

AN ORDINANCE
ENACTING REVISED CODIFIED ORDINANCE CHAPTER 151
ENTITLED EMPLOYMENT PROVISIONS

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village,
Ohio:

SECTION 1. That the Codified Ordinances of the City of Bay Village are hereby amended by enacting revised Chapter 151 to read as follows:

“CHAPTER 151”
Employment Provisions

EDITOR’S NOTE: Compensation and bond requirements are not included in these Codified Ordinances due to the fact that they are subject to constant change.

- 151.01 Payment to employees on military leave.
- 151.02 Payment of City wages during jury duty.
- 151.03 Mileage allowance.
- 151.031 Legitimate expenses.
- 151.04 Holidays.
- 151.05 Vacations.
- 151.06 Hospitalization.
- 151.061 Hospitalization eligibility.
- 151.07 Physical examinations.
- 151.08 Sick leave.
- 151.081 Family Medical Leave Act.
- 151.09 Longevity
- 151.10 Overtime compensation.
- 151.11 Life insurance.
- 151.12 Privacy Act rules.
- 151.13 Surety bonds.
- 151.14 Equal employment opportunity policies.
- 151.15 Compensation payment.
- 151.16 Uniforms and uniform allowances.
- 151.17 PERS pick up.
- 151.18 Drug free Workplace and Harassment Policy.
- 151.19 PERS pickup of additional service credit.
- 151.20 Whistleblower protection for Employees.

151.01 PAYMENT TO EMPLOYEES ON MILITARY LEAVE.

(a) All regular full-time employees of the City who are on leaves of absence from their Municipal duties and in attendance in the military service, field training or other active duty of the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia, or as members of other Reserve components of the Armed Forces of the United States, shall be entitled to receive for the

period of such service, training or active duty not in excess of thirty-one days in any one calendar year, their regular pay, less the pay received for participation in such service, training or other active duty. Reimbursed expenses, travel and subsistence pay and other similar allowances shall not be considered in determining the amount of pay received for such service, training or active duty. Provisions of this section shall not apply if such military service, field training or other active duty is less than seventy-two consecutive hours or longer than thirty-one consecutive days.

(b) Any such City employee may, at his election, credit all or any portion of such military leave of absence against his regular annual vacation and for such period so charged the employee shall receive his regular vacation pay without deduction for the pay received for such service, training or active duty.

151.02 PAYMENT OF CITY WAGES DURING JURY DUTY.

(a) All City employees shall receive their regular wages for time lost from their work with the City while serving as a member of a municipal, common pleas or federal court jury panel.

(b) In order to qualify for such pay, the employee shall notify his supervisor of such service in advance and upon completion of such service present proof satisfactory to the Director of Finance from the court as to the time spent in such service.

(c) No time spent in such service shall be counted or used for purposes of determining eligibility for overtime pay or compensatory time off.

(d) The employee may keep any amount received from the court for such services, in lieu of reimbursement for any expenses associated with such service.

151.03 MILEAGE ALLOWANCE.

All employees and elected officials of the City shall receive, as reimbursement for the use of their personal motor vehicles on City business, a sum in accordance with the mileage allowance under the Internal Revenue Service Regulations, plus parking fees. The Director of Finance shall approve such reimbursement

151.031 LEGITIMATE EXPENSES.

Tips and gratuities which are included in any legitimate expense shall be paid by the City.

151.04 HOLIDAYS.

(a) (1) All full-time employees of the City, excluding employees covered under separate labor contract, shall have the following days off with pay:

New Year's Day	Columbus Day (taken Day After Thanksgiving)
Presidents' Day	Veterans' Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day
July 4th	Martin Luther King Day
Labor Day	

(2) In the event that any of the aforesaid holidays shall fall on a Saturday or Sunday, when such holiday is not being observed on the preceding Friday or succeeding Monday, such employee shall receive comparable time off with pay on a date designated by the Mayor or the department or division head. Full-time employees in the Service Department and full-time employees of the Parks and Recreation Department for hours worked on the holiday shall receive one and one-half times the employee's regular rate of pay, which compensation shall be in addition to the regular holiday pay for the day involved. The above referred to employees of the Service Department and Parks and Recreation Department shall receive double time in addition to holiday pay for all emergency call-ins midnight to midnight on Christmas Day. (December 25th)

- (3) The preceding provision shall not apply to swimming pool personnel or temporary, seasonal or per diem personnel. Refusal on the part of an employee to work on a holiday when requested to do so shall constitute a forfeiture of all benefits of holiday pay under this section. Failure of an employee to work on the scheduled work day preceding and the scheduled work day succeeding the holiday, unless excused by the Mayor or department or division head, or unless on vacation, shall constitute a forfeiture of all benefits of holiday pay under this section.

