

## **CITY MANAGER'S LETTER**

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**EFFECTIVE DATE ~~03/01/2020~~ 01/01/2022**

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## **RECEIPT OF HANDBOOK**

**EFFECTIVE DATE 03/01/2020 01/01/2022**

## **INTRODUCTION**

### **A. DISCLAIMER**

This handbook is presented for your general information and guidance and contains the personnel rules and policies for all non-bargaining employees, supervisors and management. These rules and policies update, supersede, and replace Section 254 of the Codified Ordinances in effect prior to the effective date of these personnel rules and policies. These personnel rules and policies also supersede any other previous personnel rules, policies and directives issued by Council, the City Manager or by individual department supervisors to the extent that those previous rules, policies or directives conflict with these rules. These personnel rules may be changed at any time. This handbook is not intended to be an expressed or implied contract of employment. No representative of the City, other than the City Manager, has the authority to enter into any agreement for any specified period of time or to make any promises regarding employment, and such agreements or promises must be in writing and properly signed by the City Manager to be valid.

### **B. FORM OF GOVERNMENT**

The form of government established by the City of Hudson Charter is known as the Mayor-Council-Manager form of government. The elected officials include the Mayor and Council, while the City Manager is appointed. The representative branch consists of the Council and Mayor elected by the voters of the Municipality and possesses the powers specified in the Charter. The Council appoints the City Manager who serves as the Chief Administrative Officer of the Municipality responsible for managing all divisions and departments of the City. The Council consists of seven members, with the majority of members elected one from each ward and the remainder elected at large. All Council terms are four years.

### **C. BOARDS AND COMMITTEES**

City Council also appoints resident members to serve on volunteer boards and committees as indicated below:

- Architectural & Historic Board of Review
- Board of Zoning & Building Appeals
- Hudson Community Television Advisory Committee
- Cemetery Board
- Economic Growth Board
- Environmental Awareness Committee
- Park Board
- Personnel Advisory & Appeals Board
- Planning Commission
- Tree Commission
- Ad Hoc Committees

#### **D. MISSION STATEMENT**

The mission of the Hudson City Government is to serve, promote and support, in a fiscally responsible manner, an outstanding community that values quality of life, a well-balanced tax base, and historic preservation with a vision to the future and professionalism in volunteer and public service.

*End of Section*

## **CHAPTER I - DEFINITIONS**

Certain words and phrases used throughout these Rules shall be defined as follows:

- (a) Alternate Work Schedule: A full-time work schedule that may consist of a compressed workweek. i.e. four (4) ten-hour (10) days. Approval of the department manager is required, and such schedule may be rescinded if business needs necessitate.
- (b) Anniversary Date: The date on which an employee begins employment in his/her current position. It shall be used for probationary evaluation purposes.
- (c) Compensatory Time: An arrangement by which eligible employees are entitled to time off in lieu of overtime pay. AKA Comp Time.
- (d) Date of Hire: The date on which an employee begins employment with the City, except that, if a part-time or temporary employee becomes a regular full-time employee, his/her date of hire is the first day worked as a regular full-time employee. If a part-time employee becomes a regular full-time employee in the *same position*, his/her date of hire is the first day worked as a part-time employee (i.e. the same as his/her anniversary date).
- (e) Department Manager: An employee in charge of a department.
- (f) Dismissal: A termination of employment for just cause.
- (g) Employee: A person working for the City on a paid or unpaid basis, including volunteers, to whom these rules apply.
- (h) Employee, Exempt: A person working for the City who is exempt from the overtime provisions of the Federal Fair Labor Standards Act and, thus, does not receive overtime pay.
- (i) Employee, Non-Exempt: A person working for the City who is not exempt from the overtime provisions of the Fair Labor Standards Act and, thus, receives compensation on the basis of hours worked.
- (j) Employee, Regular Part-Time: A person working for the City on a regular basis, having completed a probationary period, and who is regularly scheduled to work less than forty (40) hours per week or in the case of safety employees, less than eighty (80) hours per pay period.
- (k) Employee, Probationary: A person working for the City either full-time or as a regular/part-time employee, not having completed a probationary period.

- (l) Employee, Regular Full-Time: A person scheduled to work for the City forty (40) hours per week, or eighty (80) hours per pay period, and on a regular basis, having completed a probationary period, except for temporary employees.
- (m) Employee, Safety: A person working for the City in the EMS, Fire or Police Departments.
- (n) Employee, Temporary: A person hired for an indefinite period of time, such as seasonal, emergency or other special help.
- (o) Flextime: With prior approval from his/her supervisor, an employee may temporarily “flex” their work schedule within the work week to accommodate personal needs and the demands of the Department.
- (p) Hours Worked: Includes time during which an employee is required to be on employer’s premises, on duty, or at a prescribed workplace. Also, includes City paid holidays, vacation, sick, personal, funeral, jury duty, military, and comp time.
- (q) Job Classification: Job evaluation method in which job specifications are written for each class of jobs; individual jobs are then put into the pay band that best matches their class description.
- (r) Immediate Family: For purposes of authorized sick leave use, a spouse, parent (including step and in-law), or child (including step and in-law).
- (s) Lay-Off: A termination of employment at the will of the employer to reduce the number of employees, through no fault of the employee.
- (t) Pay Band: A group of position(s) sufficiently alike in duties, authority, and responsibility to justify the same schedule of pay to all positions in the group.
- (u) Probationary Period: A six month or one year working test period during which a probationary employee is required to demonstrate his/her fitness for the duties to which he/she is appointed by actual performance of the duties of the position.
- (v) Promotion: A change of an employee from a position to another position having a higher maximum salary, or in the case of a volunteer employee, a change to a higher level of responsibility (i.e. EMT (Emergency Medical Technician) to Paramedic.
- (w) Seniority: There are three types of seniority: Department Seniority, Classification Seniority, and City Seniority.

- (1) Department Seniority relates to the time an employee has been continuously employed by a department. Department Seniority shall be measured from the first effective date of employment in a department in any regular part-time or full-time position as shown on the employee's Personnel Action Form.
- (2) Classification Seniority relates to the length of time an employee has been employed continuously in a particular position classification. Classification Seniority shall be measured from the first effective date of employment in a particular position classification as shown on the employee's Personnel Action Form.
- (3) City Seniority shall be measured from the earliest date of regular full-time employment with the City as shown on the employee's Personnel Action Form.
- (x) Transfer: A lateral movement of an employee from one position to another position in the same department or another department with no change in pay.

*End of Section*

## **CHAPTER II - MUNICIPAL OFFICE, POLICE DEPARTMENT & EMPLOYEE HOURS**

The City Offices shall be open to the public for the transaction of business from 8:00 a.m. to 4:30 p.m., Monday through Friday. The Police Department shall be open to the public continuously. All full-time employees shall be scheduled to work forty (40) hours per week. Safety employees, (Police and Fire) shall be scheduled to work eighty (80) hours per pay period. The department manager and the City Manager shall determine the time at which employees start and stop working. Lunch periods shall be unpaid and the length of such lunch periods shall be determined by the department manager. The official work week begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday.

*End of Section*



## **CHAPTER III - PAY AND CLASSIFICATION**

### **A. POSITION CLASSIFICATION AND COMPENSATION PLAN**

- (1) Employment Classifications
  - (a) Full-time employment is defined as employees who are scheduled for not less than two-thousand eighty (2,080) hours annually or regularly scheduled for forty (40) hours per week, or eighty (80) hours in a pay period, unless otherwise specified in a Collective Bargaining Agreement.
  - (b) Part-time employment is defined as employees who are not regularly scheduled for more than twenty-eight (28) hours per week and no more than 1,456 hours per twelve (12) month period.
  - (c) Seasonal employment is defined as positions that are seasonal in nature, the duration of which does not exceed twenty-six (26) consecutive weeks.
  - (d) Temporary employment is defined as individuals hired for an indefinite period of time, such as seasonal, emergency or other special help.

Positions are either exempt or non-exempt, based on how they are paid, how much they are paid and the type of work performed.

- (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.
- (f) Non-exempt positions are paid for hours worked and are eligible for overtime pay. These positions are not exempt for the overtime provisions of the Federal Fair Labor Standards Act (FLSA) and receive compensation on the basis of hours worked.

(2) Job Specifications

- (a) The City classification plan groups all non-union classifications, i.e. positions, in the City service into pay bands according to the duties, responsibilities, and level of difficulty of the various jobs.
- (b) For each classification there is a job specification designated by job title and a definition of the position, distinguishing characteristics of the job, examples of duties involved, and the minimum qualifications.
- (c) The job specifications are intended to be descriptive and explanatory only, and do not necessarily include all the duties performed by an employee in that classification. Positions are allocated to the various classifications on the basis of work performed during the majority of the working period.

(3) Job Analysis. The classification of positions is based upon an examination of significant classification factors in each position. Classification factors utilized include nature and complexity of work, level of responsibility, and where applicable, required physical exertion and exposure to environmental conditions.

(4) Maintenance of the Classification Plan. The City Manager shall be responsible for the continuous maintenance of the classification plan. The City Manager shall recommend to City Council the allocation of each position to its appropriate pay band and the designation of each position as exempt or non-exempt from Fair Labor Standards Act (FLSA) provisions, in accordance with federal law.

(5) Classification and Compensation Schedules. The City Council shall adopt and may amend from time to time the classification plan and the associated compensation plan including position titles and bands. It shall be the responsibility of the City Manager to establish the exact amount of compensation that each employee is to receive within the pay band and at which rate new employees shall begin their employment.

**B. PAY PERIODS**

- (1) Pay periods for all regular full-time, regular part-time and seasonal employees are paid on a biweekly basis, (generally every other Friday) for the two-week period ending the week prior to the pay day. All regular full-time, regular part-time and seasonal employees are required to submit a timesheet documenting hours worked on a bi-weekly basis. Volunteer firefighters shall be paid on a monthly basis and are required to submit a timesheet documenting hours worked on a monthly basis.

- (2) All employees are responsible for ensuring the accuracy of their paycheck. If an employee is overpaid or underpaid, the employee must notify their manager to have the issue resolved. Any changes, or deductions, will be made after the City Finance Department receives notice from the employee or Department Head, along with providing sufficient documentation.

#### **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.

#### **D. OVERTIME PAY AND COMPENSATORY TIME**

- (1) Overtime is any time worked:
  - (a) For Safety Employees (Police and Fire), in excess of eighty (80) hours during the two (2) week pay period;
  - (b) For all other, non-exempt (non-union) employees, in excess of forty (40) hours in a work week; or
  - (c) For all non-exempt (non-union) employees, in excess of the hours regularly scheduled in such employee's full-time work day unless pre-approved flextime is used.

Overtime must be approved in advance by the employee's supervisor. Failure to receive authorization for overtime may result in disciplinary action. In an emergency situation, overtime may be worked without prior authorization. However, the situation must be recognized as an emergency by the employee's supervisor. Compensation for overtime shall be paid to non-exempt employees at one and one half (1½) times the employee's regular hourly rate of pay in accordance with the Fair Labor Standards Act (FLSA).

- (2) Regular full-time, non-exempt employees may choose to receive overtime in either compensation per Section (1) above or in compensatory time at the same time and one half (1½) rate. An eligible employee may accumulate compensatory time up to eighty (80) hours, after which point all overtime shall be paid as earned. Bargaining employees shall accumulate compensatory time in accordance with their respective collective bargaining agreement. It shall be the responsibility of the department manager to determine the use of compensatory time so that the necessary services of the City can be maintained.

- (3) Overtime and compensatory time shall be paid in quarter hour increments for actual time worked. If an employee takes the day off using paid leave time or compensatory time, overtime or compensatory time shall not be paid for any hours during that work day. For absences that are less than a full work day, if an employee uses any paid leave or compensatory time, those hours shall be subtracted from any hours worked after regular work hours in lieu of overtime pay.
- (4) Positions that were previously designated as non-exempt and were re-classified as exempt under the City's January, 2001, updated classification and compensation plan, shall be treated as non-exempt and shall, therefore, be eligible for overtime for at least such time as the occupant of such a position at the time of re-classification remains in that position. The City retains the right to designate these positions, when vacant, as exempt.

#### **E. STAND-BY PAY**

- (1) Stand-by pay applies to a situation when a non-exempt employee is not required to work and is permitted to go home but is required to be readily available to come to work if he/she is called. An employee who is on stand-by shall receive compensation for each day of stand-by, equal to two (2) hours at one and one-half (1½) times his/her regular hourly rate for every day the employee serves on stand-by on weekdays, and three (3) hours at one and one-half (1½) times his/her regular hourly rate for every day the employee serves on stand-by on Saturday, Sunday, or on a Designated Holiday.
  - (a) If an employee on stand-by is called out, he/she shall also be paid according to the CALL-OUT PAY section that follows.
  - (b) For each holiday designated by Council that an employee is on stand-by status, he/she shall also be paid for eight (8) hours at his/her regular hourly rate and shall receive a day off with pay in lieu of such holiday.
- (2) In the Fire Department, the Chief shall designate qualified department officers to stand-by as Duty Officer.
  - (a) Department employees (Full-time or Part-time) shall receive compensation for each eight (8) hour shift as Duty Officer equal to one (1) hour at his/her regular hourly rate.
  - (b) Department employees (Fulltime or Part-time) shall receive compensation for each eight (8) hour "City Designated Holiday" shift as Duty Officer equal to two (2) hours at his/her regular hourly rate.

- (c) Volunteer department members, who are not regular full-time employees, shall receive compensation for each eight (8) hour shift as Duty Officer equal to three (3) hours at his/her volunteer hourly rate.
- (d) Volunteer department members, who are not regular full-time or part-time Fire Department Staff employees, shall receive compensation for each eight (8) hour "City Designated Holiday" shift as Duty Officer equal to six (6) hours at his/her volunteer hourly rate.

#### **F. CALL-OUT PAY**

- (1) Any regular full-time, non-exempt employee, other than a Fire Department employee, who is called in to work other than during his/her scheduled working hours, excluding holidays, shall be paid for four (4) hours at his/her overtime rate of pay for each such call or, upon arrival, for the actual hours worked, whichever is greater. If the employee is called in to work on a City designated holiday on the day the holiday is observed, not necessarily the calendar day on which the holiday falls, he/she shall receive the appropriate amount of call-out pay in addition to eight (8) hours of pay.
- (2) Any regular part-time employee, other than an EMS Department employee, who is called in to work other than during his/her scheduled working hours, shall be paid for at least four (4) hours at his/her normal rate of pay for each such call or, upon arrival, for the actual hours worked, whichever is greater. However, if time worked is in excess of forty (40) hours in a work week or in excess of the hours regularly scheduled in such employee's full-time work day, he/she shall be paid at his/her overtime rate of pay.
- (3) If a regular part-time EMS employee is scheduled to work within four (4) hours of being called in to work, the employee shall be paid actual time worked at regular rate of pay before his/her shift starts. However, if time worked is in excess of forty (40) hours in a work week or in excess of the hours regularly scheduled in such employee's full-time work day, he/she shall be paid at his/her overtime rate.
- (4) If a regular part-time EMS employee, who is called in to work other than during his/her scheduled working hours, shall be paid for at least three (3) hours at his/her normal rate of pay for each such call or, upon arrival, for the actual hours worked, whichever is greater. Any other part-time EMS employee who arrives on station within twenty (20) minutes of the call-in page will receive one (1) hour of call-in pay.

- (5) If a regular full-time, non-exempt employee, other than a Fire Department employee, is required to report to work more than two (2) hours prior to the start of his/her normal starting time, he/she shall be paid for four (4) hours at his/her overtime rate of pay. However, if an employee is required to report to work less than two (2) hours prior to the start of his/her normal starting time, or if he/she is called back in to work within two (2) hours after his/her quitting time, he/she shall be paid for the actual number of hours worked at his/her overtime rate of pay.
- (6) Fire Department volunteer employees called in to work shall receive at least one (1) hour of pay per call-out. The Department Duty Officer, shall be paid at least one (1) hour of overtime pay (time and one-half) at his/her regular full-time, part-time or volunteer hourly rate for each Duty Call and All Department call-out. Regular full-time, non-exempt Fire Department Staff employees called in to work for time not annexed consecutively to one end or the other of the scheduled work day, shall receive at least one (1) hour of overtime pay per call-out. Fire Department call-out time shall be paid in one (1) hour increments. For Fire Department volunteer employees, time spent in training, engineering or similar details shall be paid in the same manner as call-out pay.
- (7) Call-out pay does not apply to regular or advanced scheduled meetings, which shall be paid as time actually worked.

## **G. AUTOMOBILE AND MILEAGE ALLOWANCE**

The City of Hudson will reimburse employees for the use of their privately owned vehicles when on City business at the current rate per mile authorized by the Internal Revenue Service of the Federal Government.

Qualifications for use of a take-home City vehicle and eligibility for an automobile allowance for use of an employee's privately owned vehicle (P.O.V.) in lieu of a take-home City vehicle are hereby determined on the basis of an employee's operational responsibilities and expectations pursuant to their position.

### **Category I: Public Safety Forces Related - First Responders**

City employees holding positions listed in Category I have management or supervisory duties/responsibilities and are expected to respond to emergency situations involving the "direct health and safety" of the general public as the execution of their duties. First Responders are expected to exercise their discretion as to whether they need to respond to any given incident.

City employees in the following positions will be provided with a take-home vehicle to be used for City business only while in and outside the corporate limits of Hudson.

- A. Police Chief
- B. Fire Chief
- C. Assistant Fire Chief
- D. EMS Director
- E. EMS Operations Manager
- F. Assistant City Manager
- G. Public Works Superintendent - Hudson Public Power
- H. City Engineer

In lieu of a take-home vehicle, employees holding positions in Category I may elect to receive an automobile allowance of \$400.00 per month for using their P.O.V. for City business during regular business hours and after regular business hours for emergency and/or operational responses. This monthly allowance will be in lieu of any mileage reimbursement. Business travel outside a 100-mile radius of Hudson, however, shall become reimbursable on a per-trip basis, starting at 101 miles and beyond. The first 100 miles driven per business trip remain a non-reimbursable expense, already provided for in the monthly automobile allowance. Mileage must be submitted within sixty (60) days for payment as a reimbursement to the employee.

**Category II: Non-Public Safety Forces Related - Secondary Responders**

City employees holding positions in Category II have management or supervisory duties/responsibilities and are expected to respond to operational emergency situations or to provide other necessary City services.

City employees in the following positions will be provided with a take-home vehicle to be used for City business only while in and outside the corporate limits of Hudson.

- A. Assistant Public Works Director
- B. Parks Superintendent
- C. Parks Maintenance Supervisor
- D. Public Works Superintendent - Water Resources Division
- E. Public Works Superintendent - Service Department
- F. Assistant Public Works Superintendent - Hudson Public Power
- G. Electrical Systems Supervisor
- H. Assistant Public Works Superintendent - Service (Streets)
- I. Assistant Public Works Superintendent - Service (Distribution/Collection)
- J. Assistant Public Works Superintendent – Water Resources
- K. City Solicitor

In lieu of a take-home vehicle, employees holding positions in Category II may elect (or be required as per "E" under Additional City Vehicle Guidelines) to receive an automobile allowance of \$400.00 per month for using their P.O.V. for City business during regular business hours and after regular business hours for emergency and/or operational responses. This monthly allowance will be in lieu of any mileage reimbursement. Business travel outside a 100-mile radius of Hudson, however, shall become reimbursable on a per-trip basis, starting at 101 miles and beyond. The first 100 miles driven per business trip remain a non-reimbursable expense, already provided for in the monthly automobile allowance. Mileage must be submitted within sixty (60) days for payment as a reimbursement to the employee.

### **Category III: Specialty / Non-Emergency Responders**

City exempt employees holding the following positions are expected to fulfill work related after-hours responsibilities in accordance with the nature of their positions and are generally not expected to respond to emergency related situations in accordance with position responsibilities:

- A. Community Development Director
- B. City Planner
- C. Finance Director
- D. Communications Manager
- E. Economic Development Director

For positions listed in Category III, employees may elect to receive either; 1) An automobile allowance of \$100.00 per month for using their P.O.V. for City business during regular business hours and after regular business hours for emergency and/or operational responses or, 2) No monthly allowance with mileage reimbursable on a straight mileage basis. Mileage must be submitted within sixty (60) days for payment as a reimbursement to the employee.

