FMLA. If an employee has accrued paid leave, the employee must use such accrued paid leave, as set forth in this policy, and take the remainder of the twelve (12) weeks as unpaid leave.
- ii. Employees will be required to exhaust all accumulated paid leave first as allowed by law prior to being granted leave without pay for FMLA leave requests. In addition, any time off that may, by law, be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.

(2) FMLA Leave Use for Birth of An Employee's Child

- i. An employee who is taking leave for the birth of the employee's child must first use all available paid leave prior to being eligible for unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy, the employee will also be required to exhaust all of the employee's paid leave prior to being eligible for unpaid leave for the remainder of the twelve (12) week period. [Note: see number (5) below for information on disability leaves.
- ii. The entitlement to FMLA leave for the qualifying event such as a birth, placement for adoption, or foster care of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.
- iii. Spouses who are both employed by The Village are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks

each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, or for the care of a family member with serious health condition.

(3) FMLA Leave Use for Placement of a Child for Adoption or Foster Care

- i. An employee who is taking leave for the placement of a child with them for adoption or foster care must first use all available paid leave prior to being eligible for unpaid leave for the remainder of the twelve (12) week period.

(4) FMLA Leave Use Because of the Employee's Own Serious Health Condition or the Serious Health Condition of a Family Member

- i. An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all available paid leave including vacation, prior to being eligible for unpaid leave for the remainder of the twelve (12) week period

(5) FMLA Leave and Disability / Workers' Compensation Plans or Programs

- i. An employee who is eligible for FMLA leave because of their own serious health condition may also be eligible for either temporary disability or workers' compensation. Regardless of whether or not an employee is on either program, The Village may designate the absence as FMLA leave and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these are compensated absences, if the employee participates in such a program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can The Village require him/her to do so, while the employee is receiving compensation from such a plan or program.
- ii. Disability leave for the birth of a child is considered FMLA leave for a serious health condition of the employee and will be counted against the employee's twelve (12) week FMLA entitlement. As described above, because the leave pursuant to a temporary disability is compensated, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can The Village require him/her to do so, while the employee is receiving compensation from such a plan or program.

(6) Procedures For Requesting FMLA Leave

- i. Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or, if this is not possible, as soon as practical. If the employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date The Village receives notice.
- ii. Requests for FMLA leave may be submitted on standard leave forms prescribed by The Village, but do not have to be. In order for an employee to request FMLA Leave, the employee needs to advise their supervisor, or another member of management, that they cannot work on a scheduled day or day(s) because of a qualifying event that is recognized by the

FMLA. Even if an employee does not intend or desire to specifically request FMLA time off, The Village will still consider the time to be excused pursuant to the FMLA, if the employee meets all eligibility requirements for such a leave. In all cases, The Village will make the determination of whether the leave does or does not qualify as FMLA leave, designate it as leave that counts against the employee's twelve (12) week annual entitlement, if appropriate, and notify the employee that the leave has been designated as FMLA leave.

- iii. When a request is made for a foreseeable FMLA leave due to a serious health condition of either the employee or a member of the employee's family which involves planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the operations of The Village subject to the approval of the health care provider of the employee or the employee's family member.

(7) Certification of Need For FMLA Leave.

- i. An employee requesting FMLA leave due to a serious health condition of the employee, or their family member must provide a doctor's certification of the serious health condition. Such certification shall be submitted at the time FMLA leave is requested, or, when the need for leave is not foreseen, as soon as practical. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation as required by the at the time FMLA leave is requested.
- ii. The Village, at its discretion, may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by The Village. If a second medical opinion is requested, the cost of obtaining such opinion shall be borne by The Village. If the first and second opinions differ, The Village, at its own expense, may require the binding opinion of a third health care provider, approved jointly by The Village and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.
- iii. The Village may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.) or if The Village receives information that casts doubt on the employee's stated reason for the absence.
- iv. The employee must provide the requested additional reports to The Village within fifteen (15) days, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. Any costs associated with the additional reports requested by The Village shall be at the employee's expense.

(8) Intermittent / Reduced Schedule Leave.

- i. An employee may take 12 weeks of FMLA leave consecutively. Under the circumstances set forth below, an employee may use the 12 weeks of FMLA leave intermittently (taken periodically when needed over the

calendar year) or may use the FMLA leave to reduce the regular work week or regular workday, resulting in a "reduced hour" schedule. In all cases, leave may not exceed 12 weeks for any individual employee over the 12-month calendar year period. For example, an employee working a full time (40 hour) work week will be a maximum of 480 hours of FMLA leave (40 hours X 12 weeks), while an employee working a 25-hour work week has a maximum of three hundred hours of FMLA leave available (25 hours X 12 weeks).