0 Months to 4 Years	2	2.69 Hours	3.08 Hours
4 to 10 Years	3	4.04 Hours	4.62 Hours
10 to 17 Years	4	5.38 Hours	6.15 Hours
17 to 24 Years	5	6.73 Hours	7.69 Hours
25 or More Years	6	8.08 Hours	9.23 Hours

(b) No employee shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(c) No part time or seasonal employee will receive holiday pay.

151.05 VACATIONS.

(a) Effective January 1, 2014, full time employees shall accrue vacation time, as set forth in the schedule below, unless otherwise agreed to by contract. An increase in accrual rate due to increase in longevity will be implemented in the next full pay period following the anniversary date. The Finance Director is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of all City employees entitled to vacation time.

<u>LENGTH OF SERVICE</u>	<u>ANNUAL VACATION</u>	<u>BI-WEEKLY ACCRUALS</u>	
	<u>IN WEEKS</u>	<u>35 Hour Week</u>	<u>40 Hour Week</u>

(1) More than thirty but less than forty hour employees. Employees who work less than a forty-hour but more than thirty-hour week shall accrue vacation hours pro-rated, on the basis of a forty-hour week.

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31, of each year.

(c) Effective January 1, 2014, unless otherwise agreed by contract, all employees that have accumulated vacation time in excess of three weeks shall be permitted to sell back to the City any accrued time in excess of three weeks by November 30 of each year. The employee shall receive payment from the City in the first regular pay date in December. No employee will be paid more than three weeks of time under this provision unless approved by both the Mayor and the Director of Finance. Any accrued time in excess of three weeks that an employee does not sell back or use prior to December 31 shall be forfeited.

(d) When an employee resigns, retires or dies, payments in lieu of unused vacation allowance shall be granted in accordance with the schedule set forth above, provided the employee is leaving in good standing and has given two weeks' notice of the separation, where applicable:

- (1) Any employee who has less than one year of service shall not be entitled

to payment in lieu of vacation.

(e) Full time years of service accumulated by any employee in one department or division shall be credited to such employee who transfers to another department or division for purposes of computation of vacation time.

(f) No employee of the City shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(g) The period of vacation shall be designated by the Mayor or the appropriate department or division head, or in the case of employees of Council, by Council.

(h) Effective January 1, 2014, no employee of the City shall be permitted to perform work for the City, in any capacity, while simultaneously receiving vacation pay.

(i) No part-time or seasonal employee will receive vacation pay.

(j) Any employee who becomes an employee of the City of Bay Village in a position of Director or Assistant Director after being employed by another political subdivision shall for the purposes of computation of vacation time be credited with the total years of his prior service with such political subdivision. The maximum vacation allowance for such an employee may not exceed 4 weeks for their first year of employment with the City of Bay Village and shall increase by 1 week for each year of continued service until the employee meets the vacation schedule in Section 151.05(a).

151.06 HOSPITALIZATION.

(a) Effective January 1, 2010, the City shall pay the cost of hospitalization insurance determined by the Plan adopted annually by the City of Bay Village.

(b) An election to participate in the group shall be made only at such times as permitted by the insurance carrier.

151.061 HOSPITALIZATION ELIGIBILITY.

(a) Effective January 1, 2012, the City will provide medical, dental, vision and hearing benefits to eligible employees, in accordance with state and federal law. The cost of such benefits shall be determined annually by the City, unless otherwise agreed by contract.

(b) Eligible employees may receive family or employee only coverage per state and/or federal law and in accordance with the terms of the City of Bay Village's Health Plan.

151.07 PHYSICAL EXAMINATIONS.

(a) Every new employee of the City, except seasonal employees, shall submit to a physical examination, if necessary to the performance of their job duties.

(b) After a period of illness which requires any employee to be absent from his employment for ten consecutive working days or more, the Mayor may require the employee to submit to a physical examination prior to being returned to employment.

(c) Any employee who refuses to undergo such physical examinations as required in subsections (a) through (b) hereof, may be subject to discharge from his employment by the City.

(d) The Mayor shall designate the person who is to perform such physical examinations, and the expenditure of the City funds from the correct account is hereby authorized.