### **Additional City Vehicle Guidelines:**

- A. Positions designated within Category II will be subject to annual use reviews. Employees who fail to meet or exceed ten (10) unscheduled calls after work per calendar year may be disqualified from use of a take-home vehicle or monthly vehicle allowance.
- B. The following vehicle assignments are exempt from this policy and subject to specific department or other City guidelines:
  - 1. Fire Department vehicles assigned to:
    - a. Duty Officer
    - b. Duty Officer Assistant
  - 2. EMS Department vehicles assigned to:
    - a. On-Call Paramedic
    - b. Chief Paramedic
  - 3. City Manager's vehicle



- C. City vehicles shall be used only for City business and the commute to and from work. Personal use is limited to incidental use during the commute to and from work.
- D. Any employee within Category I or II desiring to receive the monthly allowance shall request same in writing. Said request shall be forwarded to the Department Manager and City Manager for action.
- E. The City reserves the right to pay the monthly allowance in lieu of providing a City vehicle (example: new employee where there is not a City vehicle available).
- F. Since there are operational differences within each department, each department manager (or City Manager for Assistant City Manager's use) shall create specific rules governing the following operational issues for the use of any take-home vehicle or for P.O.V.s while being used for municipal purposes, including but not limited to:
  - 1. Necessary vehicle equipment;
  - 2. Appropriate vehicle type; and
  - 3. Proof of insurance for business use of P.O.V. (limits and policy provisions specified).
- G. The vehicle allowance amounts stated herein may be adjusted at the discretion of the City Manager.
- H. All City vehicles shall be identified with the City of Hudson logo, except for select Police Department vehicles.
- I. All employees that take home City vehicles or opt for a monthly allowance are subject to federal income tax reporting regulations.
- J. In the event of vacations or other long-term absences of persons designated to use City vehicles under this policy, the subject vehicle shall be assigned to the person selected to act in their capacity during their absence. If no assignment has been made, the vehicle shall remain at the City offices.

#### **H. COMPENSATION FOR ATTENDANCE AT SCHOOLS**

- (1) The department manager and City Manager may require specific training for employees. When an employee has been so designated, the City shall pay any registration or parking fees, and the class time involved shall be considered as time worked. Compensation shall be calculated in accordance with the section outlining OVERTIME PAY, if the combination of class and work time exceeds eight (8) hours a day or forty (40) hours a week; or a scheduled workday or eighty (80) hours per pay period for a police officer. In addition, the City of Hudson shall pay mileage in accordance with the section outlining MILEAGE ALLOWANCE.

- (2) If an employee desires to attend a work-related training session, he/she must request approval in writing and receive the written approval of the department manager. The City Manager's approval is required for department manager written requests for work-related training. The City will pay for registration and course materials or lab items that are specifically required for the course beforehand, upon submission of invoices or receipts. This type of training will not be considered hours worked for overtime purposes, however, if training is scheduled during regular work hours, this type of training shall be paid at the employee's regular rate, but only for those hours the employee is normally scheduled to work. If training is scheduled during regular work hours, this type of training shall be paid at the employee's regular rate and only for those hours the employee is normally scheduled to work. Mileage, parking, and other related costs are reimbursable if approved by the department manager.
- (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 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.

- (4) If a volunteer member of the Fire Department wishes to attend Fire Protection Technology courses (those specifically related to obtaining a Fire Protection degree) at an accredited institution or a volunteer member of the Emergency Medical Service wishes to attend Paramedic Training, he/she must request approval in writing in advance and receive the written approval of the department manager and the City Manager. The City will pay for registration, required text books and course materials or lab items that are specifically required for the course, upon submission of invoices or receipts, subject to the volunteer remaining as an active volunteer with the appropriate department for at least two (2) years following each reimbursement. The volunteer member will be required to sign an agreement prior to enrollment in the course outlining their financial obligation to the City in the event they do not successfully complete the training or remain an active volunteer.

## **I. UNIFORMS AND UNIFORM ALLOWANCE**

- (1) Safety Forces:  
Uniforms and equipment for all uniformed safety force employees shall be prescribed by the Chief or Director of the department. The City shall purchase and furnish the original issue of uniforms and equipment for each employee upon appointment and shall provide replacements as needed. The City shall provide a clothing maintenance allowance as follows:

<u>Position</u>	<u>Amount</u>	<u>Months Issued</u> <u>(Annually)</u>
Police Officers (non-union) Full-time Uniformed Fire Prevention Employees	\$250.00	June and December
Full-time Uniformed E.M.S. Employees	\$250.00	June and December
Fire/E.M.S. Training Coord.	\$250.00	June and December
E.M.S. Director	\$250.00	June and December
Full-time Public Safety Dispatchers	\$125.00	June and December
Part-time Public Safety Dispatchers	\$62.50	June and December
Fire Chief	\$250.00	June and December
Volunteer Fire Department Officers	\$125.00	December
Volunteer Fire Fighters	\$100.00	December

The clothing maintenance allowance shall be earned on a pro-rated basis by new employees or those who leave employment and do not work the full six (6) month or 12-month period.

(2) Other Employees:

The City shall supply jackets, safety equipment, and rental uniforms for those employees required by the City Manager to wear them per department rules. The City shall pay to an employee the cost up to a maximum of \$150.00 annually of American National Standards Institute (ANSI) approved footwear, or department approved footwear for positions not requiring ANSI footwear, upon presentation of a receipt for same within sixty (60) days for payment as a reimbursement to the employee.

(3) Clothing Allowance: Police Officers (non-union) whose assignments require them to routinely wear civilian clothing in lieu of a uniform shall be provided with a clothing allowance of Five Hundred Dollars (\$500.00) per year, paid in two (2) semi-annual installments. This allowance shall be pro-rated for employees who are not eligible to be paid the full year's allowance.

## **J. REPLACEMENT OF DAMAGED, DESTROYED, OR LOST PERSONAL ITEMS**

The City shall replace any prescription or prescription quality eyeglasses, hearing aids, or dentures which are damaged, destroyed, or lost while the employee is performing his/her City job and is acting within the scope of his/her employment.

**K. DEFERRED COMPENSATION**

The Ohio Public Employees Deferred Compensation Program and the International City/County Management Association/Retirement Corporation (ICMA-RC) are offered by the City of Hudson, and the opportunity to participate is extended to all eligible employees of the City. Additional information and enrollment forms are available through Human Resources. The legal limit for deferred compensation contributions is defined by law. The deferred compensation program exists and serves in addition to any retirement, pension or other benefit provided by law.

**L. FLEXIBLE SPENDING ACCOUNT/INTERNAL REVENUE CODE SECTION 125**

The City offers a Flexible Spending Account plan that shelters certain medical and dependent care expenses from taxation. Regular full-time employees are eligible to set up flexible spending accounts to cover these expenses. Additional information and enrollment forms are available through Human Resources.

*End of Section*

## **CHAPTER IV - BENEFITS**

### **A. HEALTH AND LIFE INSURANCE**

- (1) After thirty (30) days from date of hire, each regular full-time employee of the City shall be eligible to enroll in the health plan (medical, dental, vision, and prescription) offered by the City. The City currently requires an employee premium contribution from eligible employees who elect to enroll or who are now enrolled in the City health plan, and reserves the right to change the employee premium contributions in subsequent plan years as needed.
- (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.
- (3) Opting out of the City Health Plan. Each regular full-time employee of the City who can demonstrate that he or she has alternate health insurance coverage through an alternative source may elect to opt-out of the coverage under the City health plan and receive payment in the amount of one-half of the amount of the monthly premium that would otherwise be paid for that employee's benefit by the City (or in the event that the City health plan is self-insured, an equivalent amount determined by the City Manager).

### **B. PROFESSIONAL LIABILITY INSURANCE**

The City of Hudson shall provide professional liability insurance for all City employees.

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

The City provides to all employees and their families a comprehensive Employee Assistance Program to offer help when and if they should need it. The Employee Assistance Program – or EAP – is confidential, and professional support is available when needed for personal well-being.

Personal problems come in all shapes and sizes, but whether the issue is a minor difficulty or a major obstacle, an experienced professional counselor will assist employees and their families in the following areas: marital, family, children, financial/legal, alcohol abuse, drug & substance abuse, grief, anxiety, depression, stress, and personal/ emotional problems.

The EAP is totally confidential and it only requires a phone call. There is no charge to the employee for this service.

#### **D. CHANGES IN PERSONAL INFORMATION**

To ensure that needed records are accurate and up-to-date, it is necessary for employees to notify the Human Resources Department, in writing, whenever changing the following: name, address or telephone number, marital status or number of dependents (for tax withholding and insurance coverage) or beneficiary for life insurance, emergency contacts – name, relationship and daytime phone, education and training completed, dependent child who reaches the age at which he/she is no longer eligible for coverage under the City's group health insurance in accordance with current State or Federal guidelines. Failure to notify Human Resources in writing within 30 days of this change of status could result in loss of COBRA rights for a dependent child.

*End of Section*

## **CHAPTER V - TIME OFF/LEAVES**

### **A. HOLIDAYS**

- (1) Designated Holidays. The following days are designated as official holidays to be observed by all full-time employees, excluding Police Department employees, each year ("Designated Holiday"):

New Year's Day	Veteran's Day
Martin Luther King Day	Thanksgiving Day
President's Day	Friday after Thanksgiving Day
Memorial Day	Christmas Eve
<u>Juneteenth</u>	Christmas Day
Independence Day	New Year's Eve
Labor Day	

When a holiday occurs on a Saturday, it shall be observed on the preceding Friday, but when the holiday occurs on a Sunday, it shall be observed on the following Monday ("Observed Holiday"). Requests to substitute bona fide religious observances in lieu of these dates will be considered by the City Manager if an employee has no personal days available.

- (2) Personal Time Off (PTO). In addition to the above designated holidays, all full-time employees, excluding employees of the Police Department, are entitled to receive each year, 16 hours of personal time off with pay at their regular rate of pay. This personal time off must be taken in one-quarter hour increments, subject to prior approval of the department manager, whose responsibility it is to continue to provide necessary services. Personal time off not used each calendar year will be forfeited.
- (3) Holiday Occurring During Vacation or Sick Leave. If a holiday occurs during a period that the employee is on vacation or sick leave, no vacation or sick leave time shall be charged for that day.
- (4) Holiday Compensation and Entitlement. All full-time employees, excluding employees of the Police Department, shall receive the benefit of holidays designated by Council in the following ways and in the following order of priority:
- (a) By receiving eight (8) hours of pay at their regular rate of compensation and by having the day off; or
  - (b) If an employee, other than a Police employee, is scheduled to work on a City designated holiday on the day the holiday is observed, not necessarily the calendar day on which the holiday falls, by receiving pay at time and a half (1½) in addition to eight (8) hours of pay.



- (c) If a regular, full-time employee, other than a Police employee is called in to work on a City designated holiday on the day the holiday is observed, not necessarily the calendar day on which the holiday falls, by receiving the appropriate amount of CALL-OUT pay (Chapter III-5, Section F) in addition to eight (8) hours of pay.
- (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 and not have carried a negative balance of sick time during that 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.
- (6) Police Holidays. Each full-time police employee shall be entitled to fourteen (14) paid holidays (112 hours) per calendar year, to be used as the holidays occur and as approved by the Chief of Police or his/her designee. Off time, holidays, and vacations must be approved by the Chief of Police or his/her designee.

Police Lieutenants and Dispatchers who are scheduled to work on any Designated Holiday shall be paid at a rate of one and a half (1½) times their regular rate. Police Lieutenants and Dispatchers will be paid at their regular rate for Observed Holidays.

When any other Police Department employee, (other than Lieutenants and Dispatchers) works on a Designated Holiday and/or an Observed Holiday, the employee shall be paid at his or her regular rate, but such employee shall then be entitled to another day off as a paid holiday. Unused holidays by any police employee will be paid for by the City at the end of each year to each police employee at his or her current rate of pay in effect.

The policy as written does not apply to call-ins (emergencies) when pay at one and a half (1½) times the Police Department employee's regular rate would apply.

## B. VACATIONS

- (1) Vacation Amounts. The year in which an employee begins employment in their initial full-time position shall be considered as his/her first year for the purpose of determining the amount of vacation he or she is entitled to. If an employee was employed full-time before July 5, 1987 by the State of Ohio or any political subdivision of the State, prior to coming to the City of Hudson, he or she shall be entitled to have his or her prior full-time service with any of these employers counted as service with the City of Hudson for the purpose of computing his or her vacation leave. For determining the amount of vacation time an employee is entitled to, the number of completed years of service with the City is determined as of December 31.

(For example, the amount of vacation to be given to an employee for 2002 is determined by the number of service credit years as of December 31, 2002. If an employee has four (4) years' service credit as of December 30 and five (5) years on December 31, five (5) years' service credit is used to determine the employee's amount of vacation.) Regular part-time employees will be eligible to accrue vacation on a pro-rated basis. Any regular part-time employee scheduled to work 1,040 hours or more annually, will accrue half of the vacation accrued by a full-time employee with the same number of years of service credit. Any regular part-time employee scheduled to work less than 1,040 hours annually, but at least a minimum of 520 hours annually, will be entitled to one-fourth the accrual the full-time employee earns. Any regular part-time employee who does not work at least a minimum of 520 hours annually shall not accrue vacation. (For example, if employee A, who has worked for the City for two (2) years, is scheduled to work 1200 hours in the calendar year, he/she shall accrue vacation at the rate of 1.539 hours per pay period for a total of forty (40) hours per year. If employee B, who has worked for the City for twenty (20) years, is scheduled to work 800 hours in the calendar year, he/she shall accrue vacation at the rate of 1.923 hours per pay period for a total of fifty (50) hours per year.)

For purposes of determining vacation accrual, regular part-time employees will be given full credit for the total hours of service worked if they become full-time with the City of Hudson. Vacation hours shall accrue at the following rates:

	Full-Time Non-Exempt Employees Hours Accrued Per Pay Period	Annual Hours (26 Pay Periods)	Full-Time Exempt Employees Who Are Not Eligible For Compensatory Time Or Overtime Payment Hours Accrued Per Pay Period	Annual Hours (26 Pay Periods)
First year through completion of fourth year	3.077	80	4.616	120
Fifth year through completion of ninth year	4.616	120	4.616	120
Tenth year through completion of nineteenth year	6.154	160	6.154	160
Twenty or more years completed	7.693	200	7.693	200

  

	Regular Part-Time Employees Hours Accrued at 1/4 Per Pay Period	Regular Part-Time Employees Hours Accrued at 1/2 Per Pay Period
First year through completion of fourth year	.769	1.539
Fifth year through completion of ninth year	1.154	2.308
Tenth year through completion of nineteenth year	1.539	3.077
Twenty or more years completed	1.923	3.847

- (2) Use of Vacation. Employees shall be entitled to take vacation after successfully completing six (6) months of service unless specifically authorized by the City Manager.
- (3) Carry-forward. An employee is entitled to have brought forward one (1) years' worth of vacation leave from one year into the next year. For the employee with 1-4 service credit years this amount is 80 hours; with 5-9 service credit years this amount is 120 hours; with 10-19 service credit years this amount is 160 hours; with 20 or more service credit years this amount is 200 hours.

In addition, an employee may carry-forward a maximum of 160 hours (or four (4) weeks) of unused vacation balance from one (1) year into the next. The following chart displays vacation carry-forward:

<u>Service Credit Years</u>	<u>Annual Hours Earned</u>	+	<u>Unused Carry- Forward</u>	=	<u>Max. Carry- Forward</u>
1-4	80		160		240
5-9	120		160		280
10-19	160		160		320
20 or more	200		160		360

- (4) Cash Out of Unused Vacation. An employee may cash out one (1) week of unused vacation each calendar year by submitting a written request to the Finance Department starting December 1 and no later than December 31. Payment for the cash out shall be made to all employees who have elected this option in January of the following year. In the event an employee has exceeded the maximum vacation accrual and before excess vacation time is forfeited, payment for the excess vacation up to one (1) week will automatically be made without a written request being necessary.
- (5) Payment of Vacation Upon Termination of Employment. An employee's balance is fully paid-out upon termination of employment, unless discharged for cause or otherwise specifically directed by the City Manager. Payment shall be made at the employee's current rate of pay, not including the annual percentage increase adjustment approved by City Council in January for that year, unless the employee actually worked at least one (1) full pay period in that calendar year.
- (6) Scheduling of Vacation. It shall be the responsibility of the department manager to schedule vacations so that the necessary services of the City can be maintained. The scheduling of all vacation time is at the City's discretion and vacation requests must be submitted to the employee's department manager in writing in advance of the vacation date. The employee's vacation will not be considered scheduled until the employee has received written approval from his/her manager. The department manager will approve vacation requests in such a manner that necessary services of the City can be maintained with adequate staff available to operate efficiently.

## **C. SICK LEAVE**

- (1) Accrual of Sick Leave. All regular full-time employees of the City are eligible to and shall accrue sick leave hours during each calendar month in which they are employed by the City. Sick leave time shall accrue at the rate of one and one-quarter work days (i.e., 10 hours) for each full calendar month of service. An employee who enters the service of the City on or before the fifteenth day of any month shall be credited with sick leave time for the entire calendar month in which he/she begins employment.

An employee who enters the employ of the City after the fifteenth day of a month shall be credited with sick leave time for one-half ( $\frac{1}{2}$ ) of the month in which he/she begins employment with the City (5 hours). An employee who leaves the employ of the City on or before the fifteenth day of a month shall be credited with sick leave time for one-half of the month (5 hours); leave after the fifteenth day of a month shall be credited for the entire calendar month (10 hours).

Maximum Accrual: Conversion to Vacation or Payment. Unused sick leave time shall accumulate for the benefit of any eligible employee up to a maximum of 180 days or 1,440 hours.

Employees who have accumulated the maximum of 1,440 hours of unused sick leave time will continue to accrue sick leave, but such employees must elect, in writing, once their total accrual reaches 1480 hours, one of the following options for disposition of sick leave time in excess of 1,440 hours:

- (a) Conversion to vacation time at the exchange rate of forty (40) hours of sick leave for eight (8) hours of vacation time provided that an employee who has converted sick leave time to vacation time may reconvert that time (and only the previously converted time) to sick leave to the extent that the employee has sufficient vacation time to convert back to sick leave time; or
  - (b) Payment, at the employee's effective pay rate from the year in which the sick leave was accrued, for the hours of accumulated unused sick leave in excess of 1,440 hours, provided that if an employee selects this option, the employee is only eligible to receive this payment once in any calendar year, and provided further that an employee who selects this option will cease to accrue sick leave for the calendar year in which such payment is made until the aggregate total of the employee's sick leave balance falls below 1,440 hours.
- (2) Authorized Uses of Sick Leave. Subject to the terms and limitations of this Section, sick leave with pay may be used by an eligible employee for the following reasons:
- (a) an employee's personal illness or physical incapacity;
  - (b) the illness or physical incapacity of a member of the employee's household or Immediate Family that requires the presence of the employee;
  - (c) medical or dental appointments or essential preventive medical procedures that cannot be scheduled during non-working hours;
  - (d) the quarantine of the employee due to his own or a member of the employee's household's medical condition;

- (e) the birth, adoption, or initial placement for foster care with an employee, of a child; and
  - (f) care for an employee's child within the twelve (12) months following the child's birth, adoption by the employee, or initial placement with the employee for foster care, which care is not immediately related to the illness or disability of that child.
  - (g) leave for the death of a person that is not included in the bereavement leave policy. The maximum amount allowed is three (3) days.
- (3) Notice of Absence for Sick Leave Purposes. An employee not reporting to work for any of the reasons stated above shall notify, or cause to be notified, his or her department manager, or that official's designee, as soon as possible, and preferably prior to the time at which he or she is required to report to work.
- (4) Limitations on Excessive Use or Abuse of Sick Leave. Employees accrue sick leave as a benefit of regular full-time employment with the City. Use of such leave is not, however, to be left entirely to the discretion of the employee. Use of Sick Leave in connection with the categories listed at subparagraphs (a) through (c) of paragraph (2) of this section is intended to provide time away from work to afford employees an opportunity to recuperate from or care for family members with short term illnesses, keep medical appointments, and prevent the spread of illnesses throughout the workplace. Employees are authorized to accumulate sick leave hours over time to provide security against loss of income in the event that an employee must be away from work due to catastrophic or protracted illness or in connection with long term care for a family member, as set out in subparagraphs (a) through (d) and subparagraphs (e) and (f) of paragraph (2) of this Section.
- (5) Sick leave is not to be considered an entitlement, and department and division managers are expected to monitor use of sick leave by employees to identify cases of potential abuse of sick leave. An employee who is determined to be abusing the use of sick leave or whose excessive use of sick leave interferes with the ability of the department manager to maintain the expected level of service within that department is subject to disciplinary action or dismissal.