- ii. When medically necessary, an employee of The Village may take FMLA leave on an intermittent or reduced work schedule basis for the serious health condition of the employee or a serious health condition of an employee's family member. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee. In all cases, the FMLA leave granted to any employee shall not exceed a total of twelve (12) weeks per rolling calendar year. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or, if this is not possible, as soon as practicable.
- iii. To be entitled to leave on an intermittent or reduced schedule basis, the employee must, at the time such leave is requested, submit additional certification as prescribed by The Village which establishes the medical necessity for such intermittent or reduced schedule leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts which support the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave must meet with their supervisor and/or the Director to discuss the intermittent or reduced schedule leave.
- iv. An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. Working an intermittent leave or reduced schedule of hours will result in pro-rata adjustment in compensation.
- v. An employee who requests intermittent or reduced scheduled leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of The Village.

f) Employee Benefits.

- (1) Except as provided below, while an employee is on FMLA leave, The Village will continue to pay the employer portion of premiums for any insurance benefits which the employee receives through The Village under the same terms and conditions as if the employee had continued to work throughout the leave.

- (2) An employee must make arrangements with management for timely payment of the employee's portion of any premiums that the employee normally pays for any insurance benefits during the period of the employee's leave, in order to continue such coverage. If any premium payment is more than thirty (30) days late, coverage will be lost during the period of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as in the employee's regular paycheck. Arrangements also may be made with management for the continuation of certain other benefits during the period of leave. The employee will not be entitled to the accrual of seniority or earn additional employee benefits (e.g., vacation, sick leave, or personal leave) during the period of the leave. However, any family or medical leave will be treated as continued service for purposes of any retirement plans that The Village now has in place or may in the future put into place.
- (3) In the event that an employee fails to return from leave, consistent with the terms of this policy, the employee will be liable for the premiums paid by the employer to maintain insurance coverage unless (1) the employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee or a family member; or (2) the failure to return stems from circumstances beyond the control of the employee. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- (4) The Village will not continue to pay the employer portion of premiums for any insurance benefits which the employee receives through The Village, if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums, if any, or, if the employee's payment for his/her portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

g) Reinstatement.

- (1) Employees are expected to return to work when the reason for the leave has ended or resolved itself. Upon returning from an approved Family or Medical Leave of Absence pursuant to policy and granted as a result of an employee's own serious health condition, an employee must present written medical certification from their medical care provider stating that they are able to perform the essential functions of their job. An employee's failure to provide such certification at the time the employee attempts to return to work may result in a delay or denial of job restoration. After an employee complies with this requirement (if applicable) The Village will attempt to place the employee in their former position. In the event the former position is not available, the employee will be placed in a substantially equivalent position with substantially equivalent compensation and benefits. The determination as to whether a position is an "equivalent position" will be made by The Village.
- (2) An employee of The Village will not be laid off as a result of exercising their right to FMLA leave. However, The Village will not reinstate an employee who has taken FMLA leave if, as a result of a layoff at The Village the employee would not otherwise be employed at the time reinstatement is requested.

- (3) If an employee does not return to work on the agreed date after expiration of a Family or Medical Leave of Absence, the employee will be considered to have voluntarily terminated their employment. Under no circumstances will a Family or Medical Leave of Absence be approved for longer than a period of twelve (12) weeks.
 - (4) In order to determine whether the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of The Village, The Village will consider its ability to replace the employee on a temporary basis, whether a permanent replacement of the employee is unavoidable, and the cost of reinstating the employee.
 - (5) An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during their FMLA leave period. Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to resume work.
- h) Miscellaneous Conditions Associated with Leave.** The following conditions apply to a Family or Medical Leave of Absence pursuant to this policy.
- (1) In its discretion, The Village may require an employee taking an approved leave of absence to periodically report on their status and intention to return to work.
 - (2) An employee taking an approved leave of absence may not engage in other work or employment during the leave of absence. If an employee engages in other work or employment during the leave of absence, the employee will be considered to have violated the terms of the leave of absence, and to have voluntarily terminated their employment with The Village.
 - (3) If an employee is granted a leave of absence on an intermittent basis or on a reduced schedule basis, The Village may require the employee to temporarily transfer to an alternative position that accommodates the employee's recurring absences or part-time schedule.
 - (4) Where applicable, spouses that are both employed by The Village are entitled to twelve (12) weeks of leave in total, rather than twelve (12) weeks leave of absence each, if a leave of absence is sought for the birth or placement of a child for adoption or foster care or to care for a parent (but not a parent-in-law) who has a serious health condition.
 - (5) If, at the time of applying for a Family or Medical Leave of Absence or during the leave of absence pursuant to this policy, the employee intends not to return to work or decides not to return to work after completion of the leave of absence, the employee will be liable to and required to reimburse The Village for the cost of payments made to maintain the employee's benefits during the leave of absence taken pursuant to this policy.
- i) Records.**
- (1) All records related to FMLA leave will be maintained by The Village as required by law. Any medical records accompanying FMLA requests will be kept separate from an employee's regular personnel files.
 - (2) To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

