

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 11 - 20 - 20

AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S PERSONNEL PRACTICES MANUAL AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Charter Section 11.03, Council enacted Ordinance No. O-08-99-15 on October 7, 1999 adopting a Personnel Practices Manual; and

WHEREAS, City Staff has recommended specified amendments to the City Personnel Practices Manual as indicated in the attached *Exhibit A*. Suggested deletions are in ~~strike-through~~ and additions are highlighted in yellow.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the proposed amendments to the City of Clayton Personnel Practices Manual appended hereto as *Exhibit A* are hereby adopted.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
4. That prompt implementation of the modifications to this Manual are necessary for continued effective management of personnel and implementation of policies and benefits so as to ensure continued provision of City services, and absent immediate implementation, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON NOVEMBER 19, 2020.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Brookville Star

Date of publication

Nov. 25, 2020


CLERK

**Proposed Changes to Personnel Manual
November 2020**

Article 2 Employment and the Merit System

H. Probation

The period of time beginning immediately after an employee is appointed by the City Manager. Employees for both classified and unclassified positions shall serve a minimum probationary period of twelve (12) months. **If a leave of absence (paid or unpaid) of more than thirty (30) days is taken by the employee during the initial probation period, the employee's probationary period may be extended as determined by the City Manager. Written notification of the extended probationary period will be provided to the employee.**

After six (6) months of employment, the employee and supervisor shall participate in a personnel evaluation process to assess the employee's work record to date. Employees promoted from part-time to full-time may serve a probationary period of less than twelve (12) months with the approval of the Department Director and City Manager.

Article 4 Pay Schedule (adding existing admin policy)

A. Position Classification and Salary Compensation Plan

Salaries and wages for each position shall be in accordance with the most current Job Categories and Wage Scales. For each regular position, there shall be assigned a **classification class** number and a minimum and maximum salary or hourly wage.

Advancement within the pay range shall be recommended by the Department Directors and approved by the City Manager based upon merit. Department Directors may recommend to the City Manager that new employees with previous experience enter the pay schedule at a rate other than the minimum salary for the position. All employee classifications, except those regulated by a contract or bargaining agreement, shall be included in the Job Categories and Wage Scales.

If an employee's probationary period is extended, pay or step increases may be delayed **as determined by the City Manager. If said increases will be delayed, employee will receive written notice of the delay.**

Any cost of living adjustments that are credited to a non-bargaining unit employee's rate of pay will be credited the first full pay period of January. Any step and salary increase for non-bargaining unit employees will be effective the first full-pay period following their anniversary date or the first full-pay period in January, depending on date of hire.

B. Position Descriptions

Each position within the City shall have a description which will describe the essential functions and responsibilities of the work, a description of the duties of the position, and a statement of the minimum qualifications a person must possess to perform the work. Each position description shall be illustrative in nature, not limiting a supervisor's ability to assign or direct the employee to perform, as part of his or

her position, additional tasks or duties of the same general nature or related to or growing out of the matters discussed in the position description.

Article 6 Section C

Definitions

ESL - ...examples include, but are not limited to, pregnancy, injury, exposure to contagious disease and illness, or it can be used for shorter term illnesses by employees who **have exhausted their EL or** have used forty (40) hours of EL due to injury or illness during the calendar year.

General Guidelines

The scheduling of Employee Leave shall be at the discretion of the Department Director or designee with the expectation that an employee should normally submit the leave request in advance in a time equal to the amount of time being requested off, unless the employee is requesting time off due to illness or injury. The City Manager must approve any request for leave which exceed ten (10) consecutive working days or in the case of Fire Department personnel four (4) twenty-four (24) hour shifts.

An employee may be required to produce a physician's statement of illness or injury and/or a release to return to regular duty for patterned or excessive usage or suspected abuse of leave. Abuse/**misuse** of leave shall constitute grounds for disciplinary action up to and including dismissal.