151.08 SICK LEAVE.

(a) Every full-time employee shall be entitled for each completed eighty hours of compensated service to sick leave of 4.6 hours with pay. Such employees may use sick leave,

upon approval of the responsible administrative officer of the employing department, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death as set forth in the Employee Handbook. Said Employee Handbook is incorporated herein and made a part hereof as if fully rewritten herein. For the purpose of this section:

- (1) Department heads (excepting the Director of Law) and division chiefs shall be considered to have a work week of 40 hours; and
- (2) "Completed compensated service" shall include paid holiday time, paid vacation time and paid sick leave time.

(b) Effective January 1, 2010 permanent part-time employees compensated on an hourly basis shall receive sick leave as provided in Section 151.08(a) for salaried employees.

(c) Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. There will be no reduction of sick leave time when an employee is absent due to job related injury and that employee has entered into a wage continuation agreement with the City.

(d) Any employee who, without resigning or retiring, transfers from one department of the City to another department of the City shall be credited with the unused balance of his accumulated sick leave.

(e) The responsible administrative officer of the employing department may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal.

(f) Payment at Resignation, Retirement or Death.

- (1) Department of Public Safety. Each employee with fifteen or more years of continuous full time service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:
 - Forty percent (40%) after fifteen years of service
 - Fifty percent (50%) after twenty years of serviceup to a maximum payment of fifty percent (50%) of the employee's annual compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee's estate.
- (2) All other departments. Each employee with ten or more years of continuous full time service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:
 - Twenty-five percent (25%) after ten years of service
 - Forty percent (40%) after fifteen years of service
 - Fifty percent (50%) after twenty years of serviceup to a maximum payment of fifty percent (50%) of the employee's annual compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee's estate. Employees who are discharged for cause forfeit all rights to payment under this subsection.
- (3) All departments. Employees laid off for more than one year will receive accumulated sick leave based upon the last day worked and paid in accordance with the above after lapse of one year if not recalled.

(g) The following circumstances will control the use of "sick leave" time for all employees of the City of Bay Village:

- (1) Illness of employee: All regularly scheduled working hours.
- (2) Death of employee's: son-in-law, daughter-in-law, or other relatives at the discretion of the respective department director. Sufficient time to attend funeral if scheduled to work, four hours maximum time.
- (3) Illness requiring hospitalization of: spouse, child, mother, father, brother, sister, and any other relative living in the employee's household.
 - A. Days of admittance to and discharge from hospital.
 - B. Day of surgery, including child birth.
 - C. Time certified as "critical" by attending physician.
- (4) Sudden illness or injury: To anyone living in the employee's household.

(h) The following circumstances shall control "bereavement leave" for all employees of the City of Bay Village, which excused leave shall not be charged against accumulated but unused sick leave time and for which the employee shall be compensated as though present in his or her employment with the City.

- (1) Death of employee's: spouse, children, step-children, parents, parents-in-law, siblings and/or other relative living in the employee's household. Scheduled working hours from time of death through and including day of funeral or memorial services.
- (2) Death of employee's: siblings-in-law, grandparents, grandchildren, aunt, uncle and spouses grandparents, grandchildren, aunt and uncle. Day of funeral or memorial services if scheduled to work.

(i) For the purpose of administering the provisions of this section the following procedures shall be followed:

- (1) The Director of Finance shall maintain for each employee and each department a sick leave time account.
- (2) Charges against the accumulated but unused sick leave time shall be made of one hour for every one hour of absence during regularly scheduled working hours.

151.081 FAMILY MEDICAL LEAVE ACT (FMLA).

Family Medical Leave shall be granted and administered in accordance with applicable Federal and State laws

151.09 LONGEVITY.

(a) Effective January 1, 2001, there shall be paid to all non-elected full-time employees, excluding employees covered under separate labor contract, additional compensation based on their years of continuous service, at the rate of one hundred dollars (\$100.00) per year of service, after completion of five years, to a maximum of three thousand dollars (\$3,000).

(b) The calculation of "years of service" shall begin on the anniversary date of the employee's original date of hire by the City.

(c) No individual employed by the City in more than one capacity shall be entitled to the benefits of this compensation in other than his primary department.

(d) Termination of employment, for any reason, either voluntary or involuntary, shall terminate all rights and accrued benefits and eligibility under this section, except that those retiring shall be paid a pro-rated amount at time of retirement. Any employee who retires and is hired full-time by another department of the City shall accrue benefits hereunder as if the employee were a new employee and prior service with the City shall not be counted.