151.311 Jury Duty

- a) **Application.** This section shall apply to all employees.
- b) **Support.** The Village encourages all employees to fulfill their civic responsibilities by serving on a jury when required.
- c) **Jury Duty Pay.** Jury duty pay for full-time salaried and full-time hourly employees will be equal to their regularly scheduled workday up to a maximum of 8 hours straight-time pay for each day the employee would have been eligible to work.
- d) **Records.** Employees must show the jury duty summons to the Administrator and Clerk-Treasurer as soon as possible so that the supervisor can make arrangements to accommodate their absence. A copy of the summons shall be filed in the employee's personnel file.
- e) **Overtime Pay.** Jury Duty service time shall be ineligible for overtime pay.

151.312 Other Employee Benefits Policies

- a) **Ohio Public Employees Retirement System.** All full-time employees eligible to participate in the Ohio Public Employees Retirement System (OPERS) shall be required to contribute six and a half percent (6.5%) of their annual income as required under PERF. The employee's contribution will automatically be withheld from the employee's pay. The Village will contribute seventeen and a half percent (17.5%) towards the employee's pension account.
- b) **Ohio Police and Fire Pension Fund.** All full-time sworn Police Officers are required to participate in the Ohio Police and Fire Pension Fund.

151.401 Disciplinary Action

a) Employee and Supervisor Behavior

- a. Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency, and economy in their work. All employees should attempt to correct any faults in their performance that are called to their attention and should avoid any behavior and actions that conflict with municipal rules and regulations.
 - b. Every department head is expected to discuss improper or inadequate performance with the employee in order to correct deficiencies and to avoid the need for disciplinary action. The department head is also expected to adhere to the discipline guidelines set forth in a uniform and equitable manner. The department head should properly identify and document any infractions or violations.
- b) **Infractions.** Infractions will be viewed in two varying categories recognized as major and minor.
- a. MINOR INFRACTIONS:
 - i. MINOR INFRACTIONS INCLUDE:
 - 1. Habitual tardiness.
 - 2. Absenteeism.
 - 3. Minor safety practice violation.
 - 4. Non-compliance with Overtime Policy.
 - 5. Non-compliance with Purchasing Policy.
 - 6. Any other infractions considered minor in nature.

ii. Minor infractions will be dealt with in a progressive discipline order as follows:

1. First Warning (in writing)
2. Second Warning (in writing)
3. Temporary Suspension
4. Demotion or Discharge

b. MAJOR INFRACTIONS

i. MAJOR INFRACTIONS INCLUDE:

1. Theft or misappropriation of property belonging to the Village, Utilities, other employees, or private citizens.
2. Misuse of Village equipment.
3. Failure to follow proper safety procedures that could result in injury or damage to village or residential property.
4. Conviction of a felony.
5. Time sheet or payroll falsification.
6. Alcohol or controlled substance use or abuse (per Drug-Free Workplace policy).
7. Fighting or assault in the workplace.
8. Insubordination.
9. Other actions deemed major infractions by the department head or the Village Administrator/Chief of Police.

ii. Major infractions are subject to immediate suspension or dismissal.

151.402 Disciplinary Records

Copies of all disciplinary action must be provided to the Village Administrator or Chief of Police, the Mayor. The Clerk-Treasurer will file the original discipline record in the employee's personnel file for all non-sworn officers.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. This ordinance is deemed not to be an emergency for the health, safety, and welfare of the residents of the Village and shall take effect thirty (30) days after passage.

ADOPTED by the Council of the Village of Roaming Shores, Ohio, this _____ day of _____, 2024.

Jennie D'Amicone
Mayor

ATTEST:

Kerri Philips

Clerk/Treasurer

APPROVED as to form and legality:

Christopher Newcomb, Esq.
Solicitor

Clerk's Publication Statement:

I hereby certify that a summary of the foregoing ordinance was published twice by the Jefferson Gazette News on the following dates, _____ and _____.

Kerri Philips
Clerk/Treasurer