- (6) Doctor's Certificate Required. Sick leave taken for a period in excess of three (3) consecutive working days shall be approved only after presentation of a written statement by a licensed practicing physician certifying that the employee's condition, or condition of employee's household or immediate family member, prevented him or her from performing the duties of his or her position. If, in the opinion of the responsible department manager or the City Manager, the employee's condition presents a risk of harm to the employee or to others with whom the employee comes into contact in the workplace, the department manager or the City Manager may require that the employee present a physician's statement certifying that the employee is able to return to work, prior to the date on which the employee intends to return to work. The City Manager or a department or division manager may, in his or her respective discretion, require a physician's statement to justify an employee's use of sick leave for a period of time that is three (3) workdays or less.
- (7) Absence for Less Than a Day. Sick leave shall be charged in no less than one-quarter hour increments for absences of less than one (1) work day in connection with categories of sick leave listed at subparagraphs (a) through (c) of paragraph (2) of this Section.
- (8) Advance Sick Leave. The City Manager may grant advance sick leave to an employee if the employee has an insufficient balance of accrued sick leave time and the City Manager deems it appropriate under the circumstances. [The employee must complete a Request for Advance Sick Leave form and return to the Human Resources Department.](#)
- (9) Re-employment Credit After Lay-Off. An employee who is laid off from his or her position, for reasons that are not discreditable to that employee, may be credited with the balance of that employee's accumulated but unused sick leave hours existing as of the time that the employee was laid off, so long as the employee is re-employed by the City within ten (10) years of the date on which the employee was laid off.

- (10) On-the Job Injuries. All injuries, no matter how slight, must be reported to the department manager responsible for an employee who has sustained an injury. The department manager shall assist the injured employee with the completion of an Incident Investigation Report and First Report of Injury form (FROI) and shall then forward such completed report forms to the Human Resources Department. After an employee returns to work and in the event follow-up medical appointments are required following a certified on-the-job injury, sick leave shall not be charged provided the appointment(s) are scheduled with department manager approval and to minimize disruption. The employee will make every effort possible to schedule such appointments outside of working hours.
- (11) Lost Time Compensation. Employees who have sustained on-the-job injury that require them to be absent from work for any period of time may proceed in accordance with either or both of the following options:
- (a) Medical Claims and Reimbursement for Sick Leave Hours Used. If hospital or other medical expenses are incurred, employees may file a claim with the Ohio Bureau of Workers' Compensation (BWC) for payment of expenses and in the event of a lost time claim (i.e. after seven (7) workdays), for the reimbursement of sick leave hours used in connection with the absence due to injury.

If the employee subsequently receives payment for the lost time, he or she may receive the difference between his or her rate of pay as of the date of the injury and the amount paid to him or her by the BWC, in full for the first calendar month that the employee is absent from work and at the rate of fifty percent (50%) of the difference for the next five (5) calendar months.

Since the BWC claims adjudication process is a protracted one, employees may request sick leave compensation pending a determination by the BWC as long as such employees agree in writing to assign to the City, any compensation benefits ultimately granted by the BWC. After receipt by the City of such assigned compensation benefits, an employee shall be credited in the amount of sick leave hours used in connection with his or her absence, less any overpayment resulting from reduced City employment benefits after the first month of disability, and upon presentation of a copy of the decision of the BWC.



In the event that an employee is absent as the result of an injury for a period in excess of six (6) months, he or she may use his or her accumulated sick leave and vacation time, unless the employee has made application for total or partial disability retirement. In such case the employee shall be paid for unused accumulated sick leave and vacation time in accordance with subparagraph (11) hereof and the section outlining VACATIONS.

- (12) Payment for Accrued Sick Leave Upon Resignation or Retirement from the City. Individuals who were regular full-time employees as of December 31, 2000, accrue sick leave at a one-for-one resignation/retirement/death cash-out rate up to the next 500, 1000 or 1440 hour level - based on their respective aggregate sick leave levels as of December 31, 2000. All remaining sick leave hours will be accrued subject to a one-for-three cash-out rate, up to an aggregate maximum of 1440 hours. (e.g. an employee with 300 hours of accrued sick leave can accrue up to 500 hours subject to the one-for-one cash-out rate. All remaining hours, up to an aggregate maximum of 1440 hours will be accrued subject to a one-for-three cash-out rate.)

Employees who dip below their maximum one-for-one cash-out levels can replenish those one-for-one levels with earned sick leave.

All regular full-time employees hired on or after January 1, 2001, will accrue all sick leave up to a maximum of 1440 hours subject to a one-for-three cash-out rate.

A regular full-time employee, who resigns or retires with ten (10) or more years of service with the City, shall be paid for his/her accrued, but unused sick leave hours in accordance with this Section. An employee may choose to receive payment for a portion of his/her accrued but unused sick leave hours and retain a reduced balance to carry forward to another public employer upon re-employment in the public service if applicable. An employee who is discharged for cause is not eligible.

In no event shall any employee be compensated at resignation or retirement for sick leave hours in excess of 1,440. Payment for sick leave hours in accordance with this paragraph shall eliminate the balance of all sick leave hours accrued by an employee up to the time of such cash payment. Payment shall be made at the employee's current rate of pay, not including the annual percentage increase adjustment approved by City Council in January for that year, unless the employee actually worked at least one (1) full pay period in that calendar year. Payment for sick leave hours shall be made only once to any employee, even if that employee is later re-employed by the City.

- (13) Payment for Accrued Sick Leave Upon the Death of an Employee. If an employee dies while in the employ of the City, the cash value of all of his/her accrued and unused sick leave shall be paid to that employee's surviving spouse or heirs. Payment shall be made in accordance with paragraph (12) of this Section.

#### **D. SICK LEAVE DONATION**

- (1) The purpose of the City's Leave Donation Program is to provide a mechanism by which employees may donate accumulated sick leave and/or vacation hours to fellow employees who, because of catastrophic illness or other condition that requires a long term approved absence from work, have exhausted or are expected to exhaust all of their accumulated sick leave and other leave hours. The intent of the Program is to provide protection to employees experiencing dire circumstances and having no other alternatives.
- (2) All full-time employees are eligible to participate in the Program upon approval from the City Manager. In order to be eligible as prospective donated leave recipients, employees must also be eligible for Family and Medical Leave Act leave, except that employees are not required to have met the time in service requirements of the City's FMLA rules in order to be eligible for participation in the Program.
- (3) Following are the steps that must be taken to donate leave and to be credited with donated leave under the Program:
- (a) Completion of Request Form; Approval by City Manager Required. A prospective donated leave recipient or a co-worker may initiate the leave donation program by completing a standard request form (available from the City's Human Resources Department) and submit it through his or her supervisor(s) and department manager to the City Manager for approval. If the employee requests confidentiality with respect to the circumstances that prompt the request, the employee must so indicate on the request form. The City will make every reasonable attempt to honor employees' requests for privacy and will request advance permission to disclose information where an employee has requested confidentiality.

- (b) Solicitation of Prospective Donors. Once the City Manager has approved an employee's request to participate in the Program, requests may be made on the employee's behalf by a co-worker, the employee's supervisor, division head or department manager, in coordination with the Human Resources Department. The Human Resources Department may also solicit donations on behalf of an employee on an anonymous basis. If a potential leave recipient so desires, he or she may request leave donations on his or her own behalf. If an employee is determined by the City Manager to have exerted undue pressure in the solicitation of a leave donation, that employee shall be disqualified from participation in the Program.
- (c) Completion of Leave Donation Forms; Submission to the Human Resources Department. Employees who wish to donate leave shall complete a standard form (available from the Human Resources Department) containing the following:
1. The name of the donating employee;
  2. The name of the employee for whom the donated leave is intended. If the donating employee wishes to donate leave to a general pool without designating a recipient, this should be indicated by writing *General Pool* on the form in place of a name. The Finance Department will maintain the *General Pool* of donated leave for use by employees who are in need of leave and have not received adequate donations.
  3. The type of leave (sick leave or vacation time) and the number of hours to be donated. (Leave may be donated in full hour increments only);
  4. A certification that the donating employee will retain a balance of at least eighty (80) hours of combined sick leave and vacation time after donating.
- (4) Crediting of Donated Time. Donated leave time will be credited to the sick leave balance only of the intended recipient at the time that the recipient has exhausted all of his or her total available leave balances (e.g. sick, vacation, personal, "earned holiday" and/or compensatory time). In no event shall an employee be credited with more donated leave time than leave time actually consumed in connection with the absence for which leave was donated. Additionally, donated leave time shall not be credited to a recipient employee's vacation time balance. Excess leave time shall be processed in accordance with paragraph (6) of this section.

- (5) Pay and Benefits During Donated Leave Time. Employees who are away from work on donated leave shall continue to be paid as they would be if they were using their own accumulated sick leave, until such time as the donated leave is exhausted. Such employees shall not receive more than the amount of their regular bi-weekly earnings, plus any City required medical insurance premium or payment in lieu of premium, and less any disability or worker's compensation benefit amounts that the employee receives during each such pay period. Employees using donated leave shall be considered to be in an active pay status and shall accrue sick leave and vacation time, and shall be entitled to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be credited. Donated leave time shall not count toward the probationary period of an employee who receives donated leave during his or her probationary period.
- (6) In the event that leave donors pledge more donated time to an employee than that employee actually uses in connection with the absence for which leave was donated, that overage shall not be credited to the intended beneficiary. Instead, the time shall be re-credited to the leave donors in proportion to the amount pledged, in full hour increments. Any excess resulting from rounding in the re-crediting shall be considered exhausted and shall no longer count as potential paid leave time for any employee's benefit.

#### **E. SPECIAL LEAVES**

- (1) Special Leave With Pay. Upon approval of the City Manager, an employee may be granted special leave with pay to attend professional and technical conferences, meetings and schools related to his/her duties, or to visit other cities to obtain information and observe practices related to his/her duties with the City of Hudson.
- (2) Special Leave Without Pay. With prior approval, special leave without pay is available in the event an employee has exhausted all of his/her accrued paid leave (sick and vacation, depending on the circumstances). Leave without pay, up to five (5) days, may be granted by the Department Manager. Any requests greater than five (5) days may be granted with the approval of the City Manager in case of emergency or under other special circumstances, but only if the employee's absence does not materially affect the operation of his/her department and if circumstances warrant such leave. Employees who are on any type of leave without pay status do not accrue sick leave hours and may, at the discretion of the City Manager, be awarded vacation hours or other benefits including health insurance. If the leave without pay qualifies as Family and Medical Leave Act leave, health benefits will be maintained as outlined in the section FAMILY AND MEDICAL LEAVE ACT below.

- (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. [The Human Resources Department must have deferential pay in writing prior to payment of such time.](#)

- (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, [or equivalent documentation needed for military time usage](#), 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.
- (4) Bereavement Leave. Regular full-time employees will be provided bereavement leave for relatives as follows: the death of an employee's spouse, child (including spouses of children and step or foster children), parent (including step-parents), grandparent, grandchild, sibling (including half and step), sibling's spouse and in-law relatives consisting of the employee's spouse's parent (including step-parents), grandparent, child (including spouses of children and step or foster children), grandchild, sibling and sibling's spouse provided that such leave shall not exceed four (4) days, and such leave shall not be deducted from the balance of the employee's accumulated sick leave.
- (5) Family and Medical Leave Act. In accordance with the Federal Family and Medical Leave Act of 1993, the City of Hudson will provide eligible employees up to twelve (12) weeks of paid and/or unpaid leave during a twelve (12) month period for one or more of the following reasons:
- Birth or adoption/foster care of a son or daughter;
  - Care for a child within one (1) year of the child's birth or placement;
  - Care for a spouse, son, daughter or parent with a serious health condition; or
  - Serious health condition that prevents the employee from performing the functions of his/her job; or
- (a) To be eligible, employees must have been employed by the City for at least twelve (12) months and must have worked at least 1,250 hours during the previous twelve (12) months.
- (b) The leave year will be calculated by a "rolling" twelve (12) month period measured backward from the first day an employee uses any Family and Medical Leave Act leave. The twelve weeks of leave may be taken in a block, or under certain circumstances, intermittently or on a reduced leave schedule. When taken intermittently, such leave may be taken in quarter hour increments.

- (c) Employees shall use their paid leave, such as any accrued sick leave, vacation leave, personal days, or compensatory time, concurrently with FMLA. Moreover, employees must make reasonable efforts to schedule any foreseeable medical treatment so as not to unduly disrupt the employer's operations. Employees should provide the City with not less than thirty (30) days' notice or as much notice as is practical. In the event the situation is not an emergency or is predictable, such as scheduled surgery or pregnancy, a request for the leave of absence must be on file before the leave of absence commences.
- (d) Continuation of Benefits will be maintained by the City for an employee's existing coverage under the City's group health benefit plan and under the same terms that apply to other City employees covered by the City's group health benefit plan. Employees on Family Medical Leave are required to pay the City their contribution portion for health care benefits if FMLA leave is unpaid.
- (e) An employee requesting leave due to the employee's own serious illness or to care for a seriously ill spouse, child or parent must provide the City with a written certification by a physician on a form provided by the City.
- (f) An employee on medical leave for reasons of his or her own serious health condition or pregnancy must provide the City with a written certification by a physician that the employee is able to return to work.
- (g) Employees returning from leave will be given the same or equivalent position and reinstated in all benefits they had accrued before the leave.
- (h) If an employee fails to return to work at the conclusion of leave, employment may be terminated and the City may require the employee to reimburse it for the full cost of health care coverage during any period of unpaid leave, depending upon the reason the employee does not return and in accordance with the provisions of the Family and Medical leave Act.



- (6) Family and Medical Leave Act for Military Family Members. In addition, the National Defense Authorization Act (NDAA) amended the FMLA to provide eligible employees working for covered employers two important leave rights related to military service:
- Eligible employees are entitled up to twelve (12) weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
  - An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period of care for the service member. The military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

#### **F. COURT APPEARANCES/JURY DUTY**

- (1) Non-exempt Police employees, when required by the City to appear in Court at a time when the beginning and end of the appearance is wholly during off duty hours, shall be paid for the actual time spent in attendance at Court at a minimum of four (4) hours of overtime.

In the event that a non-exempt Police employee or any regular part-time or full-time, non-exempt employee is required to report to duty earlier than normally scheduled in order to appear in Court, following which he/she commences his/her normal shift of duty, or is required to remain on duty after his/her normal shift of duty, or is required to remain on duty after his/her normal quitting time to complete a Court appearance which begins while on duty, he/she shall be treated as being on overtime during those extra hours, instead of the foregoing minimums. No person shall be entitled to payment under this Section unless required to appear in Court by a directive of a superior or by a directive of the Department of Law, or by subpoena legally issued and served in a case in which the City is a party to the action, either directly or as the arresting entity in a criminal action prosecuted in the name of the State of Ohio. Employees who appear at Court must have a subpoena signed by a proper Court official in order to receive the compensation. Such subpoena shall be submitted along with a written request to the Department Manager for Court time payment.

- (2) Police employees who are required by the City to be on standby for Court shall be entitled to compensatory time only, at the base rate, for all hours on standby, with a minimum of one (1) hour, unless the employee has accumulated eighty (80) hours of compensatory time, at which time standby shall be paid in compensation at the base rate. However, in the case of Police employees, if the midnight shift ends before 8:00 a.m., employees who worked the midnight shift will receive up to two (2) hours for standby so that the shift will be continuous.
- (3) Regular, full-time, non-exempt City employees who are required by the City to be on standby for Court outside of their normal working hours shall be entitled to compensatory time only, at the base rate, for all hours on standby, with a minimum of one (1) hour, unless the employee has accumulated eighty (80) hours of compensatory time, at which time standby shall be paid in compensation at the base rate.
- (4) Jury Duty. Any regular, part-time or full-time employee who is accepted for Jury Duty shall notify his/her manager immediately upon receipt of his/her Jury Duty summons and upon presentation of proof of days and times served, signed by a proper court official, shall be paid their regular daily City wages for that time. Time spent on jury leave shall not be deducted from an employee's paid leave. Additional expenses not covered by jury pay received by the employee, such as mileage, parking, and/or meals, shall not be eligible for reimbursement by the City.
- (5) Witness Duty. Any regular, part-time or full-time employee who is required to appear in Court for official City business matters, shall be paid their regular wages for that time. Additional expenses not covered by witness fees received by the employee, such as mileage, parking, and/or meals, shall be eligible to be submitted for reimbursement by the City.
- (6) All jury pay and witness fees received by the employee may be retained as reimbursement for expenses incurred while on Jury Duty and/or appearing at Court, such as mileage, parking, and meals. In the case of Witness Duty, fees received and retained should be deducted from any request for reimbursement for additional expenses not covered by the fees, such as mileage, parking, and/or meals, if eligible and applicable.

*End of Section*

## **CHAPTER VI - EMPLOYMENT PROCEDURES**

### **A. EQUAL EMPLOYMENT OPPORTUNITY**

The City is an Equal Opportunity Employer. Accordingly, we promote equal opportunity in the areas of recruitment and employment, training and development, transfer and promotion. Our employment practices are without regard to race, color, religion, sex (including pregnancy, gender identity, sexual orientation), age, disability or genetic information, national origin, military status, marital status, and all other categories protected by federal, state and City of Hudson anti-discrimination laws, unless one or more of the above constitute a bona fide occupational qualification (BFOQ) within the meaning of the law. No job applicant or current employee will be unlawfully discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.

Additionally, in keeping with the spirit of the Americans with Disabilities Act and the religious discrimination provisions of Title VII of the Civil Rights Act, the City will make appropriate reasonable accommodations for employees with qualified disabilities or religious needs as provided for by state and federal law.

It is the policy of the City of Hudson to ensure equal employment opportunity in accordance with the Ohio Revised Code 125.11 and all applicable federal regulations and guidelines. Employment discrimination against employees and applicants due to race, color, religion, sex (including sexual harassment), national origin, disability, age (40 years old or more), military status or veteran status is illegal.

The City of Hudson's managers and employees will comply with state and federal equal employment laws, rules, regulations and guidelines. This policy statement will be disseminated to all employees, various recruitment sources and will be displayed on all construction job sites and business locations. Any employees that deliberately violate this policy will be subject to disciplinary action.

Persons who believe the City of Hudson has discriminated against them may file a discrimination complaint with the City of Hudson's EEO Representative. The EEO representative has full authority to manage issues involving employment discrimination.

The EEO Representative is Jane Howington, City Manager, and may be reached at 330-342-1700 or **citymanager@hudson.oh.us**.

## **B. AFFIRMATIVE ACTION PROGRAM**

The purpose of the Affirmative Action Program is to provide an acceptable program which addresses employment and the effective utilization of economically disadvantaged persons. This program is not to impose numerical minimums or standards; however, adopting this program demonstrates a good faith effort to improve the equality of all citizens of the State of Ohio.

- (1) City of Hudson Recruitment Strategies  
Strategy: The City of Hudson will make a good faith effort to recruit a diverse group of employees and provide equal opportunity for minorities, women, and disabled persons to become competitive in state contracting opportunities. The City of Hudson will advertise positions in media outlets that will provide information and access to the underserved populations.
- (2) City of Hudson Selection Strategies  
Strategy: The City of Hudson will utilize procedures, processes and techniques that are fair and do not have an adverse impact on minorities, women or disabled persons. Prospective employees will not be excluded from the hiring process due to race, color, religion, sex (including sexual harassment), national origin, disability, age (40 years old or more), military status, and veteran status.
- (3) City of Hudson Performance Evaluation  
Strategy: The City of Hudson will evaluate the performance of their employees on an annual basis. It should provide the necessary supervisory feedback to identify areas to be improved as well as to reinforce those activities that meet or exceed standards. Performance appraisal will be evaluated without regard to race, color, religion, sex, national origin, disability, age (40 years old or more), military status and veteran status.
- (4) City of Hudson Training Strategies  
Strategy: The City of Hudson will attempt to diversify workforce by utilizing training and apprenticeship programs with diverse participants. Training and apprenticeship programs can increase the number of qualified minorities, women, disabled persons and veterans available for job placement.
- (5) City of Hudson Discipline Strategies  
Strategy: The City of Hudson will set clear disciplinary standards and warn of consequences for non-compliance. Discipline will be designed to rehabilitate employees who choose to correct their behavior as well as justify the termination of those who do not. The employer will not mistreat or unfairly discipline an employee based on race, color, religion, sex, national origin, disability, age (40 years old or more), military status and veteran status.