(e) For the purpose of determining the eligibility for longevity only, "full-time" shall be defined as an employee working 30 hours or more each week. The Mayor shall receive

longevity only if specifically provided for in the compensation ordinance for the term in question.

(f) The amounts due hereunder shall be paid only to full-time employees, as defined in Section 151.09(e), on the first regular pay date in December.

(g) In addition to the cash payments provided for in this chapter, the Mayor is authorized to present Service Award Pins to those full-time or part-time employees, members of boards and commissions, and such other persons as the Mayor may designate from time to time, whether paid or unpaid, who have at least five years' service with the City.

(h) Part-time and seasonal employees shall not be eligible for longevity compensation hereunder.

151.10 OVERTIME COMPENSATION.

(a) Salaried/Exempt employees shall not be paid overtime for hours worked in excess of forty in a workweek, unless otherwise agreed by contract.

(b) Hourly/Non-exempt employees shall receive overtime for hours worked in excess of forty in a workweek

(c) No employee who serves the City in more than one capacity may combine his total work hours for the calendar week for the purposes of overtime computation, but each position's work hours are to be counted separately.

(d) Holiday, vacation and sick leave time shall be included in the computation of overtime hours for the calendar week.

(e) Payment of overtime compensation (except that for the Department of Public Safety) shall be made on the first regular payday occurring after the hours have been worked.

151.11 LIFE INSURANCE.

The City shall pay the cost of group term life and accidental death and dismemberment insurance up to a maximum benefit of \$50,000.00 for employees who work thirty (30) hours or more in a given workweek, elect to participate, and are acceptable to the insurance company.

151.12 PRIVACY ACT RULES.

The Mayor is hereby authorized to adopt such written rules and regulations as may be necessary for the purpose of interpreting and enforcing the Ohio Privacy Act, being Ohio R.C. 1347.01 et seq. Such rules and regulations shall not conflict with or waive any privileges as provided by this City's Charter or ordinances. Such rules and regulations shall be on file with the City, and all parties affected shall be advised of their contents.

151.13 SURETY BONDS.

The surety bonds covering the employees of the City shall be as follows:

(a) Mayor - \$15,000 public official bond for term of office.

(b) Director of Finance - \$50,000 public official bond for an indefinite term.

(c) All other City employees - \$25,000 honesty blanket position bond.

151.14 EQUAL EMPLOYMENT OPPORTUNITY POLICIES.

(a) Council formally declares that the City shall provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance), genetic information, marital status, amnesty, status as a covered veteran or pregnancy in accordance with applicable federal, state and local laws. The City shall comply with all applicable state and local laws governing non-discrimination in employment in every location or facility. This policy applies to all terms and conditions of employment, including but not limited to recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

(b) Artificial barriers of personal attitudes and customs cannot be permitted to have effect in matters of personnel practices.

(c) The City expressly prohibits any form of unlawful employee harassment based on sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, veteran status or pregnancy. Improper interference with the ability of the City's employees to perform their expected job duties is absolutely not tolerated.

(d) The Director of Finance, by direction of the Mayor, will have overall responsibility for the implementation of this policy. With the cooperation of appropriate personnel, the Director of Finance will conduct periodic reviews to determine whether or not this policy is being adhered to. Reports of these reviews will be the basis for appropriate action to correct deficiencies.

(e) When outside sources of recruitment are used they shall be informed that the City is an Equal Opportunity Employer and that legal advertisements for bids include the wording, "AN EQUAL OPPORTUNITY EMPLOYER" and that Equal Opportunity clauses be included in all major single purchase orders, leases and contracts.

(f) The Clerk of Council is hereby directed to post, or have posted, a copy of this resolution on all departmental bulletin boards as well as provide a copy of this resolution to all employees of the City.

151.15 COMPENSATION PAYMENT.

(a) Payment dates shall be:

- (1) For hourly employees. On February 14, 1975, and every other Friday thereafter, all hourly paid employees shall be paid for all hours worked during the previous two weeks;
- (2) For salaried employees and elected officials. All salaried employees and elected officials shall receive their appropriate annual compensation on a bi-weekly basis, payment to be made on the same dates as payment is made to hourly personnel. The Director of Finance shall adjust the pay period rate so that in each calendar year the precise annual compensation is paid regardless of the number of bi-weekly payment dates during the year.

(b) Should any payment date referred to herein fall on a holiday, payment shall be made on the last working day preceding such holiday.

151.16 UNIFORMS AND UNIFORM ALLOWANCES.

(a) Department of Public Safety.

