

AN ORDINANCE AMENDING CHAPTER 254 OF THE CODIFIED ORDINANCES ENTITLED “EMPLOYEE HANDBOOK AND PERSONNEL RULES”, AS INITIALLY ADOPTED AND AS SUBSEQUENTLY AMENDED FROM TIME TO TIME BY CITY COUNCIL.

WHEREAS, the City Manager, after consultation with Council, has proposed that the current Chapter 254 of the City’s Codified Ordinances be amended to harmonize provisions of the City’s employee handbook and personnel rules with current practice and/or law; and

WHEREAS, pursuant to Section 11.03 of the City’s Charter, Personnel Principles and Rules, the City’s Personnel Advisory and Appeals Board has reviewed and recommended the amendments prior to approval by Council; and

WHEREAS, this Council, upon the recommendation of the Personnel Advisory and Appeals Board, finds that it is in the best interest of the City, its management and employees to enact the proposed amendments to the Employee Handbook and Personnel Rules

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hudson, Summit County, State of Ohio, that

Section 1. The proposed amendments to Chapter 254 of the Codified Ordinances of Hudson, Ohio, entitled Employee Handbook and Personnel Rules, as recommended by the City’s Personnel Advisory and Appeals Board and attached hereto as Exhibit “A” and incorporated herein by reference as if stated in full, are hereby enacted.

Section 2. Those sections of Chapter 254 of the Codified Ordinances of Hudson, Ohio, that were in effect prior to the effective date of this Ordinance are hereby repealed to the extent that they are inconsistent with the amendments approved by this Ordinance; and any other City personnel rules, regulations, directives, standard operating procedures, by-laws, or guidelines, with the exception of unexpired collective bargaining agreements entered into by the City, shall no longer have any effect to the extent that they are inconsistent with Chapter 254 as hereby amended.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

Craig A. Shubert, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I hereby certify that the foregoing Ordinance No. 19-184 was duly passed by the Council of said Municipality on _____, 2019.

Elizabeth Slagle, Clerk of Council

Exhibit A - Ordinance No. 19-184

Employee Handbook and Personnel Rules

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CHAPTER III - PAY AND CLASSIFICATION

A. POSITION CLASSIFICATION AND COMPENSATION PLAN

(1) Employment Classifications

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- (e) Exempt positions are paid a salary and are not eligible for overtime pay or compensatory time. These positions are exempt from the overtime provisions of the Federal Fair Labor Standards Act (FLSA). If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the City. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform. You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions.

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C. DIRECT DEPOSIT

All employees are required to be on direct deposit. Direct deposit allows employees to have their paychecks deposited directly into their checking and/or savings accounts. Employees will receive an earnings statement listing the gross amount with all deductions and net amount of payroll. Employees should regularly check their earnings statement to verify proper deductions, accruals and personal information.

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H. COMPENSATION FOR ATTENDANCE AT SCHOOLS

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- (3) Tuition assistance is available for regular full-time employees who wish to take a course at an accredited school which relates to his/her job. It is contemplated that normally any such accredited course work shall be for one class per semester and arranged for off-duty hours. Under special circumstances where this is not possible, however, the City Manager may authorize more than one class or attendance for such training during duty hours and such time shall not be compensated. The employee must request approval in writing and receive the written approval of the department manager and the City Manager. The City will pay for registration and required textbooks and course materials or lab items that are specifically required for the course, upon submission of invoices and receipts in advance, or as a reimbursement, up to the maximum allowed annually by the Internal Revenue Service without becoming a taxable benefit (\$5,250 as of January 1, 2017). Subject to the employee succeeding in the course work with a minimum grade of C or other evidence of satisfactory completion and remaining in the employ of the City for at least two (2) years following each reimbursement. Failure to achieve this grade standard would require the employee to reimburse the City, by and among other means, through a payroll deduction plan.

An employee must sign a two (2) year commitment with the City prior to receiving approval and payment for tuition assistance, paramedic school, the police academy and other significant educational opportunities. The employee will be required to sign an agreement prior to enrollment in the course outlining his/her financial obligation to the City in the event he/she does not successfully complete the training or remain in the employ of the City for two (2) years. Failure to remain in the City employ for two (2) years would require a ~~pro-rated~~ deduction of tuition fees and expenses paid by the City within that two (2) year timeframe from the final payout to the employee. Parking passes for this type of education assistance, placement test fees and related charges shall not be paid by the City. This type of tuition assistance may be granted provided that significant benefits to the City can be demonstrated and the City budget and/or other City employees are not adversely impacted.