- (6) City of Hudson Separation Strategies/Exit Interviews  
Strategy: The City of Hudson will conduct exit interviews as a problem-solving tool in an attempt to reveal employee turnover. Exit interviews can provide the organization with information about how to correct the causes of discontent and reduce the costly problem of employee turnover.
- (7) City of Hudson Monitoring Strategies  
Strategy: The City of Hudson will ensure managers, supervisors and Human Resources understand this plan and hold managers and supervisors accountable for the effectiveness of this plan.
- (8) City of Hudson Minority Business Enterprise Solicitation Strategies  
Strategy: The City of Hudson will make a good faith effort to solicit business from certified minority owned businesses (MBE). The City of Hudson will also utilize the State of Ohio, Equal Opportunity Division's webpage to access certified minority owned businesses (MBE's). <https://eodreporting.oit.ohio.gov/mbe-certification>

### **C. VACANCIES**

- (1) Whenever a vacancy occurs in a position in any department, the department manager shall notify the City Manager. Vacancies in the City shall be filled by the most qualified candidates possible.
- (2) Posting. When a vacancy is to be filled in any department, the Human Resources Department shall post a notice of vacancy on bulletin boards designated for City employment notices.

Promotional opportunities (where internal candidates only may apply) shall be posted in a conspicuous place on City bulletin boards for a minimum of 10 workdays.

Notice of open opportunities (where outside candidates may apply) shall be posted in a conspicuous place on City bulletin boards for a minimum of 10 workdays. Open opportunities shall also be advertised in the media for outside candidates for a minimum of 10 workdays and applicants must apply within that time period.

- (3) Application.
  - (a) All applications must be made on the form prescribed or provided by the City unless only a resume is requested by the City. All applications and resumes must be received within the time period prescribed or they may be excluded from consideration. Every eligible employee may apply for a vacant position by completing a promotional application available from Human Resources. The City Manager or his/her designee shall make a determination of which, if any, of the applicants are qualified for the posted position.

- (b) The City Manager or his/her designee shall determine and state in the announcement of each vacancy whether there are specific qualifications and/or restrictions for the position.
  - (c) Every applicant for a vacant position may be required to pay upon filing his/her application, a non-refundable fee to be determined by the City Manager or his/her designee.
- (4) Examination. All appointments shall be made according to merit and fitness to be ascertained by examining such things as: the experience, education, possession of required licenses/certifications, knowledge, skills, abilities, demonstrated performance and behaviors of the applicants. Examination tools may include structured oral interviews, written tests, assessment centers, performance exams, and/or evaluation of resumes. The examination tool used for a particular vacancy shall be approved by the City Manager or his/her designee and shall be designed to examine job relevant criteria. When conducting examinations for positions from which promotions may occur to higher positions, consideration may be given to the promotability of applicants. Candidates who receive conditional job offers may be required to undergo physical competence and medical examinations and drug screening whenever it is deemed necessary and desirable by the City Manager.
  - (a) Examinations shall be conducted under the supervision of the City Manager or his/her designee. When necessary, special examiners, who are not employees of the City of Hudson, may be designated to assist in the conduct of the same.
  - (b) If a written examination is utilized, scoring shall be rated on a scale of 100% for the maximum possible attainment. A minimum grade of 70% shall be required for a passing grade on a written examination.
  - (c) The City Manager or his/her designee may, prior to the announcement of an examination, establish point adjustments to the grade for preferred qualifications.

(5) Eligibility Lists.

- (a) If a written examination is utilized, the City Manager or his/her designee shall maintain a list of applicants who receive a minimum grade of 70% on the examination. For vacancies for exempt positions where an alternate method of examination is generally utilized, such as a structured oral interview, a recommendation for appointment shall be made by the department manager to the City Manager based on the outcome and results of the alternate method of examination. In these cases, an eligibility list is not established.
- (b) If an eligibility list is established, it shall contain the following information:
  - Candidate's name
  - Ranking on the list
  - Original examination score
  - Adjusted examination scores (if applicable)
- (c) When two (2) or more candidates have the same grade on an eligibility list, the candidates shall be given the same rank on the eligibility list.
- (d) Candidates who receive a conditional offer of employment may be required to undergo a medical examination by a physician at the expense of the City. The City Manager or his/her designee may engage a physician to assist in the evaluation of the results of such examinations, and in establishing the criteria for medical disqualifications for the list. A medical examination may include a psychological test.
- (e) Candidates for appointment may undergo a background check at the direction and discretion of the City Manager or his/her designee. For positions that are directly responsible for handling City funds, the City shall in all cases obtain and consider prospective employees' consumer reports concerning credit information. Other job related tests may be administered to candidates for the purpose of determining eligibility.
- (f) If an eligibility list is established, it shall be valid for one (1) year from the date of promulgation. The City Manager or his/her designee may, at his/her discretion, extend the list at any time, for any length of time, up to one (1) additional year, from the original expiration date. The City Manager or his/her designee may also discontinue a list at any time after the original expiration date even if the list had previously been extended.

- (g) Candidates can be removed from the eligibility list or from further consideration for appointment for the following reasons (not exclusive):
- Failure to meet job related test requirements.
  - Conviction of a felony or crime of moral turpitude.
  - False statements or fraudulent conduct.
  - Cheating on the examination.
  - Failure to report for required medical, physical, or psychological tests at the place and time directed.
  - Failure to notify the City Manager of any change of circumstances relevant to job performance, availability, or eligibility, such as change of address, medical condition, revocation of driver's license.
- (h) When a candidate is removed from the eligibility list or from further consideration, the City Manager or his/her designee shall notify the person by mail. An eligibility ruling may be appealed to the Personnel Advisory and Appeals Board.
- (i) Any person is entitled to inspect an eligibility list for any reason.

#### **D. APPOINTMENT**

- (1) Appointment. The City Manager shall in all instances be the final appointing authority. The department manager shall make a recommendation to the City Manager of the top candidate for appointment. The department manager shall designate a top candidate utilizing one or more of the examination tools outlined in the section VACANCIES. For vacancies where an eligibility list has been established, the department manager shall recommend to the City Manager, one of the highest ten (10) ranked candidates (including ties) for appointment to the position, or in the event of more than one (1) vacancy, the highest ten (10) ranked candidates (including ties) plus one (1) additional candidate, in order of ranking, for each additional vacancy. Appointment to the City service shall be specified by the City Manager by date, position title, and pay rate on the employee's Personnel Action Form.
- (2) Candidates Eligible for Appointment. After the appointment of a candidate, the then remaining top ten (10) candidates on the eligibility list (including ties) are eligible for appointment. For positions where an eligibility list is not established, all remaining candidates who have successfully completed the examination process are eligible for appointment.



- (3) Probationary Appointment. All original appointments shall be probationary in nature during the first six (6) months of the employee's connection with the City. The department manager, with the approval of the City Manager, may extend the initial probationary period to one (1) year. All EMS safety members and part-time police dispatchers shall have a probationary period of one (1) year. The department manager, five (5) days prior to the termination of the initial probationary period, must give notice in writing to the employee of such action and the reasons for same. A copy of this notice shall be filed with the City Manager for insertion in the employee's records. At any time during the probationary period, any probationary employee may be dismissed upon the recommendation of the department manager. At the end of the probationary period or an extension thereof, any probationary employee must either be given a regular appointment or dismissed. The failure of the City to give notice of said decision shall in no way constitute a waiver of its rights to dismiss an employee. Satisfactory completion of the probationary period does not guarantee employment for a fixed period of time.

An advancement to a position in a higher pay range or a change to a higher level of responsibility in the case of a volunteer employee shall be considered a promotion. All promotional appointments shall be probationary in nature for a period of six (6) months following the employee's promotion. The department manager, with the approval of the City Manager, may extend the promotional probationary period to one (1) year. The department manager, five (5) days prior to the termination of the promotional probationary period, must give notice in writing to the employee of such action and the reasons for same. A copy of this notice shall be filed with the City Manager for insertion in the employee's records.

- (4) Interim Appointments. When qualified applicants are not available or when a regular appointment is pending, a department manager may make temporary interim appointments with the approval of the City Manager, not to exceed nine (9) months in duration, however, a temporary interim appointment may become a regular appointment at the City Manager's discretion if the City Manager determines it to be in the best interest of the City given the circumstances.
- (5) Emergency Appointments. In the case of an emergency, a department manager may make temporary emergency appointments with the approval of the City Manager, not to exceed nine (9) months in duration. This type of temporary emergency appointment shall not exceed a period of thirty (30) consecutive calendar days after which time the employee in the acting capacity shall be moved to the higher pay level accordingly for the duration of the appointment if the position being temporarily filled is in a higher pay range.

- (6) Probationary Removal. The City Manager may dismiss an employee during the probationary period for any reason other than an unlawful reason.
- (7) Reimbursement for Expenses. The City Manager may authorize the reimbursement of job applicants for reasonable expenses incurred as a result of traveling to the City as part of its employment examination process or in relocating to the City upon acceptance of employment. The relocation assistance shall be restricted to exempt positions and to those involving essential job skills where the City Manager deems the need to be critical.

## **E. TRANSFERS**

- (1) Transfer. When a vacancy exists in the same job range, employees may be considered for transfer from one division or department to another by completing an application form available from the City Manager. Generally speaking, an employment action is considered a transfer if an employee is assigned to a position with the same job range he or she currently holds which does not result in a higher range of compensation.
- (2) Conditions of Transfer. Transfers may be made under the following conditions:
  - (a) Employees may apply for a transfer to another vacant position with the same job range governed by the procedure as outlined in the section VACANCIES.
  - (b) Employees may be transferred within a department when a Department Manager deems transfer necessary because of work conditions.
  - (c) Employees may be transferred between or to a different department when the City Manager deems transfer necessary because of work conditions.
- (3) Approval of City Manager. All transfers must be approved by the City Manager.
- (4) Transfers Not to Affect Seniority. Transfers shall in no way affect an employee's seniority.

## **F. CLASSIFICATION AND RECLASSIFICATION OF POSITIONS**

- (1) Adoption of the Annual Appropriation Ordinance and the corresponding Position Allocation Ordinance by the City Council shall constitute authority for the City Manager to fill all positions listed therein according to their classification title and pay range. The City Manager shall determine at what rate an employee is placed within the pay range.
- (2) When the basic character and job responsibilities of a position are determined to have materially changed and increased so that the position is substantially consistent in supervision received, supervision exercised, essential job functions, knowledge, skills and abilities required, and minimum qualifications required, so as to be equal with those of a position in a higher pay range, the City Manager shall either reorganize the work being performed to be consistent with the job description of the original classification or reclassify the position, consistent with the work being performed.
- (3) Whenever it is anticipated that the basic character and job responsibilities of a position are intended to change due to a change in the nature of the work or a departmental reorganization, the City Manager may propose in the submission of the Annual Budget Request or periodic re-appropriation, that a position be reclassified to a higher or lower pay band. Where a qualified incumbent exists in a lower classification, which as a consequence of budgetary action is moved to a higher classification, the appointment of that individual to the higher classification shall constitute a reclassification, not subject to the procedures outlined in the section VACANCIES.

## **G. PERFORMANCE APPRAISAL PROCESS**

Performance evaluation or an appraisal is a process by which both an employee and supervisor may review the employee's job performance. Appraisal of performance is an ongoing process and each supervisor must be aware of his/her employee's daily performance to properly complete the formal process of evaluation. Formal evaluations are conducted at least once a year. During an employee's initial probation period, he/she may be evaluated more often (in most cases, at six (6) months and then again at one (1) year). At each evaluation, employees are eligible for an increase in pay within their pay range. Supervisors will receive formal training to assist them in the process of performance evaluation. Should you have a question or concern regarding your performance evaluation, contact your supervisor or, if necessary, the Human Resources Department.

## **H. REDUCTION IN FORCE; REMOVAL OF EMPLOYEES**

Should it become necessary to reduce the number of employees through no fault of an employee or employees, the City Manager shall exert all efforts to find other similar employment for those persons laid off. Those persons who have been appointed last shall be the first to be laid off in the reverse order of seniority by classification within the department. In the event of two (2) employees with identical classification seniority, the employee with the earliest date of employment with the City shall be considered the senior employee.

*End of Section*

## **CHAPTER VII - RULES AND POLICIES**

### **A. DRESS CODE**

While the City of Hudson does not enforce a formal dress code, there are generally accepted guidelines and the City of Hudson will apply a reasonable and professional workplace standard to individuals on a case-by-case basis. Employees involved in manual labor must dress for weather conditions and also those instances where they must work in less-than-clean surroundings. Conversely, City personnel dealing directly with the public should dress reasonably and appropriately in business-like attire. Appropriate business-like attire does not include tight pants, shorts, tank tops, halter tops, low-cut blouses or sweaters, or any extreme style or fashion in dress, footwear, accessories, fragrances or hair. Determination of appropriateness of an employee's specific dress and appearance is a departmental responsibility. An employee unsure of what is appropriate should check with his/her manager or supervisor.

Our first priority as a municipality is to effectively and efficiently administer to our residents. Dressing reasonably and appropriately establishes a professional atmosphere and instills confidence in our abilities and to resolve issues.

When employees do *not* dress appropriately, it is the responsibility of the supervisor to provide proper direction to the employee. If a manager or supervisor decides that an employee's dress or appearance is not appropriate as outlined in this policy, he or she may take corrective action and require the employee to leave the work area and make the necessary changes to comply with the policy. If the employee must leave City property to make the necessary change, time taken for that purpose will be unpaid.

### **B. TELEPHONE USE**

Employees are asked to keep incoming and outgoing personal calls to a minimum in order to promptly facilitate business calls. When employees are away from their desks, it is important that voice mail be checked as soon as they return. It is essential that each employee respond promptly to telephone calls and voice mail messages.

### **C. SMOKING POLICY**

The City of Hudson maintains a smoke and tobacco-free workplace. Smoking means inhaling, exhaling, burning, or otherwise using, (i) any lit or burning tobacco, other plant, or synthetic material (ii) any electronic or other battery-operated devices that vaporize a liquid solution (e.g. e-cigarettes).

In the best interest of employees and residents visiting our facilities, and in compliance with the "Smoke Free Workplace Act", smoking will be limited to a designated separable outdoor area for each City department, division, facility, and/or location. The designated smoking area for every City department and division shall be outside the building in an area not including adjacent locations of ingress or egress (i.e. away from all entrances and exits).

There shall be no smoking inside any City building or facility, owned or leased, including but not limited to, private offices, work areas, lounges, vehicles, conference rooms, restrooms, hallways, stairways, garages, vehicle bays, storage areas and other public areas within the facilities. Smoking is prohibited inside any City building or facility without regard to time of day or actual presence of employees. Employees wishing to smoke may do so only in designated areas while on City property. Smokers are expected to keep smoking areas clean and to use appropriate receptacles to dispose of smoking materials.

All Department and Division Managers shall be responsible for the enforcement of this policy and to ensure compliance.

#### **D. OCCUPATIONAL HEALTH AND SAFETY PROGRAM**

Ohio Revised Code 4167.04a(1) clearly states the common goal of providing safe and healthy working conditions and a workplace free from recognized hazards. The safety and health of employees continues to be the first consideration in the operation of the City.

It is the intent of this City to comply with all laws, including Ohio's Public Employment Risk Reduction Act for Ohio's public employees. To do this employees must constantly be aware of conditions in all work areas that can produce injuries. No employee is required to work at a job that is determined to be unsafe. Employee cooperation in detecting hazards and, in turn, controlling them is a condition of employment. An employee should inform their supervisor immediately of any situation beyond their ability or authority to correct.

The personal safety and health of each employee of this City is of primary importance. The prevention of occupational injuries and illnesses is of such importance that it will be given precedence over operating productivity whenever necessary. To the greatest degree possible, management will provide the appropriate and necessary mechanical and physical facilities required for personal safety and health. Employees are prohibited from disabling safety devices, in accordance with Ohio Public Employment Risk Reduction Program (PERRP).

We will maintain a safety and health program conforming to the best management practices of similar cities and recommendations by the Ohio (PERRP). To be successful, such a program must embody the proper attitude and joint effort toward injury and illness prevention not only on the part of supervisors and employees, but also between each employee and his/her co-workers. Only through such a cooperative effort can a safety program in the best interests of all be established and maintained successfully.

Employees will receive safety training deemed appropriate by the City. Training may include proper safety measures for the general work site, and specific safety training on any equipment, machinery, or other elements that are considered a normal part of the job. Employees are required to attend periodic training sessions, as determined by the City.

#### **E. TRANSITIONAL DUTY**

Transitional duty is an interim arrangement created by the City to assist an employee, injured on the job, in recovering from the injury and return to full duty as soon as safely possible.

(1) On-the-Job Injuries:

If an employee is injured on the job, the City will provide a list of the employee's regular job duties to the injured worker's physician for review. Upon receipt of a list of transitional duty assignments that the physician feels the employee can safely perform, the City will accommodate the injured worker by providing transitional duty, if it is in the best interest of the employee and the City. The City, the injured worker, the Bureau of Workers' Compensation and the City's managed care organization, will all work together to transition the injured worker back to full duty as soon as possible. An injured workers' compensation claim may be jeopardized if they refuse a good faith offer to work Transitional Duty.

(2) Off-the-Job Injuries:

If an employee's injury or disease does not arise out of or in the course of his/her employment, the City may provide transitional duty at the discretion of the department manager. In these cases, the availability of a transitional duty assignment is not guaranteed and will be provided if management determines that legitimate work assignments are available which the employee can perform safely and efficiently and present no direct threat to him/her or to other employees. If a transitional duty assignment is available and offered to an employee, the continuance of such duty shall be re-evaluated at thirty (30) day increments by the City Manager, who may extend a transitional duty assignment up to a maximum of 90 days total.

## **F. TECHNOLOGY USE POLICY**

### **(1) PURPOSE:**

The purpose of this policy is to assist the City of Hudson in protecting its computer system security and assets, to protect the privacy rights of employees, to manage City resources, and to protect the rights of third parties for appropriate access to City files. This policy governs access to and appropriate use of City technology (including but not limited to computers, network resources, internet, E-Mail, cellular phones, desktop phones, digital equipment and other electronic types of equipment and services the City deems as a technology resource. Abuse of the system(s), including inappropriate content, unauthorized personnel using the system, unauthorized access to certain equipment and computer files, or conduct in violation of these rules may result in disciplinary action up to and including discharge.

The City of Hudson encourages the use of these resources and associated services because they can make communication more efficient and effective. Technology can be a valuable source of information about vendors, customers, other technologies, new products and services. All computer users have the responsibility to use these resources in a professional, ethical, and lawful manner.

To ensure that all employees are responsible, the following guidelines have been established for using City provided technology resources or system access (including computers, phones, VPN, and internet). No policy can lay down rules to cover every possible situation. Instead, these guidelines are designed to express the philosophy of the City of Hudson and to set forth general principles when using electronic media and services.

### **(2) PROHIBITED USE:**

Prohibited uses of City technology include, but are not limited to the following:

- a. Discriminatory or harassing conduct
- b. Derogatory to any individual or group
- c. Obscene, sexually explicit or pornographic
- d. Defamatory or threatening conduct
- e. In violation of any license governing the use of software or hardware
- f. Engaged in, or for any purpose that is illegal or contrary to City policy or business interests
- g. Wagering, betting, or selling chances
- h. Commercial activities (running a business)
- i. Activities that result in personal and/or financial gain
- j. Solicitation, except on City-sanctioned activities/ images
- k. Activities that demean the dignity and integrity of the City of Hudson
- l. Engaging in malicious or ill-natured communications
- m. Unethical activities



(3) **PERSONAL USE:**

The computers, electronic media and services provided by the City of Hudson are primarily for business use to assist employees in the performance of their jobs. While employees may make personal use of City technology during working hours, the amount of use is expected to be limited to incidental use or emergency situations. Excessive time spent on such personal activities during working hours may be subject to disciplinary action. Employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

(4) **ACCESS TO EMPLOYEE COMMUNICATIONS:**

The City of Hudson reserves the right to monitor all uses of City resources and technology, at the time of use, during routine post-use audits, and during investigations. The City also reserves the right to restrict access to various Internet sites and services. The City may monitor any, and all technology used (including personal equipment), such as computers, phone, cell phones, email and internet/network access, and messaging systems using City owned resources. Monitoring of City Systems will be used to benefit the work environment by:

- a. Maintaining the integrity and efficiency of the system.
- b. Preventing and discouraging unauthorized access and system misuse.
- c. Retrieve business-related information.
- d. Investigate reports of misconduct or misuse.
- e. Reroute or dispose of undeliverable mail.
- f. Respond to lawful requests for information.
- g. Records retention.