Accrual Rates

Remove Police and Fire accruals and add: **Employees covered under a bargaining agreement should refer to their contract for accrual rates.**

Leave time will be credited to **all** employees with less than one (1) year of service in two installments...

Add: Accrued Leave Time

Certain paid leaves are accrued over time by each employee. It is each employee's responsibility to be aware of the time available for their use at any given time. The City provides the accrued time information to each employee on their bi-weekly paycheck stub. Employees who request and use leave time in excess of accrued time available to them will be subject to loss of pay and possible disciplinary action.

Employee Departure

If an employee leaves City employment without utilizing all EL hours, the employee shall be paid for up to a maximum of three hundred twenty (320) hours of accumulated Employee Leave at the last rate of pay. Employees will also be paid out for all unused comp time at the employee's current rate of pay. Employee Leave may not be used to extend an employee's date of resignation or date of retirement by more than two (2) weeks.

Employees who are eligible under an Ohio retirement system, have provided a notice of intent to retire to the applicable retirement system, and have at least ten (10) years of credited service **with the City** shall receive cash payment for accumulated ESL on the basis of one hour of pay for each four hours earned with a maximum cash payment not to exceed two hundred forty (240) hours of compensation.

Article 6 Section E

Leave of Absences without Pay

Leave of Absence without pay may be granted or extended by the City Manager for such periods of time and for such reason as the City Manager may consider justifiable. Requests for unpaid leaves of absence must be in writing and must demonstrate justification for approval of the request. **Any non-medical related leave of absence without pay shall not exceed a 60-day period of time. In order to be eligible, all other leaves must be exhausted prior to the use of leave of absence without pay.**

Part-time or seasonal employees do not need City Manager approval for leave of absences without pay, unless the leave of absence is longer than one hundred twenty (120) days. If a part-time or seasonal employee does not obtain City Manager approval and does not work for one hundred twenty (120) days, he/she will be separated from their position with the City of Clayton.

Article 6 Section H REMOVE and refer to Article 8

Earning Additional HSA Contributions

Employees are provided a combination of options for earning additional HSA funding:

- ~~1. The City will provide matching funds for each dollar contributed by an employee to his or her HSA account at a rate of one (1) City provided dollar for every two (2) dollars contributed by the employee;~~
- ~~2. Employees may convert ESL time to HSA funding.~~
- ~~3. Employees may be provided the opportunity to earn additional HSA funding by participating in Employee Wellness Program activities determined annually.~~

~~Employees can choose to participate in one or more options, up to the maximum annual contribution. The maximum value of additional contributions will be determined each year according to budget constraints.~~

Converting ESL Time to HSA Funding

~~As funding allows, employees will be provided the opportunity to voluntarily convert ESL time to HSA funding in ten (10) hour blocks. HSA conversions will occur at an equal rate for all employees. The dollar amount of the maximum yearly contribution and the number of hours employees can convert to HSA funding shall be determined annually, contingent upon budget considerations, and will be announce by November 1st of each year.~~

~~To be eligible to convert ESL time to HSA funds, an employee must have a minimum of two hundred forty (240) hours of ESL remaining after the conversion.~~

~~Employees must notify payroll by January 25th of their intention to convert ESL time to HSA funding. HSA contributions will be deposited into employees' HSA accounts within forty five (45) days of the notification deadline.~~

New Employee HSA Funding

In order to assist newly hired employees to establish an HSA balance, employees enrolled in the City's health insurance coverage will be provided HSA contributions at a higher rate than other City employees during the first three years of employment. During any period that employees are provided a higher level of contribution, they will be able to participate in additional HSA funding incentives but shall not receive funding in excess of the maximum annual contribution.

Article 6 Section P

Leave Entitlement

Eligible employees may take up to twelve (12) weeks of FMLA in a twelve (12) month period...