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CHAPTER IV - BENEFITS

A. HEALTH AND LIFE INSURANCE

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- (2) The City will pay the premium for a fifty thousand dollar (\$50,000.00) or more, as approved by City Council, face value term life insurance policy and accidental death and dismemberment policy for each regular full-time employee of the City as defined above. Employees who are on a military leave of absence for 31 days or more will not be eligible for this benefit while on active duty. Employee will be reinstated with coverage upon return from military leave of absence.

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CHAPTER V - TIME OFF/LEAVES

A. HOLIDAYS

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- (5) Incentive Personal Day. Each full-time employee of the City who does not use any sick leave for any purpose for the six (6) month period from January 1 through June 30 or from July 1 through December 31, shall be entitled to one (1) incentive personal day (8 hours) per six (6) month period. Each eligible employee must have been employed for the entire eligibility period. The incentive personal day granted pursuant to this section cannot be accrued and will be lost to the employee unless used within the next six (6) month period.

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E. SPECIAL LEAVES

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- (3) Military Leave. An employee who is a member of any United States Military Reserve or National Guard unit and is required to engage in annual training exercises or is called to active duty, shall be granted leaves of absence for military duty in accordance with federal and state law.

(a) Eligibility – Any “permanent public employee” who is called to military service, training, reserve or National Guard duty, or who is

not a temporary employee, is eligible for Military Leave of Absence. That includes employees on probationary status.

A “permanent public employee” means any person holding a position in public employment that requires working a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. “Permanent public employee” does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

- (b) Request for Leave – An employee is required to submit to their supervisor a published order authorizing the call or order to the uniformed services or statement from the appropriate military commander as evidence of military duty before military leave shall be granted. This evidence shall accompany the City’s Military Leave Request Form. Such information shall be forwarded to the Human Resources Department for processing.

Employee must provide advance notice of military service as far in advance as reasonable, preferably at least 30 days, to the City, through the employee’s supervisor or department manager unless military necessity makes this impossible or unreasonable.

- (c) Length of Absence from City – The cumulative length of absence of an employee to serve in the uniformed services, after December 12, 1994, may not exceed five (5) years. Exceptions to the cumulative 5-year limit may be found in the Code of Federal Regulations. 20 CFR § 1002.103.
- (d) Compensation – A permanent public employee who is on Military Leave of Absence shall be paid the difference between the permanent employee’s gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee’s gross uniformed pay and allowances received each month, for the length of the period of uniformed services, if the permanent employee of the City of Hudson otherwise qualifies for military leave in accordance with federal and state law, upon call or order to serve in the uniformed services, and if the permanent employee’s military pay rate is less than the rate of compensation by the City at the time of activation.
- (e) Health and Life Insurance – Employees will continue to be covered by the City’s health insurance, if the employee was covered while employed, until such employee is eligible for

military health insurance if employee's leave is 31 days or more. An employee's spouse and dependents are eligible to continue coverage on COBRA and such benefit cannot cost more than 102% of total premium cost per month. If an employee has opted out of the City's health insurance plan, once eligible for military health insurance, he/she will no longer receive the opt-out payment while out on military leave. Life insurance coverage will also be terminated if employee's leave is 31 days or more.

(f) Union Dues - It is the employee's responsibility to contact his/her union local to decide if they want union dues deducted from any pay provided to the employee while on Military Leave of Absence. The City will not deduct union dues for the employee during the leave of absence unless specifically requested to do so by the employee.

(g) Return to Work – Application or request to return to work by the employee may be made in writing or verbally to the employee's supervisor or department manager, which shall be forwarded to the Human Resources Department. An employee has the right to be reinstated to the same or similar position if the employee meets the following criteria:

- Has been honorably discharged or released from active duty in an honorable status; and
- Timely makes a request to supervisor/department manager dependent on the length of active duty served:
 - For active duty less than 31 days, notification must be made no later than 24 hours following the completed service period.
 - For active duty service of 31 to 180 days, notification must be made no later than 14 days after the completed service period.
 - For active duty service for more than 180 days, notification must be made no later than 90 days after the completed service period.

Employee must submit a copy of their Form DD214, Military Department of Defense Certificate of Release or Discharge from Active Duty to ensure protection under USERRA.

