

# CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 10–23 - 23

**AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S PERSONNEL PRACTICES MANUAL AT ARTICLE 6, AND FURTHER ADDING A NEW ARTICLE 18 AND A NEW ARTICLE 33 ALL AS DELINEATED IN THE APPENDED ATTACHMENT A**

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

**WHEREAS**, City Staff has recommended amendment of and additions to the Personnel Practices Manual as shown on the appended **Attachment A**.

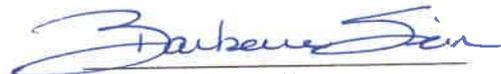
**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the City's Personnel Practices Manual is hereby amended as delineated in the appended **Attachment A**.
2. That the City Manager is authorized to revise those portions of the Personnel Practices Manual, if any, which are directly impacted by the above language revisions.
3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on October 5, 2023 and October 19, 2023.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON OCTOBER 19, 2023.

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

Register Herald

Date of publication

September 25, 2023

Barbara Stein

CLERK

ADD between Annual Carry Over and Employee Departure in Article 6 Section C**Employee Leave Alternate Payout Option**

In extenuating circumstances, Department Directors, as determined by the City Manager, may request payment for Employee Leave (EL) accrued but not used that exceeds their 320 hours. The leave must be accrued during the current calendar year-a method recognized by OPERS as the Last In, First Out - LIFO method. Therefore, per OPERS requirement, the leave that is considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year.

This request must be made in writing to the City Manager for their approval by November 1 of the year in which the hours have been accrued. The Department Director, or their equivalent, must specify the circumstances that prevented them from using their earned annual EL. The maximum payment cannot exceed the Department Director's total EL accrued for the year.

The request must be on the *Employee Leave Alternative Payment Option Form* available from Human Resources Department.

Update Article 6 Section C

## 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. **Accrued EL will not be paid to employees who have less than one year of service with the City.**

## Employee Departure

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 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.

For those announcing retirement ~~on or after January 1, 2018~~, EL and ESL leave will be earned as follows during the last calendar year of employment:

- For those employees who notify the City of their intent to retire before the beginning of the calendar year, leave shall accrue according to actual pay periods worked during the last calendar year of employment.
- For employees who resign or retire without providing notice to the City before the beginning of the calendar year, leave will be credited on a pro-rated basis for actual time worked as of the date of separation. Any leave paid out, but not earned, shall be paid back to the Employer upon separation.

ADD New Article:

**ARTICLE 18 SELF-REPORTING OF CONVICTIONS & PENDING CHARGES**

**A. Duty to Disclose Criminal Convictions and Open and/or Pending Charges**

Current employees are required to self-disclose post-hire open and/or pending charges and/or criminal convictions no later than three calendar days, or first day back to work, whichever is the lesser time frame from the date of the open and/or pending charges and/or conviction to their Department Director. The Department Director shall notify Human Resources/Personnel Director as soon as practicable.

**B. Failure to Disclose**

Failure to disclose may be grounds for disciplinary action, up to and including termination.

ADD New Article:

**ARTICLE 33 PUBLIC RECORDS POLICY**

**A. MISSION STATEMENT**

Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is always the mission and intent of the City of Clayton to fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

**B. DEFINING PUBLIC RECORDS**

A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the City of Clayton that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

**C. RESPONSE TIMEFRAME**

Public records are to be available for inspection during regular business hours. 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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of the City of Clayton that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office's receipt of the request.

#### D. HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record(s). It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, an office employee may accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website ([www.OhioAttorneyGeneral.gov/YellowBook](http://www.OhioAttorneyGeneral.gov/YellowBook)) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

#### E. ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

#### F. DENIAL AND REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted, and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

#### G. COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is .05 cents per page. The charge for electronic files downloaded to a compact disc is .25 cents per disc.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

#### H. MANAGING RECORDS

City of Clayton's records are subject to records retention schedules. The office's current schedules are available at 6996 Taywood Road, Englewood, OH 45322, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).