The 12-month period is measured backward from the date an employee uses any FMLA leave. Under the "rolling" 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Article 6 Section Q REMOVE Refer to Bargaining Agreement

Vacation Leave Patrol Officers

In accordance with the OPBA Collective Bargaining Agreement (CBA), the Patrol Officer union voted to reject changes to the Employee Leave program that were approved by the City Council on 11/5/15 and instead will return to the traditional leave program included in the CBA. The following section outlines leave benefits not already addressed in the CBA.

Vacation

Vacation leave may be granted to employees upon completion of six (6) months service with the City. The scheduling of vacation usage shall be at the discretion of the Department Director with the expectation that an employee should submit the vacation request in advance in a time equal to the amount of time being requested off. The City Manager must approve any requests for vacation leave which exceed ten (10) consecutive working days.

Vacation time shall be accrued on the basis of complete pay periods of employment, and accrual shall begin on the date of hire for each employee. No employee will be permitted to use vacation time which has not been accrued.

Vacation rates for full time Patrol Officers shall be as follows:

<u>Years of Service</u>	<u>Annual Vacation</u>	<u>Accrual Per Pay Period</u>
Less than 5 years	10 working days	3.173 hours
5 years but less than 10 years	15 working days	4.760 hours
10 years but less than 15 years	18 working days	5.712 hours
15 years or more	20 working days	6.346 hours

No more than forty (40) days of vacation can be accumulated at any given time. Any accumulated vacation time in excess of forty (40) days will be forfeit.

Employees with accrued vacation in excess of forty (40) days carried over from employment prior to adoption of these policies shall either utilize such excess accrued vacation within five (5) years of the adoption of these policies or elect to receive a lump sum payment for such excess accrued vacation within five (5) years of the adoption of these policies. Employees receiving lump sum payment(s) may only "cash out" up to two hundred (200) hours of excess accrued vacation per year until the excess is eliminated.

Employees shall be credited with service time earned as a full-time employee with other political subdivisions of the State of Ohio for the purpose of determining vacation accrual rates.

Article 6 Section Q NEW

Transfer of Sick Leave

Eligible employees with previous public entity service within the State of Ohio, who have separated from public service and employed by the City of Clayton, will be given credit for accrued but unused sick leave earned in such prior service as long as the last day worked with that previous public entity is within the last ten (10) years. Eligible employees who transfer from a public agency to the City of Clayton may transfer all their accumulated sick leave to the City of Clayton. The credit will be granted upon presentation of a letter from the personnel officer of the former employer, stating the amount of unused sick leave accrued by the employee.

Article 7 Section A

Car Allowance / Use of Private Vehicles

City employees may be reimbursed at the mileage rate as established by IRS regulations for use of their privately-owned vehicle for City business with the prior written approval of the City Manager. Such payment is considered to be total reimbursement for all vehicle related expenses, including gas, oil, insurance, depreciation, etc. Employees utilizing private vehicles for city business **must prepare and file with the Finance Director a written statement acknowledging that they have liability insurance to cover bodily injury and acknowledging that they have liability insurance to cover bodily injury and property damage to another vehicle and its occupants.** have proof of motor vehicle liability insurance at the state of Ohio minimum insurance requirements and a valid driver's license. The City of Clayton Driving Agreement and Release form must be signed and submitted.

In lieu of the mileage allowance, the City Manager may approve a monthly vehicle allowance for the use of personal vehicles on City business. Proof of insurance is required. Vehicle allowances will be paid on a monthly basis. Employees receiving vehicle allowances shall receive no other compensation for use of their vehicles on City business except as described below.

Employees receiving a vehicle allowance may only receive additional compensation in the form of fuel reimbursement for travel greater than one hundred (100) miles one way. Fuel reimbursement must be

approved prior to travel by the Department Director or City Manager, and fuel receipts must be furnished in order to receive fuel reimbursement.