(h) Reemployment & Reinstatement Rights – Employees are entitled to all reemployment and reinstatement rights provided

by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §4301 et seq.

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CHAPTER VII – RULES AND POLICIES

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Q. NO WEAPONS POLICY

All Employees, except law enforcement officers and firefighters engaging in official duties, are prohibited from the carrying or possession of firearms, explosives, or weapons on the City of Hudson's property at any time without proper authorization except as otherwise provided in this policy.

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R. DRUG AND ALCOHOL USE

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- (1) Employees are required to report to work free of illegal substances or alcohol in order to perform their jobs in a safe and satisfactory manner. While on City premises and while conducting business related activities off City premises, no employee may use, possess, illegally distribute, illegally sell, or be under the influence of alcohol or illegal drugs. The legal use of prescription drugs is permitted on the job only if it does not adversely affect an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Employees must consult with their doctors about the medication's effect on their fitness for duty and ability to work safely.

The City has a drug-free policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using medical marijuana as authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form, for any purpose, including for authorized medicinal purposes, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.

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S. CITY EQUIPMENT AND VEHICLE USE POLICY

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- (4) No employee shall use alcohol (or any beverage, mixture or preparation including any medication containing alcohol) while operating a City vehicle or heavy machinery or equipment or within four (4) hours prior to carrying out such activities. In any event, no employee shall operate a City vehicle or City equipment with a blood alcohol concentration level of 0.04 or greater. In addition, no employee shall use an illegal controlled substance ("controlled substance" being defined at § 3719.01(c) of the Ohio Revised Code) [medical marijuana](#), or any otherwise legal substance, the packaging of which contains a warning to the effect that such substance should not be taken while driving or operating heavy equipment or machinery, while the employee is operating a City vehicle, or within four (4) hours prior to carrying out such activities. In addition to the restrictions set out in this paragraph, employees have an affirmative duty to report their use of alcohol, illegal use of controlled substances or other substances, the packaging of which contains a warning to the effect that such substance should not be taken while driving or operating heavy equipment or machinery, to their immediate supervisor at the time the employee next reports for scheduled duty or at the time that he/she is called for unscheduled duty, if such employee's regular duties involve operating of City vehicles or heavy machinery or equipment.

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- (10) City of Hudson prohibits the following:
- (a) Operating any City of Hudson vehicle under the influence of alcohol, illegal drugs, [medical marijuana](#) or while impaired by prescription medication.

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- (f) Use of cell phones or other mobile devices while driving. [Exceptions may be made for safety forces responding to emergency calls.](#)

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- (14) Security – An eligible employee driver is responsible for ensuring that all necessary precautions are taken to prevent damage and theft of the vehicle and/or its contents at all times. When a City vehicle is parked, the windows are shut and the door is locked. Keys are never to be left in the vehicle for any reason. When possible, equipment, supplies and valuables are stored in the trunk or otherwise out of view when the vehicle is left unattended. Exceptions may be made for first responders during emergency operations.

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~~AB. EMPLOYEE COUNCIL~~

~~Employee representatives meet on a regular basis with the City Manager to discuss key issues and employment topics and to coordinate employee social activities. Representatives are selected by each department and are responsible for attending meetings, providing input on behalf of their departments, and reporting back to their departments with information discussed.~~

- ~~(1) Employee Council representatives from each department and division shall serve a term of two (2) years.~~
- ~~(2) Each term shall run from January of the even year through December of the following odd year.~~
- ~~(3) Each department and division shall choose a representative and an alternate representative in December of the odd year by utilizing a fair and democratic process such as vote by ballot, most nominations, etc. It is up to the department or division as to which method is used.~~
- ~~(4) The department or division manager shall initiate and ensure that this selection process takes place every other December, working in conjunction with the current Employee Council representative and alternate representative. In the unlikely event a department or division cannot agree upon whom shall serve as their representatives, an appointment shall be made by the department or division manager.~~
- ~~(5) Employee Council was formed for the sole purpose of keeping lines of communication open between the City Manager and employees, and therefore, representatives should ideally be non-management employees in the department or division they are representing. It is recognized that in smaller departments and divisions, it may not be possible to select a representative and alternate representative who are not also management employees.~~

~~(6) Representatives and alternate representatives may serve consecutive terms if his or her department or division concurs.~~

~~The City Manager and City Council, however, retain sole authority in determining and implementing rules, regulations, policies, and procedures to effectively govern this City.~~

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