- (1) Effective January 1, 1998, deputy police officers in the Division of Police shall receive a five hundred dollar (\$500.00) uniform allowance at the completion of each 1,040 hours of service.
- (2) The above payments may be made at any time during the thirty days following the date on which they are due as may be convenient to the Director of Finance.

(b) Department of Public Service and Properties. Effective January 1, 2011, the Director of Public Services and Properties shall receive a Two Hundred Fifty Dollar (\$250.00) annual uniform allowance, and the Department of Public Service and Properties shall provide a uniform voucher of Five Hundred Seventy-Five Dollars (\$575.00) annually to each full-time employee of the Department whose job requires manual labor outside the office of the Department.

(c) Police Chief and Fire Chief. Effective January 1, 2011, the Chief of the Fire Division and the Chief of the Police Division shall receive a Seven Hundred Fifty Dollar (\$750.00) annual uniform allowance.

151.17 PERS PICK UP.

(a) Effective July 1, 1993, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each person within any of the classes established in subsection (b) hereof and shall be "picked up" (assumed and paid to the Public Employees Retirement System of Ohio) by the City. This "pick up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City or of being excluded from the "pick up".

The City shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employee's contribution for each person subject to this "pick up" has been made as provided by the statute.

(b) The "pick up" by the City provided by this section shall apply to all persons that:
Are employees of the City who are or become contributing members of the Public Employees Retirement System of Ohio.

(c) The City's method of payment of compensation to employees who are participants in PERS is hereby modified as follows, in order to provide for a compensation reduction pick-up of employee contributions to PERS.

(d) The total compensation for each employee shall be the compensation otherwise payable under the City policies. Such total compensation of each employee shall be payable by the City in two parts: (1) deferred compensation and (2) cash compensation. An employee's deferred compensation shall be equal to that percentage of that employee's total compensation which is required from time to time by PERS to be paid as an employee contribution by that employee, and shall be paid by the City to PERS on behalf of that employee as a pick-up and in lieu of the PERS employee contribution otherwise payable by that employee. An employee's cash compensation shall be equal to that employee's total compensation less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to PERS based upon an employee's total compensation. The total combined expenditures of the City for each employees' total compensation payable under applicable City policies and the pick-up provisions of this section shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

(e) The Director of Finance is hereby authorized and directed to implement the provisions of this section to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof so as to enable them to obtain the result in Federal and State tax deferments and other benefits.

151.18 DRUGFREE WORKPLACE AND HARASSMENT POLICY.

(a) It is the policy of the City to maintain a workplace that is free from the effects of drug and alcohol abuse.

(1) Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, unauthorized prescription drugs, controlled substances, narcotics, or alcoholic beverages on City premises or work sites. In addition, the City prohibits the off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when those activities adversely affect job performance, job safety, or the City's reputation.

- (2) The City will not hire, subject to legal restrictions, alcoholics or drug abusers whose current use of those substances prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others. Whenever applicants for employment are to be tested for the presence of illegal drugs or alcohol, they are to be informed in advance and in writing.
- (3) Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on City premises and work sites. Employees, their possessions, and City-issued equipment and containers under their control are subject to search and surveillance at all times while on City premises or work sites or while conducting City business. Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction to the Personnel Department within five days, and the Personnel Department is then to take appropriate action as required by law.
- (4) Upon reasonable suspicion, employees may be asked to take a test at any time to determine the presence of drugs, narcotics, or alcohol, unless the tests are prohibited by law. Employees that agree to take the test must sign a consent form authorizing the test and the City's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by the City are the property of the City, and the examination records will be treated as confidential and held in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (5) Supervisors should report immediately to the Personnel Department any action by an employee who demonstrates an unusual pattern of behavior. The Personnel Department will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises.
- (6) Employees must report their use of over-the-counter or prescribed medications to the Personnel Department if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.
- (7) Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek counseling help. Participation in counseling, including City-sponsored or required counseling, is confidential and should not have any influence on performance appraisals. Job performance, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.
- (8) Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the Personnel Department that the employee is capable of performing his job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of

this or other City policies.

- (9) The City will, to the extent feasible, provide continuing awareness programs about the harmful effects of drug and alcohol abuse.

(b) It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. No form of harassment will be tolerated, including harassment for the following reasons: sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, veteran status, or pregnancy. Each person has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate either explicitly or implicitly that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory or non-employees is also prohibited. This conduct includes, but is not limited to:

- (1) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions;
- (2) Verbal abuse of a sexual nature;
- (3) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body;
- (4) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs;
- (5) Demeaning, insulting, intimidating or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct or offensive conduct, directed at individuals because of their race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, , genetic information, disability, veteran status or pregnancy. is also prohibited.