Employees should never assume electronic communications are completely private. Accordingly, if they have sensitive information to transmit, they should use other means that adhere to City policies.

(5) **SOFTWARE:**

To prevent computer viruses from being transmitted through the City's computer system, unauthorized downloading of any unauthorized software is strictly prohibited. Only software registered, licensed and approved for use through the City of Hudson may be downloaded/installed. Employees should contact the Information Services Department for the list of authorized software and if they have any software use or purchasing questions.

(6) **SECURITY/APPROPRIATE USE:**

- (a) Employees must respect the confidentiality of the electronic communications of other individuals. Except in cases in which explicit authorization has been granted by the City Manager or his/her designee, employees are prohibited from engaging in, or attempting to engage in:

1. Monitoring or intercepting the files or electronic communications of other employees or third parties;
  2. Hacking or obtaining access to systems or accounts they are not authorized to use;
  3. Using or sharing other people's log-ins or passwords;
  4. Breaching, testing, or monitoring computer or network security measures.
- (b) No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.
- (c) Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.
- (d) Anyone obtaining electronic access to the materials of other companies or individuals must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.
- (e) If you become aware that there has been unauthorized access to your computer, you must raise it immediately with the Information Systems Department because of the implications for the security of City and personal data.
- (f) Log out or lock your computer when you have finished or are leaving your work area.
- (7) **ENCRYPTION:**  
Employees can use encryption software supplied to them by the Information Systems Department for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all the passwords and/or encryption keys necessary to access the files.
- (8) **PARTICIPATION IN ONLINE FORUMS:**
  - (a) Employees should remember that any information sent on City-provided facilities to one or more individuals via an electronic network - for example, Internet mailing lists, bulletin boards, and online services - are statements identifiable and attributable to the City of Hudson.

- (b) The City of Hudson recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a news group devoted to the technical area.
- (9) VIOLATIONS:  
Any employee who abuses the privilege of their access to any City system or resource in violation of this policy will be subject to corrective action, including possible termination of employment, legal action, and criminal liability.

## **G. SOCIAL MEDIA POLICY**

The City of Hudson believes in the value of social media and online networks to provide public outreach and deliver messages directly to and from citizens. Social media encourages citizen involvement and provides a real-time means of communicating local government messages on a day-to-day and emergency basis. The purpose of this policy is to ensure appropriate use of the City's social media, both internally and externally.

- (1) PLATFORMS:  
This policy applies to all social media outlets used by the City of Hudson. Social media and social networks are primarily Internet and mobile-based tools for sharing and discussing information among people. At the time of the adoption of this policy, these sites included Facebook, Nextdoor, Twitter, and YouTube. More outlets may be added as social media opportunities continue to expand.
- (2) POLICY COMPONENTS:  
This policy is divided into two components:
  - A. An external policy which establishes the standards for public use of the City's social media, and;
  - B. An internal policy which establishes the standards for City of Hudson employees and employees who post and manage content on the City's social media pages.

### **A. External Policy**

The City of Hudson's social media pages are meant to be a place for discussion of issues relevant to the community. The City of Hudson reserves the right to remove any post, comment, photo, or message on any of the City's social media, especially if it contains any of the following:

- 1. Content that is libelous, profane, defamatory, disparaging, discriminatory, hateful, harassing, threatening, graphic, or obscene.

2. Promotes particular services, products, or political organizations.
3. Conduct or encouragement of illegal activity.
4. Content that violates any local, state, federal, or international laws or regulations.
5. Content that violates copyright laws or other legal ownership interest of any party.
6. Off-topic content.
7. Content that contains spam or is intended to cause technical disruptions.

These guidelines must be displayed to users or made available by hyperlink. The City of Hudson reserves the right to restrict or remove any content or post that is deemed in violation of this Social Media Policy or any applicable law. Prior to deletion, the content will be screen-captured and documented for public record.

The City of Hudson does not endorse any opinions not specifically posted by us. Additionally, the City of Hudson is not responsible for the accuracy of the claims, information, advice, or comments posted on the page.

#### City's Rights to Posted Information

All information, messages, and images posted or sent to the City's social media will be considered public information. The City may handle such content as it deems appropriate, including reposting or disseminating the information, messages, or photos.

#### Public Record

City of Hudson social media sites are subject to the State of Ohio public records laws. Consequently, any content maintained in a social media format, including a list of subscribers and posted communications may be a public record. The City is responsible for responding promptly to any public records request for records on social media. City of Hudson records retention schedules apply to social media formats and social media content.

#### **B. Internal Policy**

Social media is important to engage with and inform the community; however, inappropriate use has the potential to adversely affect the City. The internal social media policy of the City of Hudson is set in place to ensure the appropriate and accurate use of both official City of Hudson social media as well as personal use of social media.

#### Official City Use

The City of Hudson uses social media to disseminate and promote City projects, programs, events, and initiatives; to relay important safety messages and urgent alerts as they occur; and to encourage two-way communication and transparency between the City and its citizens.

## Managing Content

1. The Information Services Department is responsible for the development of the City of Hudson's social media strategy and oversight of the policies and procedures pertaining to the social media outlets used by the City.
2. The City Manager has assigned the Communications Specialist the responsibility for posting content to Hudson social media sites. Only the City Manager, Communications Manager, Communications Specialist, or their designee are permitted to add content, post messages, or communicate with citizens through these sites.
3. Any City representative utilizing the City's social media should use their best professional judgement and should be mindful of how their words and actions reflect on the City of Hudson.
4. No department may create a new social media outlet without first consulting the City Manager. If approved by the City Manager, the Communications Specialist will serve as administrator on the newly authorized social media page.
5. Posts by the public on the City's social media pages are monitored by the Communications Specialist, and any posts that violate the External Social Media Policy may be deleted. Prior to deletion, the content will be screen-captured and documented for public record.

## Personal Use

Due to the nature of social media, even when using personal social media on or off duty, City employees have no expectation of privacy in anything posted in cyberspace. This policy is not meant to infringe on one's First Amendment rights; however, it is important that employees use "common-sense" when posting any information related to his or her employment.

The City does not seek to control any purely personal content posted by employees when it is unrelated to the City, posted during non-working hours, does not identify the employee's position with the City, and is not otherwise disruptive to City objectives.

## Guidelines

1. All City officials and employees using social media must adhere to the City of Hudson's Code of Ethics and appropriately maintain the levels of confidentiality with which they have been entrusted.

2. Employees are not authorized to speak or comment on behalf of the City with or on personal accounts or when commenting on City accounts. They should indicate any opinions are their own and they are not speaking on behalf of the City.
3. Employees shall not post anything related to the City, including but not limited to - employees, City property, or personnel - which may adversely affect the reputation of the City, a City department, or a co-worker.
4. Employees are free to express themselves on social media to the degree that their speech does not adversely affect job performance, the performance of fellow employees, or anyone with a vested interest in the City of Hudson.
5. Employees should avoid the use of material which could be viewed as malicious, disparaging, obscene, harassing, threatening, or any other content deemed inappropriate by those in receipt of the material. Avoid posting any material which you would not want a supervisor or fellow employee to see.
6. Employees may not disseminate non-public confidential information through social media.
7. Employees are not permitted to use their hudson.oh.us email for creating personal accounts.

Limitations:

Nothing in this Social Media policy or any other policy of the City will be construed to prohibit employees from discussing or communicating about wages, benefits, or other terms and conditions of employment, or from engaging in concerted activity for the purpose of addressing terms and conditions of employment or the employees' mutual aid and protection in the workplace. However, if an employee chooses to use social media to post complaints or criticisms about the City, the City asks that the employee avoid using statements, photographs, video or audio that could be reasonably viewed as malicious, obscene, threatening, intimidating, disparaging to other City employees and clients, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policies.

The City shall never do any of the following:

1. Demand an employee's social media login credentials;
2. Use an employee's social media login credentials;
3. Demand to become an employee's "friend";
4. Confiscate an employee's personal electronic devices; or
5. Shut down an employee's social media account.

Other Applicable Policies:

In addition to this Policy, an employees' use of social media is also subject to all other applicable City policies and provision of the Ohio Revised Code, including, but not limited to:

1. Public Records Policy
2. Telephone Use
3. Technology Use Policy
4. Sexual or Other Unlawful Harassment
5. City Equipment and Vehicle Use Policy
6. Code of Ethics
7. Ohio Revised Code Chapter 102 (Ohio's Ethics Law)
8. Ohio Revised code 124.57 (Prohibition Against Partisan Political Activity)
9. Ohio Revised Code 2915.02 (Gambling)

## **H. MEDIA RELATIONS POLICY**

(1) **PURPOSE:**

This administrative policy establishes guidelines for responding to media inquiries. It is intended to provide for accurate and consistent flow of information and to comply with guidelines of the Freedom of Information Act. All City Staff, City Council, City Volunteers, Board/Commission/Committee Members, and the Mayor are required to comply with all provisions in this policy.

(2) **RESPONSIBILITIES OF THE COMMUNICATIONS MANAGER:**

The Communications Manager is the Public Information Officer (PIO) and Primary City Spokesperson for disseminating information to the news media. When the Communications Manager is unavailable, the City Manager or the City Manager's designee will act as Spokesperson and coordinate media communications. The Communications Manager will ensure City-wide compliance with this administrative policy. The Communications Manager will also inform the City Manager or the City Manager's designee of media situations that are not routine in nature, and inform City Council and the Mayor about potential media issues as necessary.

(3) **MEDIA RELATIONS PROCEDURES:**

(a) **Public Record Requests:**

All public record requests made by the news media should be forwarded immediately to the Communications Manager who will follow established procedures for handling public records.

- (b) **Media Requests:**  
All media requests should be forwarded to the Communications Manager who will determine the appropriate level of response, department and spokesperson for that topic. Department Managers, their staff and/or board, commission and committee volunteers should not respond to or directly contact the media with a City-related story or information unless approved by the Communications Manager or the City Manager's office in advance.

The Communications Manager should be contacted immediately, 24/7, when a situation is occurring that could be newsworthy. The Communications Manager will then notify the City Manager or the City Manager's designee. The Communications Manager may select a Department Head or Supervisor to answer the media questions. In these cases, Department Managers should provide routine department-relevant information. Routine information is information readily available to the public via public records or in general circulation. Examples include but are not limited to: notices of meetings, public meeting agendas, public notices required by law, information regarding operating hours and/or closings, or facts about a construction project, crash reports, etc.

After speaking with the media on routine matters, the Department Head should notify the Communications Manager of that contact.

- (c) **Press Conferences, TV and Radio Interviews:**  
All requests for live television or radio interview should be forwarded to the Communications Manager. On-camera, on-air radio interviews, or press conferences will be organized by the Communications Department and conducted by a spokesperson designated by the Communications Manager.

- (4) **LEGAL, PERSONNEL, MEDICAL, OR OTHER PROTECTED INFORMATION:**  
Information that may be privileged and should not be discussed with reporters include, but are not limited to pending or imminent litigation, potential exposure to litigation, personnel matters, and medical/healthcare information. All inquiries of a potentially privileged nature should be forwarded immediately to the Communications Manager.



- (5) **MEDIA RELATIONS IN A CRISIS:**  
During a crisis event, the Communications Manager is the Public Information Officer (PIO) and sole point of contact for the media. If a significant incident occurs, the Communications Manager should be contacted immediately, regardless of the hour. The Communications Manager will notify the City Manager, Assistant City Managers and City Council as necessary. If the Communications Manager is not available, the City Manager or the City Manager's designee will coordinate communications, conduct interviews and notify City Council and other key individuals as necessary.
- (6) **FREEDOM OF INFORMATION:**  
No portion of this media policy should be interpreted as to infringe upon the provisions of applicable freedom of information and Ohio public records statutes. The City of Hudson adheres to all freedom of information and public records statutes and encourages the prompt and responsive dissemination of accurate information to both the public and the news media.
- (7) **DISCIPLINARY ACTION:**  
City of Hudson employees and volunteers who fail to comply with this policy will be subject to discipline, up to and including termination of employment with the City of Hudson.

## **I. EMPLOYEE PRIVACY AND PHONE CALL RECORDING**

The City of Hudson has the right to monitor, record, and control an employee's use of the phone, internet, email and/or websites in an effort to enforce City rules and policies regarding conduct and performance. With the installation of Voice Over Internet Protocol (VOIP) and the City's ability to monitor phone conversations via this technology, it is important to note the State of Ohio and Federal laws regarding the use of phone call recording. As such, Ohio Revised Code 2933.52 allows one-party consent for telephone recordings. This means only one of the parties involved in the conversation needs to know the recording is taking place. The person recording the call can be the one who placed the call or the one who received it.

Federal law permits the recording of phone conversations across state lines if one party consents. This includes wireless and cellular calls. Ohio law states that if a phone call is made across state lines, both parties involved must consent to the recording. While Ohio and Federal Law allows one-party consent, the FCC and other states do not. The FCC requires all parties be notified at the beginning of the call if the call crosses state lines.

## **J. CELL PHONE AUTHORIZATION**

**(1) PURPOSE:**

The City of Hudson recognizes the need for certain City employees to use cell phones to complete and to conduct City business effectively and efficiently. Some positions may require that the employee be readily available via cell phone throughout his or her work period and/or during non-work hours.

That need can be met either by the provision/issuance of a City cell phone and/or pager OR the payment of a Cell Phone allowance. This policy establishes procedures for the authorization of the provision/issuance of a City cell phones or pagers OR the payment of a Cell Phone allowance.

This policy establishes procedures for their authorization, to contain costs, and to ensure personal and departmental accountability.

**(2) SCOPE:**

This policy applies to all City of Hudson employees who will be receiving a City issued cell phone and/or pager OR the payment of a Cell Phone allowance for their personal cell phone.

**(3) OVERSIGHT, ELIGIBILITY AND APPROVAL - GENERAL:**

(a) Individual department heads are responsible for identifying employees who hold positions that include the need for a cell phone. Each department is strongly encouraged to review whether a cellular device is necessary, and to select alternative means of communication - e.g., land-lines, pagers, and mobile radios - when such alternatives would provide adequate and less costly service to the City.

(b) The department head is responsible for overseeing employee cell phone needs and assessing each employee's continued need of a cell phone for business purposes. The need for a cell phone allowance should be reviewed annually, to determine if existing cell phone allowances should be continued as-is, changed, or discontinued.

(c) The City Manager will have the final approval authority.

**(4) ELIGIBILITY AND APPROVAL – JUSTIFICATION CRITERIA:**

Employees whose job duties include the need for a cell phone may be approved for a City cell phone and/or pager OR the payment of a Cell Phone allowance based upon the following criteria (at least one of the following criteria is met):

- (a) The job function of the employee requires considerable time outside of his/her assigned office or work area and it is important to the City that he/she is accessible during those times;
  - (b) The job function of the employee requires him/her to be accessible outside of scheduled or normal working hours where time sensitive decisions/notifications are required;
  - (c) The job function of the employee requires him/her to have wireless data and internet access; and/or
  - (d) The employee is involved in frequent off-hours/on-call activity.
  - (e) The employee is a key staff member needed in the event of an emergency.
  - (f) The employee is designated as a "first responder" to emergencies.
  - (g) The cell phone and/or pager will enhance emergency response, employee safety, or work efficiency.
- (5) **ELIGIBILITY AND APPROVAL – BALANCING CRITERIA:**  
Once one or more of the foregoing criteria have been met, those should be weighed against the following:
- (a) Given the adequacy of the present system of communication, is a cell phone and/or pager an appropriate and economical option?
  - (b) Is the cell phone and/or pager merely a convenience or is it a necessity for job duties?
  - (c) How frequently will the cell phone and/or pager be needed?
  - (d) Can the user share a City issued cell phone and/or pager with other employees?
  - (e) Is the cost justified when compared with alternative communication choices?

An employee who only occasionally is contacted for business purposes is not eligible for an allowance; however, he/she may submit a record of these expenses for reimbursement.

- (6) **ELIGIBILITY AND APPROVAL BY JOB CLASSIFICATION OR INDIVIDUAL:**
- (a) Authorization for a Job Classification

Authorization on a job classification basis shall be established as follows:

1. An initial determination shall be made as to what job classifications require a cell phone, and whether the cell phone should be a “basic” phone or a “smart phone” by each department head for each job classification reporting to the department head.
2. Any initial determination that a cell phone is required/recommended shall be reduced to writing and signed.
3. The initial determination shall include a cost estimate and a reason shall be given for the business necessity for the cell phone and/or pagers.
4. The *Cell Phone Authorization Form* shall be forwarded to the City Manager.
5. The City Manager shall make a final determination.
6. The final determination shall be forwarded to Human Resources so that the respective job description is documented as being authorized for a cell phone OR a cell phone allowance be paid.

(b) Authorization for an Individual Employee:

Authorization for individuals that differ from authorization established on a job classification basis shall be established as follows:

1. In the event that a department head believes that a cell phone is required by an individual employee rather than each employee in that employee’s job classification, or that an individual employee requires a different level of cell phone than each employee in that employee’s job classification, the department head shall make an initial determination, which shall be reduced to writing and signed.
2. The initial determination shall include a cost estimate and a reason shall be given for the business necessity for the cell phone and/or pagers.
3. The *Cell Phone Authorization Form* shall be forwarded to the City Manager.
4. The City Manager shall make a final determination.

(7) REIMBURSEMENT OF CELL PHONE & ELECTRONIC EXPENSES:

If an employee's job duties do not include the need for City cell phone and/or pager OR the payment of a Cell Phone allowance, the employee is not eligible for a cell phone allowance.

1. Such employees may request reimbursement for the actual extra expenses of business cell phone calls on their personal cell phone.
2. Reimbursement for per-minute "air time" charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the plan will not be reimbursed.
3. The individual should make personal payment to the provider, and then should submit a request for reimbursement.
4. A request for reimbursement should identify/document the business purpose.

(8) PAYMENT AND FUNDING:

(a) Required Submission to Purchasing

1. After the issuance of a City cell phone or pager, OR the payment of a Cell Phone allowance has been authorized in accordance with this policy, the completed *Cell Phone Authorization Form* shall be submitted to Finance.
2. A copy of the completed *Cell Phone Authorization Form* shall be submitted to Human Resources for filing in the employee's personnel file.

(b) Issuance of a City cell phones or pagers OR the payment of cell phone allowances are funded by the department submitting the request using account - xxx-xxxx-52331 (Mobile Communications).

(9) EMPLOYEES RIGHTS & RESPONSIBILITIES:

- (a) Any cell phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cell phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the wireless device service provider, and to the Information Services Department as soon as possible.

- (b) Employees are expected to delete all City data from the cell phone when their employment with the City is severed, except when required to maintain that data in compliance with litigation hold notice.

(10) **ANNUAL REVIEW:**

There shall be an annual review of the inventory of cell phones and/or pagers users AND job classifications and employees who are receiving a cell phone allowance by each department to ensure designated job classifications and/or employees continue to demonstrate a need for cellular phones.

**K. CELL PHONE ALLOWANCE POLICY**

(1) **PURPOSE:**

- (a) The City of Hudson recognizes that the performance of certain job responsibilities may be enhanced by or may require the use of a cellular (cell) phone or a Smartphone.
- (b) The City will begin issuing a cell phone allowance for those employees who hold positions where the duties of that position require the use of a cell phone. The benefits of such an approach include:

- A single phone may be used for both personal and business purposes.
- The allowance is not to be considered taxable income to the employee.

(2) **SCOPE:**

This policy applies to all City of Hudson employees who will be receiving an allowance for their personal cell phone.

(3) **POLICY:**

Employees, who are either authorized individually to be issued a cell phone or receive an allowance, (see eligibility criteria below) may, at the City's sole determination, receive a cell phone allowance in lieu of a City issued cell phone to compensate for business-related costs incurred when using their personally-owned cell phones.

- (4) **ELIGIBILITY:**  
Eligibility shall be determined based upon the City of Hudson's Cell Phone Authorization Policy.

An employee who only occasionally is contacted for business purposes is not eligible for an allowance; however, he/she may submit a record of these expenses for reimbursement.