In order to obtain mileage reimbursement payment, City employees shall submit a mileage report detailing miles driven and starting locations and destinations for each trip. Department Directors shall review said reports to determine accuracy prior to submitting the mileage reports to the City Manager.

Article 8 Insurance Benefits

A. Types of Coverage

Clayton insurance benefits include medical, prescription drug, dental, vision, and group life insurance and accidental death and dismemberment (AD&D).

B. Health Insurance

All full-time employees may enroll in the City's Health Care Program when they begin their probationary period. The City provides payment for a percentage of the premium of the appropriate coverage for all full-time employees and elected officials as determined by the City Council and outlined in explanatory booklets available from the HR Administrator. Eligible employees are required to apply for entrance into the health insurance program by completing the appropriate enrollment application.

Employees choosing not to enroll are required to complete a waiver form. Additional compensation will not be paid to the employee in lieu of insurance premium payments. **The effective date of coverage will be in accordance with the plan document.** Part-time employees working less than the number of hours established as full-time equivalent by federal statute are eligible to enroll in the City sponsored group health insurance plan. The premium for such coverage is paid 100% by the employee. Part-time employees working the number of hours required to qualify as full-time equivalent (FTE) under federal statute are eligible to enroll in the City's group health insurance plan, with the City contributing some portion of the monthly premium.

When the City employs both spouses, they will be eligible for either two (2) single plans or one (1) applicable family plan.

Refer to explanatory packets available from HR Administrator regarding health savings accounts (HSA) contributions.

For employees who terminate their employment with the City, there is an option available under the Consolidated Omnibus Reconciliation Act of 1985 (COBRA) for continuation of health insurance.

C. Life and Accidental Death and Dismemberment Insurance

Life and accidental death and dismemberment (AD&D) insurance is provided to all probationary and full-time employees on the first day of employment. The amounts of life insurance provided to each employee will be determined by his or her eligibility (up to \$ 50,000).

D. Additional Information

Additional detailed information concerning coverage and benefits can be obtained from the HR Administrator.

Article 29 City Vehicle Use

D. Driving on City Related Business

The City must assure that drivers remain qualified throughout the duration of employment. Motor Vehicle Record Checks will be obtained periodically for all employees who are required to perform work related driving. Driver qualification files will be maintained to facilitate review of the employee's adherence to this Driving Policy.

Any employee operating a vehicle on City business must meet the following requirements.

- Must be at least eighteen (18) years old.
- Must have current, valid Ohio driver's license with the proper endorsements.
- Must be experienced with operation of equipment to be driven.
- Within prior thirty-six (36) months, must have no more than six (6) moving violation points or conviction of any of the following: OVI, hit and run, vehicular homicide or other major violation.
- Must be eligible for coverage under the City's vehicle insurance policy.

Failure to maintain these requirements shall mean loss of driving privileges for activities of City business. Lack of driving privileges may be cause for reassignment, demotion or dismissal. An employee's failure to provide proof of current valid Ohio driver's license with proper endorsements may be grounds for disciplinary action. **An agreement/release form authorizing the Motor Vehicle Record Check is required. Failure to sign the release will result in disciplinary action. An unsatisfactory result on this record check, which does not meet the requirements named above, will result in disciplinary action up to and including termination. Each Department Director is responsible for ensuring that the above information is maintained on file.** This agreement/release form will be kept in the employee's personnel file.

~~The Human Resource Administrator may obtain Motor Vehicle Reports (MVR's) for any employee with driving privileges based on the information maintained in each department's files. These reports can be reviewed each year or more frequently at the HR Administrator's discretion.~~

E. Reporting Requirements

If licensure is revoked or suspended, the employee must notify their Supervisor or Department Head of this fact immediately or at the latest the next working day.

Note: Departmental work rules may specify more stringent reporting timelines. Failure to notify of the above infractions shall result in disciplinary action up to and including termination of employment. Employees must exercise due diligence to get driving privileges restored as quickly as possible.