Any employee who believes that a supervisor's, manager's, other employee's or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible.

The report or complaint should be made to the employee's supervisor or to the department head or personnel manager if the complaint involves the supervisor or manager.

Complaints of harassment are to be handled and investigated under the City's grievance policy, unless special procedures are considered appropriate. Regardless, all complaints of harassment are to be investigated properly in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

Any employee, supervisor or manager who is found to have violated this harassment policy will be subject to appropriate disciplinary action, up to and including termination of employment. The City prohibits any form of retaliation against employees for bringing bona fide complaints or providing information of harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

(c) It is the policy of the City that an employee should have an opportunity to present complaints regarding harassment and to appeal the decision through a dispute resolution or grievance procedure. The City will attempt to resolve promptly all complaints. Employees who believe that they have been improperly harassed are to proceed as follows:

- Step 1: Promptly bring the complaint to the attention of the immediate supervisor. If the complaint involves the supervisor, then it is permissible to proceed directly to Step 2.
- Step 1a: The supervisor is to investigate the complaint, attempt to resolve it and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the complaint and proposed resolution for file purposes.
- Step 2: Appeal the decision of the department head if dissatisfied with the supervisor's decision or initiate the procedure with the department head if

Step 1 has been bypassed, because the immediate supervisor is the subject of complaint. Such an appeal or initial complaint must be made in a timely fashion in a written form. The supervisor's version of the complaint and decision will then be submitted in writing as well. The department head will, in a timely fashion, confer with the employee, supervisor, and any other persons considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.

Step 3: Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and the procedures to be followed are similar to those in Step 2. The Mayor may take the necessary steps to review and investigate the complaint and will then issue a written, final and binding decision.

Final decisions on complaints will not be precedent or binding on future complaints. When appropriate, the decisions will be retroactive to the date of the employee's original complaint. Information concerning a complaint is to be held in confidence. Supervisors, department heads and other persons who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

Employees are not to be penalized for proper use of the complaint procedure, however, it is not considered proper use if an employee raises complaints in bad faith if solely for the purpose of delay or harassment or repeatedly raises meritless grievance complaints. Implementation of the complaint procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the complaint procedure. The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

151.19 PERS PICKUP OF ADDITIONAL SERVICE CREDIT.

(a) Effective October 1, 1997, employees of the City of Bay Village, described in subsection (b) hereof, may purchase additional service credit, tax-deferred, and the City of Bay Village shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall pick up (assume and pay) such deduction to the Public Employees Retirement System of Ohio. A person electing this pick up deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction picked up by the City of Bay Village. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the pickup deduction.

(b) The pickup deduction by the City provided by this section shall apply to all persons making the election within the following classes:
All employees, other than seasonal, of the City who are contributing members of the Public Employees Retirement System of Ohio.

(c) The Director of Finance is hereby authorized and directed to implement the provisions of this section to effect the pickup of the payroll deduction for the purchase of additional service credit to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof.

151.20 WHISTLEBLOWER PROTECTION FOR EMPLOYEES.

(a) If any employee of the City of Bay Village becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or Mayor has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal audit created under Section 126.45 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal audit, may report it to the Prosecutor, Director of Law, to the Chief of Police, the President of Council, or, if the violation or misuse of

public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with Section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., Section 2921.42, or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in subsection (c) hereof, no employee shall take any disciplinary action against any employee for making any report authorized by subsection (a) hereof, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment
- (2) Withholding from the employee compensation increases or employee benefits to which the employee is otherwise entitled
- (3) Transferring or reassigning the employee
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position

(c) Any employee shall make a reasonable effort to determine the accuracy of any information reported under subsection (a) hereof. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) hereof.

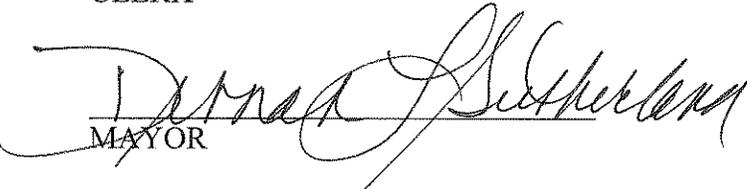
SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance will be in full force and take effect at the earliest time permitted by law.

PASSED: March 3, 2014


CLERK


PRESIDENT OF COUNCIL


MAYOR

1/29/2014 rm