- (5) **CELL PHONE ALLOWANCE:**

- (a) Once approved, the allowance amount will be paid on a monthly basis.
- (b) The allowance will be paid as a flat rate per month, based on the selected service and outlined below.
- (c) The City will pay only the amount established herein. Any amount in excess of the established rates, including but not limited to charges for exceeding monthly minutes or data, are the responsibility of the employee.
- (d) The allowance is neither permanent nor guaranteed. The City reserves the right to remove a participant from this plan and/or cancel the allowance for business reasons.
- (e) The amount of the allowance will be determined based on the type of plan required of the employee's position to perform his or her job responsibilities. A tiered model based on the current market rates includes the following options:
  - Voice only - \$30 per month
  - Voice & Data - \$50 per month
  - Voice, Data, and Hotspot - \$60 per month
- (f) As the allowance is for the business use of the cell phone, the City treats the allowance as nontaxable to the employee.

- (6) **EQUIPMENT PURCHASE:**  
The City will not pay for the purchase of personal cell phones, activation fees, related accessories, or insurance.

- (7) **EMPLOYEES RIGHTS & RESPONSIBILITIES:**
- (a) The employee is responsible for purchasing a cell phone and establishing a service contract with the cell phone service provider of his/her choice.
  - (b) The cell phone contract is in the name of the employee, who is solely responsible for all payments to the service provider.

- (c) Because the cell phone is owned personally by the employee, and the allowance provided is not considered taxable income, the employee may use the phone for both business and personal purposes, as needed.
- (d) The employee may, at his or her own expense, add extra services or equipment features, as desired.
- (e) If there are problems with service, the employee is expected to work directly with the carrier for resolution.
- (f) Support from the City's Information Services Department is limited to connecting a personally owned PDA/Smartphone to City-provided services, including email, calendar, and contacts.
- (g) An employee receiving a cell phone allowance must be able to show, if requested by his/her supervisor, a copy of the monthly access plan charges and business-related activity confirming they continue to have a contract for the cell phone (accountability).
- (h) If the employee terminates the wireless contract at any point, he/she must notify his/her supervisor within five (5) business days to terminate the allowance.
- (i) The City does not accept any liability for claims, charges or disputes between the service provider and the employee.
- (j) Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination.
- (k) Any cell phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cell phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the wireless device service provider, and to the Information Services Department as soon as possible.

(8) **CANCELLATION:**

Any allowance agreement will be immediately cancelled if:

- (a) An employee receiving a cell phone allowance terminates employment with the City.
- (b) The employee changes position within the City which no longer requires the use of a cell phone for business reasons.
- (c) There is misuse/misconduct with the phone.
- (d) A decision by management (unrelated to employee misconduct) results in the need to end the program or there is a change in the employee's duties.
- (e) The employee does not want to retain the current cell phone contract for personal purposes.



(9) **REMOVAL OR DELETION OF CITY INFORMATION:**

- (a) Employees are expected to delete all City data from the cell phone when their allowance is severed or their employment with the City is severed, in accordance with Ohio public records laws and City policy, except when required to maintain that data in compliance with litigation hold notice. Removal shall be in cooperation and verified by the City Information Services Department.
- (b) In the event the employee (or former employee) does not cooperate with Information Services Department in deleting all City data from the cell phone when their allowance is severed or their employment with the City is severed, the City reserves the right to remotely remove City Information, which may result in the loss of personal data and information.

**L. CITY ISSUED CELL PHONES AND PAGERS**

- (1) **PURPOSE AND SCOPE:**  
The City of Hudson recognizes the need for City-owned cell phones and/or pagers and has established procedures for their authorization.
- (2) **AUTHORIZATION:**  
Cell phones and/or pagers shall not be issued to any employee without prior authorization in accordance with City policy.
- (3) **PROVISION OF CELL PHONES AND/OR PAGERS:**  
The City may purchase, or otherwise provide under a lease rental contract, cell phones and/or pagers for City employees. Those employees who are issued a City cell phone and/or pager shall follow the guidelines and procedures set forth in this policy for the purchase and use of cell phones and/or pagers. For purposes of this policy, City employees may include part-time, seasonal, and temporary staff.
- (4) **CELL PHONE AND/OR PAGER ACQUISITION:**  
Once an employee is authorized to be issued a City cell phone and/or pager, the department head shall monitor its use.
- (5) **BUSINESS USE AND LONG DISTANCE CALLING:**  
To keep cell phone expenses to a minimum, users are requested to access regular (land line) phones as much as possible when calling local numbers. However, since long distance calling is included with the cell phone at no additional charge, long distance business calls should be made with a cell phone whenever possible.

(6) RESTRICTIONS ON USE OF CITY-ISSUED CELL PHONES AND PAGERS:

(a) Personal Calls Prohibited

Should an employee need to make or receive an emergency call on a rare basis of a personal nature on the City's cell phone, or should the employee accidentally make or receive a personal call on the City's cell phone, such use shall not be in violation of this policy unless such personal use may constitute abuse and is extreme or becomes repetitive in nature, in which case such use shall result in discipline up to and including discharge. Emergency or rare accidental calls shall be reported to their Department Head within thirty (30) days of their occurrence.

However, as a general rule City-issued cell phones are not intended nor should they be used for personal use. Employees are generally not permitted to make or receive personal calls or text messages. Doing so constitutes an unauthorized use and/or misuse of City property. Unapproved personal use and/or abuse of the City cell phone and/or pager is a violation of this policy and may result in discipline action up to and including discharge.

Note: Employees shall reimburse the City for any personal calls. Additionally, if requested, employees must highlight personal calls on the monthly bill.

(b) Unauthorized Charges

Costs for calling directory assistance, web usage and download fees, and any other charges above and beyond the regular monthly service charge are prohibited, must be reimbursed by the employee, and may result in discipline action up to and including discharge.

(c) Illegal Use Prohibited

Use of the cell phone for any illegal purposes may result in criminal prosecution and in addition, may result in disciplinary action up to and including discharge.

(7) AUDIT OF CELL PHONE AND/OR PAGER USE:

Employees have no right of privacy or expectation of privacy on City-owned cell phones and/or pagers.

The City reserves the right to audit/review cell phone and/or pager bills to ensure their proper use (i.e., costs were incurred during the course of conducting government business, not for personal use). Any detected abuse or misuse will result in corrective disciplinary action up to and including discharge.

- (8) **TRAVELING:**  
When traveling on City business, employees should use their City issued cell phone for business related calls.
- (9) **CARE OF CELL PHONES:**
- (a) Employees must safeguard any cell phone and/or pager equipment in their possession.
  - (b) As with all City property and equipment, employees are expected to take reasonable care of the cell phones and/or pager equipment.
  - (c) Any necessary repairs or malfunctions should be reported to the Information Services Department in a timely manner.
  - (d) The loss of any cell phone and/or pager equipment shall be reported to the employee's supervisor immediately. If theft is suspected, the police should also be notified immediately.
  - (e) All employees assigned a cell phone and/or pager equipment will be responsible for their cell phone and/or pager equipment. If it is lost or stolen, the employee shall notify their immediate supervisor and the Information Services Department.
- (10) **RETURN OF CELL PHONE:**  
When an employee no longer has a demonstrated need for a cell phone or pager, or when the employee terminates employment with any City Department, that employee shall return any City issued cell phone and pager equipment.

#### **M. CELL PHONE AND PAGER USE POLICY**

- (1) **USE OF CELL PHONE WHILE DRIVING:**  
Employees shall exercise extreme caution when driving and talking on or using cell phones. Unless utilizing a "hands-free" speakerphone option, employees should stop their vehicle as soon as safely possible to answer and use a cell phone. Violation may result in disciplinary action up to and including discharge. Exception may be made during emergency response.  
  
Sending or receiving text messages or e-mail while driving is prohibited at all times.
- (2) **TRAVELING:**  
When traveling on City business, employees should use their City issued cell phone or cell phone for which they are receiving a cell phone allowance for business related calls.

(3) **CELL PHONE AND/OR PAGER MUST BE KEPT IN POSSESSION:**

Authorized employees are expected to have their City issued cell phone or cell phone for which they are receiving a cell phone allowance in their possession at all times during their work shift. The cell phone or pager may be turned off or silenced at appropriate times during meetings and conferences, or for safety related issues.

Employees may also be required to have their City issued cell phone or cell phone for which they are receiving a cell phone allowance in their possession at times other than work time, so that they can be contacted by the City.

(4) **VOICEMAIL AND E-MAIL:**

Employees that are on vacation or other extended leave should leave an automated "out of office" response for both voicemail and email with alternative contacts to assure customer concerns are met.

(5) **TEXTING AND E-MAIL VIA CELL PHONE OR PAGER:**

Use of a City issued cell phone, a cell phone for which an employee is receiving a cell phone allowance, or even a personal cell phone which serves to document the City, its functions, its policies, its decisions, its procedures, its operations, or other activities of the City shall be conducted via voice or e-mail.

Texting any information which serves to document the City, its functions, its policies, its decisions, its procedures, its operations, or other activities of the City is prohibited, because the "public record" cannot be preserved.

(6) **PROHIBITED COMMUNICATIONS:**

Personal cell phones (during City business hours) and City issued cell phones and/or pagers (at any time) cannot be used for knowingly transmitting, retrieving, accessing, attempting to access, or storing any material, data, site, or communication that is:

- a. Discriminatory or harassing, or
- b. Derogatory to any individual or group, or
- c. Obscene, sexually explicit, or pornographic, or
- d. Defamatory, or
- e. Threatening, or
- f. In violation of any license governing the use of software, or
- g. For any illegal purpose, or
- h. Online gambling or gambling sites, or
- i. For any other purpose that is contrary to City policy or business interests.

This list of prohibited uses is not exhaustive and is not to be construed to restrict the City, in any way, from taking appropriate disciplinary action should an unacceptable or inappropriate use occur, as determined in the sole discretion of the City, which does not fall into one of the above listed categories.

Use of personal cell phones during non-business hours for some of the forgoing purposes may also be a violation of City policy (i.e. harassment of another employee), which also may subject an employee to disciplinary action.

(7) **ACCESS TO EMPLOYEE COMMUNICATIONS:**

The City of Hudson reserves the right, at its discretion, to review an employee's cell phone usage to the extent necessary to ensure that usage is in compliance with the law, this policy, and other City policies. As such, employees should not assume that use of a City issued cell phone and/or pager, or a cell phone for which an employee is receiving a cell phone allowance, are completely private. Accordingly, if an employee has sensitive information to transmit, they should use other means.

**N. FRATERNIZATION/NEPOTISM – EMPLOYMENT OF RELATIVES OR FRIENDS POLICY**

The employment of relatives and/or individuals living together who are involved in a personal relationship within the same Department of the City may violate laws and other ethical codes of conduct. Such employment also may cause serious conflicts and problems with favoritism and employee morale. In order to ensure that hiring and supervision of employees in the city of Hudson are conducted in a manner that enhances public confidence in government and prevents the appearance of partiality, preferential treatment and improper influence or a conflict of interest, this policy is implemented to provide specific guidance and instruction as to the manner in which the City of Hudson will manage such employment matters.

**Relatives:** A relative in this context includes, but is not limited to: parent, step-parent, child (blood, adopted, foster), step-child, sibling, spouse or partner, grandparent, grandchild, in-law, uncle, nephew, niece, cousin or any other individual who makes his or her home with an employee. This also includes a domestic partner (a person with whom the employee's life is interdependent and with whom the employee shares a mutual residence).

**Fraternization:** Fraternization includes employees living together or those who date or have personal relationships with one another. This does not include occasional social contact. It typically involves those who establish or are engaged in a romantic relationship.

Relatives of, or those who qualify as having a Fraternization relationship with persons employed by the City may be hired only if they will not be working directly for, or supervising a relative, or will not occupy a position in the same chain of command/authority within the City's organizations structure. This policy applies to any Relative or person having Fraternization relations with an employee, higher or lower in the organization, who has the authority to review employment decisions. It is the responsibility of all employees to notify the City manager in writing if you are aware of any individual seeking employment at the City who is a relative or with whom you could be considered to have a relationship which qualifies as fraternization as defined in this policy.

Once employed by the City of Hudson, employees cannot be transferred into such a reporting relationship.

If the relative or fraternization relationship is established after employment, both employees must immediately notify the City Manager in writing of any situations which might violate this policy. Any failure to notify the City Manager may result in discipline, up to and including, termination from employment.

Employees who become Relatives, or who otherwise establish a relationship which might qualify as Fraternization as described in this policy, after employment may continue employment as long as it does not involve a violation of the circumstances described above. In the event one of the conditions should occur, an attempt will be made to find a suitable position within the City where one of the employees may transfer. The City will make reasonable efforts to assign job duties so as to eliminate any legal prohibitions and minimize problems of supervision, safety, security and morale by transferring either employee. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. If the employees are unable to make the decision within 10 days after having been given the opportunity to decide, the City retains the sole discretion as to which employee, if any, will remain with the City.

The City reserves the right to exercise managerial discretion and judgment to take such actions relating to employment as may be necessary to achieve the intent of this policy.

## **O. SEXUAL AND OTHER UNLAWFUL HARASSMENT**

The City of Hudson is committed to maintaining a work environment in which all individuals are treated with respect and dignity and is free of sexual and other unlawful harassment, discrimination and retaliation. The City will not tolerate harassment based on sex, age, race, religion or any other status protected by law of City employees by anyone including supervisors, co-workers, contractors, consultants, clients, or customers.

- (1) Definition of Sexual Harassment. Sexual harassment is defined as any unwelcome verbal or sexual advance, sexually explicit derogatory remark, and request for sexual favor or other verbal or physical conduct of a sexual nature made by someone in the work place which is offensive or objectionable to the recipient, or which causes the recipient discomfort or humiliation. Sexual harassment can consist of unwelcome behavior or conduct that is sex or gender related. Specifically, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct (including visual aspects in the environment) of a sexual nature constitute sexual harassment when:
  - (a) Submission to such conduct is either an explicit or implicit term or a condition of an individual's employment;
  - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual who did the submitting or rejecting; *or*
  - (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- (a) The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- (b) The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another department, a co-worker, or a non-employee.
- (c) The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- (d) Unlawful sexual harassment may occur without economic injury to, or discharge of, the victim.
- (e) The harasser's conduct must be unwelcome.

Sexual harassment may include, but is not limited to, sexually oriented actions, gestures, and words (both overt and subtle), jokes about gender-specific traits, sexual innuendo, physical body contact, and/or visual displays of materials such as pictures, posters, calendars, cartoons, or other illustrations that are sexually suggestive.

These actions and materials are strictly prohibited within our organization and upon City property. Sexual harassment is a form of employee misconduct that is demeaning to another person and undermines the integrity of the employment relationship.

- (2) Definition of Other Unlawful Harassment: Harassment on the basis of sex, age, race, religion or any other status or characteristic protected by law is unlawful and will not be tolerated. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates and that:
- (a) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
  - (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
  - (c) otherwise adversely affects an individual's employment opportunities.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile or offensive to reasonable people.

- (3) Persons Covered: The City's Sexual and Other Unlawful Harassment Policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City (e.g. an outside vendor, consultant or customer).

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside of the workplace, such as during business trips, meetings and business-related social events.

- (4) Complaint Procedure: Every City employee has the responsibility not to engage in behaviors that constitute sexual or other unlawful harassment, discrimination, and retaliation and to help assure that these illegal behaviors are avoided.

The City encourages the prompt reporting of complaints or concerns so that constructive action can be taken before relationships become irreparably damaged. Therefore, although no fixed reporting period has been established, early reporting and intervention are strongly recommended as they have proven to be the most effective method of resolving actual or perceived incidents of harassment.



(5) Informal Complaint Procedure:

- (a) Individuals who believe that they have been affected by conduct prohibited in this policy or who believe they have witnessed such conduct, should discuss their concerns with their immediate supervisor or another member of management or next level supervisor if his/her immediate supervisor is personally or directly involved. A complaint may be satisfactorily resolved at this step. He/she may also notify the City Manager or the Human Resources Department.
- (b) Individuals who believe they are being subjected to such inappropriate conduct may advise the offender that his/her behavior is unwelcome and request that it be discontinued. An individual having a complaint is not required to work out the problem directly with the person alleged to harass him or her. The City recognizes, however, that an individual may prefer to pursue the matter through a formal complaint procedure.

(6) Formal Complaint Procedure:

- (a) Retaliation against an individual filing a complaint or participating in the investigation of a complaint is prohibited.
- (b) The intent of the formal complaint procedure is to provide a quick and fair resolution of a complaint.
- (c) An employee desiring to file a complaint must present the complaint to the Human Resources Department. Human Resources will investigate the complaint unless another investigator is appointed by the City Manager.
- (d) When making a complaint, please provide the following information:
  - The date(s), time(s), and locations(s) of the incidents(s) which took place;
  - A description of the incident(s), including what was said and/or done; and any physical evidence if available (notes, letters, etc.) and;
  - The name(s) of witness(es) present during the incident.
- (e) The right to confidentiality, both of the complainant and the accused, will be respected consistent with the City's legal obligation and with the necessity to investigate allegations and misconduct and take corrective action when this conduct has occurred.

(7) Investigation Stage:

- (a) The investigator should remember that the investigation requires a balancing of the accused rights, the complainants' right to an environment free of sexual, or other unlawful harassment or discrimination, and the City's interest in a prompt, impartial and fair investigation.
- (b) The investigator shall initiate an investigation by meeting with the complainant within five (5) work days after a complaint has been filed or after a mutually acceptable time with complainant and investigator. The complainant may present evidence to the investigator
- (c) Following the meeting with the complainant, the investigator shall conduct a thorough, prompt and impartial investigation to determine if unlawful conduct has occurred.
- (d) The investigator should include an interview with the accused, and other witnesses identified by the complainant, or the accused, as having information relevant to the complaint, as well as any and all other investigative methods, documents or evidence review that is necessary to determine if unlawful conduct has occurred.

(8) Post-Investigation Procedures:

- (a) Upon conclusion of the investigation, the investigator will notify the complainant and the accused of the determination of the investigation.
- (b) After a thorough, prompt and impartial investigation has occurred and it is determined that sexual or other unlawful harassment or discrimination has occurred, the City will take immediate and proportionate corrective action.
- (c) If an investigation confirms that any form of unlawful harassment or discrimination has occurred, corrective and/or disciplinary action will be taken, up to and including termination of employment.

(9) Retaliation:

Any employee or individual who submits a report or allegation of harassment or discrimination, either experienced or observed, or a witness, who provides information regarding a report, will be protected from retaliation from co-workers and supervisors. If an employee reports sexual or other unlawful harassment or discrimination and then experiences retaliation, the City Manager or the Human Resources Department should be notified. All reported allegations of retaliation should be reported immediately and will be promptly investigated and addressed. Any employee who retaliates against any individual who submits a complaint will be disciplined appropriately.

However, false or malicious complaints of harassment, discrimination or retaliation will be subject to appropriate corrective action.

- (10) Management Responsibility: Any supervisor or member of management who observes prohibited materials displayed at City facilities is directed to remove it immediately. Any supervisor or member of management who becomes aware of any form of unlawful harassment should notify the City Manager or the Human Resources Department immediately. It is the City's policy to investigate all complaints in a timely and confidential manner. If an investigation confirms that any form of unlawful harassment or discrimination has occurred, corrective and/or disciplinary action, up to and including termination of employment will be taken.

This policy is being implemented to protect all workers and to ensure a safe and fair workplace. If employees have any questions about sexual harassment or this policy, they should contact the City Manager or the Human Resources Department.

**P. VIOLENCE AND OTHER INAPPROPRIATE BEHAVIOR**

The City seeks to maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from all forms of harassment and violence.

Employees have the right to conduct their work without disorderly or undue interference from other employees or visitors to City offices. The City prohibits employees from violating this right of their co-workers. Employees are expected to conduct themselves in an appropriate manner as judged by a reasonable person.

The City encourages a congenial work environment where employees demonstrate respect for each other and for visitors and where the appropriate level of professionalism is maintained. Therefore, the City prohibits employees from intentionally harming or threatening to harm other employees, vendors, visitors or property belonging to any of these parties or the City. Workplace violence is any act perceived as threatening, menacing, or harmful to any individual, group, or the City. A threat is any word or action that creates a perception that there is or may be intent to harm a person, a group, and or property.

This prohibition includes, but is not limited to intentional acts such as:

- Physically harming others
- Verbally abusing others
- Using intimidation tactics and making threats
- Sabotaging another's work
- Stalking another person
- Making malicious or knowingly false statements about others that cause emotional harm or damage to another's reputation
- Unauthorized disclosure of another's private or confidential information

The City reserves the right to search common areas and employee work spaces, including desks, lockers, file cabinets, and storage areas, at any time and without consent, upon reasonable suspicion of illegal or otherwise prohibited conduct or evidence thereof. The City may request a search of personal property at the work site or locked City property assigned to an individual if there is reasonable suspicion that evidence of illegal or prohibited activities is contained therein. Refusal of such a request may result in disciplinary action up to and including termination.

The City may take disciplinary action against employees whose conduct violates this or other City policies up to and including immediate termination of employment. Employees who feel that they are or have been the victim of conduct prohibited by this policy should notify their immediate supervisor, department manager and/or the Human Resources Department as soon as possible, so that the matter can be investigated, and appropriate action taken.

Non-employees who engage in inappropriate behavior towards a City employee may be subject to legal action in connection with their conduct.

## **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.

The term "weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon, and includes, but is not limited to, firearms, handguns, ballistic knives (switchblades, butterfly, daggers, etc.) and explosive devices.

This policy does not prohibit the lawful transport or storage of a concealed weapon in private vehicles in a City parking area provided the owner has obtained the appropriate permit(s) required, under law, and stores the weapon in their own locked vehicle, either in a locked glove compartment (or other locked compartment), in the trunk, or locked inside a gun case. Ohio RC § 2923.12, allows a concealed carry weapon holder (CCW) the right to transport and store firearms in their personal vehicle when both of the following conditions are met:

- The firearm and all ammunition must remain inside the employee's personal vehicle when the employee is in the vehicle or must be locked in the glove compartment, trunk, or secure compartment when the employee is not in the vehicle.
- The employee's vehicle is in a location it is otherwise permitted to be. (e.g. employer parking lot)

The City of Hudson reserves the right to prohibit other items considered to be dangerous or inappropriate for the workplace.

All employees are required to report the presence of a weapon on City property or any other violation of this policy to his or her supervisor. Employees who violate this policy will be subject to discipline, up to and including, immediate termination from employment.

## **R. DRUG AND ALCOHOL USE**

The City of Hudson is committed to providing a safe and healthy work environment that is free of Illegal Drugs and alcohol use. For purposes of this section, "Illegal Drugs" shall mean any substance that is illegal pursuant to State or Federal law.

- (1) The City has a drug-free policy for employees who are under the influence of illegal drugs or alcohol while at work. 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.
- (2) Violations of this policy will lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Employees who feel they have a drug or alcohol abuse problem should talk to their supervisor or any member of management for assistance in addressing the problem before a violation occurs.
- (3) An employee must notify the City of a criminal conviction for drug or alcohol related activity. The report must be made within five (5) days of the conviction.
- (4) City management may require drug testing of applicants (new and current City employees) for appointment to certain critical or safety-sensitive positions as well as alcohol and/or drug testing under conditions involving on-the-job accidents and/or unusual employee behavior causing reasonable suspicion of alcohol and/or substance abuse.
- (5) Operators of City owned vehicles requiring an Ohio commercial driver's license are subject to random-controlled substance and alcohol testing and all other related regulations as required by the Federal Department of Transportation/Code of Federal Regulations.
- (6) Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor, any member of management, or the Human Resources Department in confidence, and without fear of reprisal.

## **S. CITY EQUIPMENT AND VEHICLE USE POLICY**

The City will not tolerate improper, careless, negligent, destructive, unauthorized or unsafe use or operation of City equipment-and vehicles.

- (1) When using City property, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines.
- (2) Employees are required to notify their supervisor of any equipment, machine, tools or vehicles that appear to be damaged, defective or in need of repair.
- (3) Improper, careless, negligent, destructive, unauthorized or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination of employment.
- (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) illegal drugs, 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.
- (5) Eligibility to Drive a City of Hudson Vehicle.
  - (a) As part of the selection process and prior to operating a City of Hudson vehicle, an employee proves that he/she has a valid driver's license which is not suspended or revoked in any state, and for the most recent two-year period:
    - Has no convictions for DUI (Driving Under the Influence)
    - Does not have more than four points on his/her driving record.

- (b) All new drivers of City vehicles have their driver's licenses, regular or CDL (Commercial Driver's License), if required, checked prior to operating a City of Hudson vehicle. Drivers operating a City of Hudson vehicle requiring a CDL or other special license abide by all Ohio Department of Transportation (ODOT) regulations.
  - (c) The Human Resources Department procures annual driving record checks to ensure all employees who operate motor vehicles while conducting City business continue to meet requirements as required by law, City policy and rules, and insurability standards. A deficient driving record may result in any or all of the following:
    - Revocation of City of Hudson driving privileges
    - Removal from position
    - Disciplinary action, up to and including termination.
  - (d) The employee may resolve through the Bureau of Motor Vehicles, any dispute involving his/her driving record.
- (6) Driver Responsibilities:
- (a) Eligible employee drivers are responsible for driving City of Hudson vehicles in a safe and reliable manner at all times and must maintain a current and valid driver's license. Eligible employees know and abide by all motor vehicle rules and regulations. If, for any reason, an eligible employee's driver's license is revoked, suspended or restricted, or if the employee has accumulated in excess of seven points, on his/her driving record, the eligible driver notifies his/her supervisor of the situation immediately. Failure to do so results in corrective action.
  - (b) All employees are expected to drive defensively, to wear corrective prescription lenses (when applicable) and to obey all traffic rules and regulations.
- (7) Withdrawal of Driving Privilege – City of Hudson reserves the right to revoke the driving eligibility of any driver which within the most recent two-year period did not comply with the terms of this policy, including but not limited to:
- (a) Abuse or misuse of a motor vehicle.
  - (b) Failure to maintain a current and valid driver's license, revocation, suspension or restriction of that license.
  - (c) Accumulation of seven or more points on the driving record.
  - (d) Conviction for or a guilty or no contest plea to a charge of driving any vehicle under the influence of drugs or alcohol, including restrictive prescription drugs.



- (e) Conviction for reckless operation of any motor vehicle.
- (8) Seat Belts – All occupants of a City of Hudson vehicle wear seatbelts at all times.
- (9) Authorized Use of City of Hudson Vehicles – City of Hudson vehicles are to be used exclusively for City of Hudson business purposes. Only City of Hudson eligible employees are permitted to drive the City of Hudson vehicle.
- (10) City of Hudson prohibits the following:
  - (a) Operating any City of Hudson vehicle under the influence of alcohol, illegal drugs, or while impaired by prescription medication.
  - (b) The transport of a hitchhiker.
  - (c) The acceptance of any form of compensation for carrying passengers or material by any individual.
  - (d) Smoking in any City of Hudson vehicle.
  - (e) The unauthorized transport of hazardous or bio-hazardous substances.
  - (f) Use of cell phones or other mobile devices while driving. Exceptions may be made for safety forces responding to emergency calls.
  - (g) Eating while driving.
  - (h) Use of vehicle other than for business purposes.
- (11) Vehicle Maintenance – While it is the responsibility of the supervisor to assure the proper maintenance of City of Hudson vehicles, every driver of a City vehicle is expected to maintain the vehicle in a safe operating condition, adhering to the maintenance schedules outlined in the vehicle owner manual and maintaining receipts documenting that the prescribed service work was completed. Particular attention is paid to performing the maintenance requirements necessary to keep a vehicles warranty in effect and to proper tire inflation and wear. It is the employee's responsibility to:
  - Notify his/her supervisor of any issues with the vehicle so proper maintenance can be performed.
  - See that the vehicle is properly fueled and kept clean inside and outside.
- (12) Vehicle Operating Expenses – The City pays for all fuel and maintenance costs to operate a City vehicle.

(13) Accident Protocol:

- (a) If anyone is injured, call 911 for medical assistance.
- (b) Call the local police.
- (c) Note the damage to the vehicle(s).
- (d) Obtain the license plate number(s) and registration number(s), as well as the names and addresses of the owner(s) and/or driver(s) of the other vehicle(s) involved in the accident. Obtain the names and addresses of any passengers in the vehicles involved in the accident.
- (e) Obtain the name of the other party's insurance agent, insurance company, insurance policy number, insurance company phone number and the address of the agency and/or carrier.
- (f) Obtain the names, addresses and phone numbers of witnesses, if any.
- (g) If law enforcement officers are present at the scene, note their names, badge and precinct numbers. If law enforcement does not respond, go to the appropriate police station to file an accident report.
- (h) Express no opinion to anyone regarding who was at fault or may have been at fault, except as required by law enforcement officers.
- (i) Promptly complete all reports required by local law enforcement and state motor vehicle authorities and submit copies of them to the Human Resources Department.
- (j) Reporting an accident – All accidents involving a City vehicle are immediately reported to:
  - The local police department where the accident occurred.
  - The driver's supervisor.
  - The Human Resources Department.
- (k) If any demand, claim or summons (i.e. lawsuit) is served to an eligible employee driver involved in an accident, contact the Human Resources Department. Gross negligence may result in corrective action.

- (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.

- (15) City Vehicle Insurance - The City maintains automobile insurance on all City vehicles.
- (16) Vandalism or Theft of a City Vehicle – any theft or vandalism of a City vehicle, or any attempted break-in or theft of items from a City vehicle, is reported immediately to the local police department, the driver's supervisor, and the Human Resources Department.
- (17) Alternate Transportation – If a vehicle is damaged or undergoing routine maintenance, alternate transportation is arranged with the Fleet Department.

## **T. CODE OF ETHICS**

The City of Hudson has a general Code of Ethics for employees pursuant to Ohio Law.

The law deals with conflicts of interest and establishes a Code of Conduct that is applicable to all public officials and all City employees. These laws require officials and employees to conduct themselves in a manner above reproach at all times and further specifies that an official or employee should not use his/her position for personal gain or in such a way as to violate public trust. Those found guilty of disobeying a law or performing an illegal act will be dismissed from public service and possibly undergo prosecution. Specific Ohio Ethics law and related statutes are available from the Human Resources Department.

## **U. ACCEPTANCE OF GIFTS**

No public official or employee of the City of Hudson shall accept, solicit, or use his/her position to secure anything of value from a person, company, or other private or public entity or association that is interested in matters before, regulated by, or doing or seeking to do business with the City of Hudson; including a gift, meal, or entertainment, that could have a substantial and improper influence upon him/her in the performance of his/her duties. The Ohio Revised Code, Section 1.03, defines "anything of value" to include money, goods, chattel, and every other thing of value, except items of nominal or de minimus value.

Further, no public official or employee of the City of Hudson shall accept multiple items of minimal value from the same source, if the value of these items added together is substantial. To avoid the appearance of impropriety, public officials and employees should follow the 'pay your own way' maxim and refuse even gifts of nominal value.

Acceptance of gifts by City of Hudson officials and employees, while not prohibited entirely, is a matter which should be scrutinized, using the above criteria, as well as the Ohio Ethics Law and related statutes found in the Ohio Revised Code, Chapter 102 and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

## **V. PUBLIC RECORDS POLICY**

This Public Records Policy is adopted by the City of Hudson as required by Ohio House Bill 9, effective September 29, 2007.

### **Section 1. Public Records Custodian**

All requests for public records must be directed to the authorized Public Records Custodians of the City. Requests made in person must be done during regular business hours, defined herein as 8:30 a.m. to 4:30 p.m. weekdays, excluding Saturdays, Sundays, and holidays. All public record requests made in person shall adhere to this requirement even if the public office, e.g. the division of police, is operated on a twenty-four (24) hour basis.

The Public Records Custodians shall be those persons designated by the City Manager in each office of the City who are authorized to respond to or to fulfill any public records request. Any public records request made to any other employee, officer or representative of the City shall not be considered as a properly made request, and the request will be directed to the proper Public Records Custodian. The City Manager may designate Acting Public Records Custodians to serve in the absence of the Public Records Custodians.

### **Section 2. Public Records**

For the purposes of this Policy, the terms “records” and “public records” shall have the meanings set forth in Ohio Revised Code Chapter 149, as amended from time to time.

#### **Section 2.1**

The records of the City will be organized and maintained so that they are readily available for inspection and copying. The City’s record retention schedule may be amended from time to time at the discretion of the Records Commission.

### **Section 3. Public Record Requests**

Each request for public records should be evaluated for a response using the following guidelines:

### Section 3.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. The Public Records Custodian may deny a request if the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Public Records Custodian cannot reasonably identify what public records are being requested. However, in such cases, the Public Records

Custodian will provide the requester with information pertaining to the manner in which public records are retained and accessed in the ordinary course of business so that the requester may revise the request if so desired.

### Section 3.2

A public record request may be made in writing or verbally, and the identity of the requester and/or the intended use of the information or documents requested need not be disclosed. However, the Public Records Custodian may ask that the request for public records be in writing, may ask for the requester's identity, and/or may inquire about the intended use of information or documents if such inquiry would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate, or deliver the public records sought and if the Public Records Custodian informs the requester that a written request, disclosure of identity and/or intended use is not mandatory.

### Section 3.3

Public records will be made available for inspection only during regular business hours as defined in Section 1, above. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested. Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.

### Section 3.3a Request to Review Public Records

The requester may make a request to view public records to the Public Records Custodian, who shall prepare the public records for inspection “promptly,” as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as location of the records, the volume of records being requested or need for legal review).

### Section 3.3b Copies of Public Records

The requester may make a request to have copies of public records made to the Public Records Custodian. If copies are requested, the requester may choose to have the record duplicated upon paper, upon the same medium in which the record is kept by the City, or upon any other medium if the City can reasonably duplicate it as an integral part of its normal operations.

Copies made on paper are 5¢ per page. There shall be no charge if the number of copies is 10 pages or less. Oversized copies (larger than 11 x 17) that can be produced in-house are \$1.00 per page. All copy charges must be paid in advance before copies are made. If the Public Records Custodian uses an outside copying service to make the copies (see the following paragraph), the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than paper will be “at cost,” without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian’s discretion. Under no circumstances will the requester be permitted to make the copies. The manner of making the copies is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by “reducing” copy size or otherwise, may be met at the discretion of the Public Records Custodian.

Copies will be made available by the Public Records Custodian “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested.

**Section 3.3c Transmitting Copies of Public Records**

A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records (FedEx, UPS, fax, e-mail). For example, public records that are only available in paper form may either be scanned and sent by e-mail, or sent by fax. The cost of transmitting must be paid by the requester before the public records will be transmitted.

Copies will be transmitted to the requester by the Public Records Custodian “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the availability of the records and the volume of records requested.

**Section 3.3d Cost of Copies or Means of Transmitting Copies**

Charges for copies or for transmission of copies (U.S. Mail, FedEx, UPS, etc.) can be paid for in cash, or by check/money order/certified check, made payable to the City of Hudson. If payment is made by check, copies will not be made until the check has cleared and been paid by the requester’s bank. All charges must be paid in their entirety, in advance. A requester may pay an amount that the Public Records Custodian estimates to cover the cost of copies or means of transmission. If that amount is determined to be insufficient, the copies will not be made or transmitted until the entire amount due is paid. If the amount was in excess of the cost of the copies or means of transmission, the excess will be repaid to the requester.

#### Section 4. Denial of Public Record Request

Any denial of public records requested, in part or in whole, must include an explanation, including legal authority for the denial. If the records request was in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Because a redaction is deemed a denial under the Ohio Revised Code, unless the redaction is otherwise required by federal or state law, [R.C. 149.43(B)(1)], each redaction must be accompanied by a supporting explanation, including legal authority.

#### Section 5. Records and Information Exempt From Disclosure

Some records or information maintained by the City are not “public records” but are protected, confidential records under Ohio and/or Federal law. Examples of protected, confidential records, include, without limitation: infrastructure records, security records, medical records, records pertaining to adoption, probation, and parole proceedings, records pertaining to actions and appeals under R.C. 2151.85 (juveniles seeking abortions), records listed in 3107.42 (A) (relating to adoption release records), trial preparation records, records and communications protected by R.C. 2317.02(A) (records and communications by and between the City and its attorneys), confidential law enforcement investigatory records, records containing information that is confidential under R.C. 4112.05 (Civil Rights Commission), DNA records per R.C. 109.573, and records the release of which is prohibited by state or federal law.

In no event will records and communications by and between and the City and its attorneys be released, unless the City consents to their release.

#### Section 6. Compliance With Ohio Revised Code Requirements

With any public record request, the City and the Public Records Custodian reserve the right to consult with legal counsel prior to the release of such public records. This is to allow the City the opportunity to comply with the laws prohibiting the release of certain records and permitting the denial of release of certain records.

### **W. OUTSIDE EMPLOYMENT**

The City of Hudson recognizes that some employees may need or want to hold additional jobs outside their employment with the City. Employees of the City are permitted to engage in outside work or hold other jobs, subject to certain restrictions based on reasonable business concerns.



The City of Hudson applies this policy consistently and non-discriminatorily to all employees, and in compliance with all applicable employment and labor law and regulations. The following rules for outside employment apply to all employees to notify their supervisors or managers of their intent to engage in outside employment:

- (1) Work-related activities and conduct away from the City of Hudson must not compete with, conflict with or compromise the City's interests or adversely affect job performance and the ability to fulfill all responsibilities to the City. Employees are prohibited from performing any services for customers of
- (2) the City that are normally performed by the City. This prohibition also extends to the unauthorized use of any company tools or equipment and the unauthorized use or application of any company confidential information. In addition, employees may not solicit or conduct any outside business during work time for the City.
- (3) City of Hudson employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems at the City, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).
- (4) In evaluating the effect that outside employment may have on an employee's job performance and other job-related responsibilities, department heads and the Human Resources Department will consider whether the proposed employment:
  - May reduce the employee's efficiency in working for the City.
  - Involves working for an organization that does a significant amount of business with the City, such as major contractors, suppliers and customers.
  - May adversely affect the City's image.

- (a) Employees who have accepted outside employment may not use City paid sick leave to perform work on the outside job.
- (b) Fraudulent use of sick leave or an employee's refusal to discontinue outside employment after being requested to do so by his or her department manager will result in disciplinary action up to and including termination of employment.

## **X. WORK RULES**

The orderly and efficient operation of the City requires all employees to maintain proper standards of conduct and performance at all times.

The following rules are considered to be most important by the City and may result in immediate disciplinary action of suspension and/or up to dismissal:

- (1) Misuse of, unauthorized removal, or appropriation of property belonging to the City or another employee.
- (2) Falsifying own or another employee's time sheet or any other City record, including falsification of an employment job application regardless of when such falsification or misrepresentation is discovered.
- (3) Indecent behavior while on City premises.
- (4) Violation of DRUG AND ALCOHOL USE policy.
- (5) Violation of SEXUAL AND OTHER UNLAWFUL HARASSMENT policy.
- (6) Violation of CITY EQUIPMENT AND VEHICLE USE policy.
- (7) Gambling on City property.
- (8) Provoking, instigating or participating in any act of violence or fighting as outlined in the City's policy on VIOLENCE AND OTHER INAPPROPRIATE BEHAVIOR.
- (9) Unauthorized stopping of work, refusal to perform work assigned, purposely creating serious, abusive, and/or malicious conflict with co-workers, supervisors or volunteers, and/or blatant insubordination.

- (10) Sleeping on duty.
- (11) Violation of City Safety and Health Rules and Regulations.
- (12) Violation of departmental rules (department managers must sign off on both department and division rules).
- (13) Violation of CODE OF ETHICS policy.
- (14) Being absent for three (3) or more days without notification or permission (also referred to as a voluntary quit or job abandonment).

The above rules are not intended to be all inclusive of proper conduct obligations of employees and the City Manager retains sole authority in the case of determining suspensions and dismissals as outlined below in the section CITY MANAGER AUTHORITY. Other misconduct or violations of City requirements may subject employees to other progressive disciplinary action outlined in the following section on DISCIPLINE.

#### **Y. PRE-DISCIPLINARY, REDUCTION OR TERMINATION HEARING**

When a non-union employee allegedly commits an offense that could result in a suspension, reduction or removal, the following procedure will be followed:

- (1) The employee will be provided with a written notice outlining the nature of the disciplinary charges pending against him/her and the date and time of a meeting to discuss the charges.
- (2) During the meeting, the employee has the right to an explanation of the City's evidence which serves as the basis for the pending disciplinary action. In response to the evidence, the employee has the right to present information or evidence refuting the City's position or the pending decision to separate. The employee will be given an opportunity to give his/her version of the events leading to the inquiry or supporting factual information in the case of separation.
- (3) Should management decide that a disciplinary suspension, reduction or removal is warranted, the employee will be provided a written statement affirming the charges and imposing discipline.
- (4) When an employee receives a disciplinary suspension of more than three (3) days or is removed from his/her position, the City will furnish the employee with a copy of the order stating the reasons for the action.

- (5) Due to the nature of the meeting, witnesses shall not be present. The City is committed to considering information presented by the employee that may include information obtained from post-meeting investigation including additional witness interviews.
- (6) When an employee's behavior or alleged misconduct warrants immediate removal from the premises, the employee may be suspended. Written notice of the disciplinary charge and the date and time of the meeting may be provided after the employee has been ordered to leave the premises.
- (7) The City will provide the employee with a written disposition as soon as practicable following the meeting, taking into consideration the need for post-meeting investigation and witness interviews.

## **Z. DISCIPLINE**

The City of Hudson shall take disciplinary action against employees who violate general City or departmental rules, federal, state or local laws or behave in detrimental ways toward the citizens being served.

- (1) With the exception of those rules listed above in the section on WORK RULES, disciplinary action for cause will generally follow the progression described below:
  - (a) Initial violation or misconduct will result in verbal counseling and warning with documentation to the employee, placed in the employee's personnel file.
  - (b) Continued violation or misconduct will result in a written warning, placed in the employee's record.
  - (c) Continued violation or misconduct will result in suspension from work without pay and a final written notice.
  - (d) Continued violation or misconduct will result in dismissal.
- (2) Different violations or different misconduct would collectively result in the next step of progressive disciplinary action depending on the nature and disruption to the operations of the City.
- (3) Recorded disciplinary actions placed in the employee's record may not be considered in future progressive discipline following twenty-four (24) months of no further disciplinary action of any kind. However, actions that are of a serious nature and/or cause critical disruption to the operation of the City and/or a safety issue will remain in effect during the entire period of employment with the City.

- (4) The City Manager shall have sole final authority in determining and executing the appropriate level of discipline that is applied on a case-by-case basis as outlined below in the section CITY MANAGER AUTHORITY. The City Manager may delegate some disciplinary authority to department managers on a case-by-case basis, as appropriate.

## **AA. COMPLAINT PROCEDURE**

- (1) The City recognizes that it is important for non-union employees to have a formal procedure for resolving employee complaints when an informal resolution could not be achieved.
- (2) A complaint is a dispute or disagreement related to working conditions, disciplinary action, or the interpretation or application of these Personnel Rules or written rules of a department.
- (3) Any employee who has a complaint should first discuss the matter orally with his/her supervisor within ten (10) workdays from the time the employee first learned or should have learned of the matter grieved in an attempt to resolve it. If the matter is not resolved with this initial discussion, the following procedure shall apply:
  - (a) The employee shall reduce the complaint to writing and submit it to the department manager within ten (10) workdays from the date of oral discussion with his/her supervisor. The department manager will attempt to resolve the complaint within seven (7) workdays.

If the complaint remains unresolved, the employee may appeal the complaint to the City Manager within three (3) workdays from the decision of the department manager.

The City Manager may conduct a hearing with the employee and involved supervision and/or department manager and shall provide a written response within fifteen (15) workdays of the registered appeal.

- (4) Disciplinary action involving dismissal or suspension for a period longer than three (3) days or an eligibility ruling may be directly appealed to the City Manager as outlined above with an appeal to the Personnel Advisory and Appeals Board ("PAAB") available as outlined below.
  - (a) If the complaint remains unresolved, the employee may appeal the grievance to the PAAB by submitting a written request for a determination by the Board within thirty (30) calendar days following receipt of the City Manager's decision. Such appeals shall be governed by the complaint procedure of the PAAB.

- (b) Pursuant to the regulations of the PAAB, the Board shall hold a hearing within sixty (60) calendar days of receipt of the employee's appeal and shall make a final decision within fourteen (14) calendar days after the hearing or submission of briefs, whichever is later. The Board's decision shall be final.
- (5) Time limits at each stage of the complaint process outlined above may be extended by mutual agreement by the parties involved.
- (6) Failure by the employee to appeal his/her complaint in accordance with the time limits outlined above shall be cause for the complaint to be settled on the basis of the last decision rendered.

#### **AB. CITY MANAGER AUTHORITY**

Except in the case of appointments, promotions, suspensions, and dismissals where the City Manager, as provided in Section 5.03 of the City Charter, shall have sole authority, the City Manager may appoint a City department manager or other designee to represent him/her in administering these Rules. The City Manager shall have sole final authority in determining and executing the appropriate level of discipline that is applied on a case-by-case basis. The City Manager may delegate some disciplinary authority to department managers on a case-by-case basis, as appropriate. The City Manager is authorized to promulgate rules and policies to implement the provisions of these Personnel Rules and may change policies in these Personnel Rules at any time.

No representative of the City other than the City Manager has any authority to enter into any agreement for any specified period of time or make any promises upon which employees can rely, and any such agreement or promises must be in writing and signed by the City Manager to be valid.

#### **AC. PERSONNEL RULES**

These Personnel Rules apply to all City of Hudson employees including part-time, full-time, non-exempt, exempt, paid and unpaid, and have been adopted by City Council at the recommendation of the City Manager and the Personnel Advisory and Appeals Board. Unpaid or paid volunteers are specifically exempt from the following sections in the Rules: Pay Periods, Overtime Pay and Compensatory Time, Deferred Compensation, Flexible Spending Account, Health and Life Insurance, Holidays, Vacations, Sick Leave, Sick Leave Donation, Special Leaves, and Court Appearances/Jury Duty.

As a supplement to these Rules, departments may enact their own “Standard Operating Procedures” or any supplemental rules as approved by the City Manager as long as the procedural guidelines do not conflict with these Rules and only provide day-to-day guidelines that enhance the efficiency of departmental operations. A department’s standard operating procedures shall refer back to these Rules on issues including but not limited to discipline for violations and terms of employment.

Bargaining unit employees are expected to adhere to the rules, policies and procedures outlined in this handbook. Any rules, policies and procedures in this handbook that are contradictory to already negotiated and agreed upon terms in a bargaining unit agreement are unintentional. In such cases, the bargaining unit agreement takes precedence and is to be followed.

#### **AD. TELECOMMUTING AND FLEXTIME POLICY**

Telecommuting is the arrangement of working from home or another location on a regular basis. The City has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time. Telecommuting requires prior approval of the Department Manager and [City Manager](#).

Telecommuting is a cost neutral program that benefits employees, departments and the community. Benefits include:

- [Efficient use of City resources](#)
- [Ability to continue City operations during an emergency when the regular worksite is inaccessible](#)
- [Increased productivity](#)
- [Greater flexibility of employees and departments](#)
- [Retention and recruitment of highly qualified employees](#)
- [Improved employee morale and job satisfaction](#)
- [Reduced employee absenteeism](#)
- [Reduced employee commute time and costs](#)
- [Decreased carbon footprint](#)

Telecommuting is a benefit, not a right. All City employees who telecommute must have an approved telecommuting agreement under this policy. A City department may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program.

Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Telecommuting employees must still comply with all City policies, rules and regulations.

Employees must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite.

- (1) Eligibility: Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well-suited for telecommuting. An employee's position may be suitable for telecommuting when the job duties:

- Are independent in nature
- Lend themselves to measurable deliverables
- Are not essential to the management of on-site workflow
- Can still provide quality customer service both in-person and remotely.

Employees may be suitable for telecommuting when their personal characteristics, as determined by the supervisor include:

- Demonstrated dependability and responsibility
- Demonstrated motivation
- The ability to work independently
- The ability to prioritize work effectively
- Good organizational and time management skills
- A consistently high rate of productivity, as determined by the department manager.

Employees who are not upholding City obligations, such as meeting performance or conduct expectations, are not eligible to telecommute. A telecommuting arrangement may be rescinded, at any time, as needed. To the extent possible, the City will give advance notice if the telecommuting arrangement is being rescinded or amended.

- (2) Work Hours:

- Telecommuting employees must be able to report for work at City offices as required by their supervisor in accordance with the telework agreement.
- Work hours may be varied slightly between the hours of 7:00 a.m. and 6:00 p.m.
- Employees must notify and/or obtain approval to use vacation, or other leave in the same manner as departmental employees who do not telecommute.
- Employees must account for and report time spent telecommuting the same way they would at the regular worksite, or according to the telecommuting agreement.



(3) Worksite:

A telecommuting employee must designate a work area suitable for performing City business. The employee must perform work in the designated area when telecommuting.

Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently and professionally. Employees are responsible for ensuring their work areas comply with the health and safety requirements covered in the telecommute agreement (or online training module).

When video conferencing, employees should ensure the environment or background is appropriate to represent their official capacity. A City stock photo may be used as a background. Telecommuting employees may be required, at times, to report to City offices and may be required to share office spaces. In the future, private offices may not be available.

Employees are covered by workers' compensation laws when performing work duties at their designated alternate worksite during regular work hours. Employees who suffer a work-related injury or illness while telecommuting must notify their supervisor and complete the City's Incident Report Form immediately or as soon as practical.

The City is not liable for damages to an employees' personal or real property while the employee is working at an alternate worksite. Alternate worksites are not the responsibility of the City. Incremental home utility costs and other items supplied by the City (coffee, tea, etc.) associated with working from home will not be paid by the City.

(4) Equipment and Supplies:

The City will provide IT equipment to telecommuting employees in the same manner as if the employee is working onsite. Additional equipment to be used in an alternate worksite will not be provided. Other than the City provided equipment, employee's personal IT equipment is not the responsibility of the City.

Adequate internet capacity is the responsibility of the employee in order to perform their duties.

A telecommuting employee must protect City equipment, software, and supplies from possible theft, loss and damage. The telecommuting employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss or damage.

Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment. Employees must contact their supervisor if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

Employees who have an approved telework agreement are not eligible for a City take home vehicle or vehicle allowance.

(5) Training:

Telecommuting employees are expected to participate in City training for effective and efficient telecommute/remote work as organized by the City. Each employee who requests telecommute work shall complete the City's Telecommute Training (TBD)

(6) Procedure:

An employee must complete the following steps before telecommuting:

- (a) Employee officially requests to telecommute by completing the City Telecommute Request Form.
- (b) Department Manager reviews the request and determines employee's eligibility and job duties, office coverage and staffing levels.
- (c) Request is approved by Department Manager who forwards to City Manager for final approval.
- (d) Approved agreement is filed with Human Resources to be placed in employee's file.

An employee whose request to telecommute is denied, is not subject to the grievance procedures in any Memorandum of Understanding, or to any other review or appeal procedure, except as noted in this section.

An employee who believes the telecommute request has been denied for arbitrary and capricious reasons may appeal the decision by following the Complaint Procedure in section AA.

Flextime is an arrangement that allows an employee to alter the starting and/or end time of his/her workday. Employees still work the same number of scheduled hours per week as they would under a traditional schedule. Flextime requires prior approval of the Department Manager.

Flextime does not reduce the total number of hours worked in a given week. The City supports flextime work scheduling options for employees, provided that such schedules are mutually beneficial to the City and the employee and continue to satisfy the needs and objectives of the department.

(1) Eligibility: Eligibility for flextime is implemented on a department by department basis. Operational needs, staffing coverage and health and safety needs may preclude granting a request for flextime. Approval of the department manager is required and such schedule may be rescinded if business needs necessitate.

(2) Flextime Types:

Flextime consists of the following three types:

- Regular or alternate work schedule: a full-time work schedule that may consist of a compressed workweek i.e. four (4) ten-hour (10) days.
- Incidental: time that may be used for an employee's personal needs and requires the employee to make up the time used within the same work week. i.e. a couple of hours off to attend a child's school function.
- Sporadic: time that may be used when an employee needs to work off hours and requests flexing their time in lieu of overtime or compensatory time. i.e. a special event scheduled on the weekend.

(3) Procedure:

Employee must complete the following steps before requesting flextime:

- (a) Employee officially requests to use flextime by completing a Flextime Form if requesting an alternate work schedule. For incidental or sporadic flextime requests, as much advance notice should be given to the supervisor, either by email or face-to-face, to discuss approved use of incidental or sporadic flextime.
- (b) Department Manager reviews the request and determines eligibility, job duties, office coverage and staffing levels.
- (c) Approved agreement, if requesting an alternate schedule, is filed with Human Resources to be placed in employee's file.

An employee whose request to flextime is denied, is not subject to the grievance procedures in any Memorandum of Understanding, or to any other review or appeal procedure, except as noted in this section.

An employee who believes the flextime request has been denied for arbitrary and capricious reasons may appeal the decision by following the Complaint Procedure in Section AA.

## **AE. AMERICANS WITH DISABILITIES ACT (ADA) AND ADA AMENDMENTS ACT (ADAAA) POLICY**

It is the policy of the City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the City.

Requests for reasonable accommodations will be handled on an individualized basis. The City will engage in an interactive process to determine whether a reasonable accommodation is warranted, and this process is influenced by, among other things, the nature of an employee's disability, the employee's job, and the work environment.

(1) **Requesting Reasonable Accommodation: Employee Responsibility.**  
An employee with a disability is responsible for:

- Notifying their supervisor, department head or the Human Resources Department of the need for an accommodation.
- Requesting an accommodation from their supervisor, department head or the Human Resources Department.
- Providing medical documentation regarding the disability when requested.
- Working with the City interactively to arrive at a reasonable accommodation.

When appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals. Once the medical documentation is received, the Human Resources Department will analyze the facts to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the position.

The City may ask you for your input or the type of accommodation you believe may be necessary, or the functional limitations caused by your disability. Based on this interactive process, a reasonable accommodation will be selected that is most appropriate for both the City and the individual employee. While an individual's preference will be considered, the City is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the City's operations.

A request for reasonable accommodation may be denied if it would create an undue hardship for the City. Factors to be considered when determining whether an undue hardship exists may include the cost of the accommodation, the City's overall financial resources, the financial resources of the particular division at which the accommodation is to be made, the number of employees within the division, the total number of employees of the City, and the type of operation.

Decisions as to whether an accommodation is reasonable shall be made on a case-by-case basis.

#### **AF. FITNESS FOR DUTY**

- (1) The City may order an employee to submit to a physical, medical, and/or psychological fitness for duty examination(s) when there is an objective and reasonable basis for believing that the employee is physically, medically, or mentally incapable of performing his or her essential duties.

Objective and reasonable basis is defined as one that is not merely speculative but is derived from direct observation or other reliable evidence. An order that an employee submit to a physical, medical, and/or psychological fitness for duty examination(s) is not discipline in nature, and shall not be used as a substitute or in place of discipline. In addition, a fitness for duty examination shall not be ordered for capricious, arbitrary or discriminatory reasons.

- (2) An initial fitness for duty examination(s) will be conducted by a physician or psychologist of the City's choice, with no loss in pay or benefits or cost to the employee.
- (3) Any physician utilized, either by the City or the employee, must be a licensed doctor of medicine or osteopathy who has completed residency training in an accredited medical training program and/or is American Boards of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board certified or international equivalent. Any psychologist utilized, either by the City or the employee, must be a licensed psychologist with education, training, and experience in the forensic and/or diagnostic evaluation of mental and emotional disorders.
- (4) Following the examination, the physician or psychologist shall provide the City and the employee a written report detailing the physician's or psychologist's assessment of the employee's ability to perform his or her duties with or without reasonable accommodation. The employee is entitled to copies of all examination results and documentation associated with the examination subject to Ohio Revised Code Section 1347.08 and/or any other applicable law.

- (5) The City shall pay the costs of the examinations. However, an employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.
- (6) An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of the examination amounts to insubordination, punishable by the imposition of discipline up to and including removal.
- (7) The City reserves the right to place an employee on paid leave pending the final results of the fitness for duty examinations prior to the examination results. Said paid leave is not a discipline.
- (8) Employees shall have the right to submit to a fitness for duty examination by a physician or psychologist of the employee's choice at any time. Fees and expenses of an employee's physician and/or psychologist shall be borne by the employee. Should the employee exercise their right to submit to a fitness for duty examination of their choice, any determination on the employee's fitness for duty shall be held in abeyance until the City's physician and/or psychologist has reviewed the findings of the employee's physician and/or psychologist, provided:
  - Employee provided the City with notice of their intention to do so within ten (10) calendar days of receiving the fitness for duty report by the City's physician and/or psychologist, and;
  - The City's physician and/or psychologist are provided, in a timely manner, with the report(s) of the employee's physician and/or psychologist's fitness for duty exam and documentation that was created and/or reviewed in generating the report(s).
- (9) If an employee is deemed physically, medically, or mentally incapable of performing his or her essential duties, the City will make reasonable efforts to accommodate the employee in continuing their employment with the City of Hudson. "Reasonable accommodations" shall be defined consistent with the Americans with Disability Act (ADA).
- (10) If an employee is deemed physically, medically, or mentally incapable of performing his or her essential duties with or without reasonable accommodation, and if there are vacant positions within the City for which the employee qualifies, the employee may apply for the vacant position subject to an applicable collective bargaining agreements, and/or a hiring freeze in place at that time.

- (11) When fitness for duty examinations (medical evaluations) are conducted by a physician or medical provider other than the City physician and/or psychologist, the evaluation shall be reviewed and approved by the City physician and/or psychologist. In the case of examinations undertaken to determine fitness for duty for purposes of return to work, the employee's return to work is subject to the approval of the City physician and/or psychologist.

#### **AG. TRAVEL GUIDELINES (Administrative Directive 17-03)**

**Auto Mileage Reimbursement:** The City of Hudson will reimburse employees for auto mileage in accordance with the effective rate established by the Internal Revenue Service. Refer to the Advance & Expense Reimbursement Form for current rate or contact the Finance Department.

**Meal Guidelines:** No meal reimbursement will be provided for travel completed within one business day. For employees whose travel involves an overnight stay, in general, the City of Hudson provides reimbursement for meal expenses on a per diem basis as opposed to submission of actual itemized receipts. The per diem basis provides for greater efficiency and handling by the traveling employee and Finance Department personnel, as well as provides appropriate safeguards for the use of public funds. Employees can be reimbursed based on actual receipts as opposed to per diem provided they receive permission from the City Manager prior to travel.

The city will follow the current federal per diem rates set by the General Services Administration (GSA)/. The per diem amount you will be issued for meals depends on the location to which you are travelling. There are almost 400 destinations across the United states for which a special per diem rate has been specified. For travel to any other areas within the United States, the general per diem rates are used.

To determine the combined per diem meal and gratuity rate for your destination, go to <https://www.gsa.gov/travel/plan-book/per-diem-rates> and enter the state your destination resides in. If the City listed use the daily amount for that City in the last column under Meals and Incidental Expense (M&IE). If the city is not listed separately, use the Standard Rate for M&IE. For purposes of calculating the total per diem amount, the departure and arrival date should be included.

**Other Travel Guidelines:** All other travel expenses require detailed receipts sufficient to enable the Finance Department to reimburse employees.

<u>Category</u>	<u>Comments</u>
<u>Lodging:</u>	<u>Single, government or other lowest available rate. Receipt must show itemized costs.</u>
<u>Telecommunications:</u>	<u>Internet access, business related phone calls and faxes. One call home per day is allowed, up to a maximum of 10 minutes per call.</u>
<u>Parking, Tolls, Taxi:</u>	<u>Actual costs incurred, including gratuity.</u>
<u>Entertainment:</u>	<u>No reimbursement, this includes in-room movies.</u>
<u>Rental Cars:</u>	<u>Mid-size or smaller, no specialty vehicles, larger vehicle only when number of business travelers warrants.</u>
<u>Air Travel:</u>	<u>Coach airfare (supersaver if available), including applicable fees and taxes. Receipt must show travel itinerary and cost breakdown.</u>
<u>Baggage:</u>	<u>Additional fee affiliated with air travel (if applicable).</u>
<u>Travel Insurance:</u>	<u>No reimbursement.</u>

**Loyalty & Frequent Flyer Programs:** No employee shall accept, solicit, or use his/her position to secure for personal travel, discounted, bonus, or free air travel tickets, hotel stays, or other benefits based upon travel services accrued while in his/her official capacity.

Certain exceptions to these guidelines may be permissible with prior approval from the City Manager.

#### **AH. ACKNOWLEDGEMENT FORM**

*End of Section*



## ACKNOWLEDGEMENT FORM

I have received a copy of the City of Hudson's Employee Handbook and Personnel Rules and acknowledge that I am expected to read it and adhere to the policies and rules. I understand this policy manual is not in any way a contract of employment or intended to create any binding legal obligations on the part of the City.

EMPLOYEE SIGNATURE\_\_\_\_\_

PRINT NAME\_\_\_\_\_

DATE OF RECEIPT\_\_\_\_\_

*Please return this completed form to the Human Resources Department immediately.*