

# CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 - 25 - 20

## AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S PERSONNEL PRACTICES MANUAL AS DELINEATED IN THE APPENDED EXHIBIT 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 **Exhibit 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 **Exhibit 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 August 21, 2025 and September 4, 2025.
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 SEPTEMBER 4, 2025.

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

Eaton Register Herald

Date of publication

September 10, 2025

Barbara Stein

CLERK

# City of Clayton Personnel Manual

## Proposed Changes

### August 2025

Below you will find only the articles and sections that include changes—not the full manual. Proposed deletions are shown with a ~~strikethrough~~, and additions are shown in **bold** for easy reference.

## Article 2 EMPLOYMENT AND THE MERIT SYSTEM

### J. Personnel Director

The City Manager shall undertake the duties of, or shall appoint, a Personnel Director. The duties of the Personnel Director shall include:

- a. Recruiting employees;
- b. Competitive testing and examination of employees covered by the merit system and establishment of eligible lists for appointment and promotion of such employees;
- c. Classifying positions;
- d. Establishing job descriptions and specifications;
- e. Certifying wage designations to assure conformity to the merit system and related ordinances and resolutions;
- f. Developing and conducting training programs or authorizing outside training for officials and employees;
- g. Making recommendations to the City Manager on other administrative matters relating to employment and personnel matters; and
- h. Performing such other duties and functions as the City Manager may prescribe, subject to the Charter.

~~All duties assigned to the position of Personnel Director shall be carried out by the Human Resource Administrator (HSA).~~

## Article 3 EMPLOYEE SELECTION

### C. Announcement of Examinations

Examinations for classified positions may be publicly announced ~~in a newspaper of general circulation~~ **on the City's website**, and/or by such other means deemed desirable by the City Manager, and as necessary to comply with state, federal and other guidelines regarding hiring practices. ~~The announcement shall include the type, time, and place of examination.~~ It shall ~~also~~ supply information regarding **the** method and deadline for filing applications, minimum qualifications, and other information deemed pertinent by the City Manager.

The announcement of examination as required by these Personnel Policies shall be posted for at least two weeks prior to the deadline for submission of application. Nothing herein shall prohibit the use of additional ~~advertisement~~ **advertising** to supplement the required notice. Posting of such examinations may be made at the ~~Clayton Government Center~~, on relevant

websites and/or social media pages including, but not limited to, the City of Clayton website and Facebook page.

## ARTICLE 6 HOURS OF WORK AND LEAVE

### C. Employee Leave Program

#### *Employee Departure*

If an employee leaves City employment without utilizing all EL/**vacation** 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. **An Employee's credited leave time for the year will be prorated based on the number of pay periods worked upon departure from the City. If an employee has used more leave than they have accrued at the time of departure, the excess leave taken will be deducted from their final paycheck. Accrued EL/vacation will not be paid to employees who have less than one year of service with the City.** Employees will also be paid out for all unused **compensatory** time at the employee's current rate of pay. ~~Employee Leave~~ **Any accrued leave or compensatory time** may not be used to extend an employee's date of resignation or date of retirement by more than two (2) weeks **without the approval of the City Manager.** ~~Accrued EL will not be paid to employees who have less than one year of service with City.~~

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/sick leave** 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, **EL/vacation** and **ESL/sick 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.

*Extended Sick Leave (ESL)*

Employees may use ESL time for illness or injury lasting more than one (1) working days. The 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/excessive usage or suspected misuse/abuse of ESL. The City Manager may require an employee to submit to an examination by a City selected physician in the event of excessive usage of ESL and/or may deny the offending employee the use of ESL for the incident in question.

ESL leave may also be used for the illness or injury of an employee's spouse, civil union partner, children or parents lasting more than one (1) working days. Additionally, this benefit may be used to provide care for other dependents residing in the employee's household. ESL time used for familial illness or injury requires the same documentation from the physician as stated above.

Employees using ESL are not to be receiving or earning compensation from other job sources for those hours for which the employee has taken ESL from the City.

The City reserves the right to investigate all usage of **ESL/sick leave** and may hold full payment of **ESL/sick leave** until said investigation is completed.

Should the City determine that an employee has not used **ESL/sick leave** in accordance with the above rules and regulations, payment may be denied.

Employees shall not be limited in the maximum number of **ESL/sick leave** hours that may be accrued; however, extended use of ESL shall be addressed by the City Manager on a case by case basis to determine whether an employee requires a reasonable accommodation or should apply for disability retirement when the employee cannot show a certain or credible end to the leave.

**Abuse of ESL/sick leave** shall constitute grounds for disciplinary action up to and including dismissal.

If an employee is off work on **ESL/sick leave** in excess of thirty (30) working days, performance appraisals and merit pay increases may be delayed by the amount of time in excess of thirty days the employee is off work on **ESL/sick leave**.

Absences due to a **Family Medical Leave Act (FMLA)** qualifying event shall be covered by Article 6 Section O of this Personnel Manual.

## **D. Personal Day**

**All employees not covered by a bargaining agreement, unless otherwise stated in another section of this manual, will receive two (2) personal days each year, one (1) day each six (6) month period. Personal day(s) may be taken by an employee on a day mutually agreed upon between the employee and their supervisor/Department Director. Personal day(s) must be taken in eight (8) hour increments. The personal day must be utilized in the six (6) month period in which it is received (one day January 1 through June 30 and one day July 1 through December 31). If the personal day is not utilized, the time will be forfeited. The days cannot be carried over nor will they be paid out.**

**All full-time employees not covered by a bargaining agreement are granted two (2) personal days per calendar year, with one (1) day granted every six (6) months as follows:**

**One personal day available from January 1 through June 30.**

**One personal day available from July 1 through December 31.**

**Personal days must be scheduled in advance and require mutual agreement between the employee and their supervisor/Department Director. Each personal day must be taken in a full eight (8) hour increment and must be used within the designated six-month period in which they are granted. Unused personal days do not carry over to the next period and will be forfeited if not used. Personal days will not be paid out if unused.**

## **I. Donation of Accrued Leave Time**

The purpose of this provision is to help full-time employees in cases of serious illness or injury in which the employee has exhausted all paid leave time. In the event that both of the above-mentioned conditions have been met, an employee may submit a written request to Human Resources through his or her Department Head asking to receive donations of leave time once during a twelve-month period. The request will be considered in respect to the following factors: length of employment, history of leave use and circumstances of current illness or injury.

Requests for time donations may only be communicated through Human Resources. If an employee needs time donated, a request must be made in writing to the employee's supervisor. The supervisor will then pass on the request to Human Resources. The HR

Administrator will communicate the need to the City Manager. If the request is approved by the City Manager, the HR Administrator will distribute a memo to all city employees outlining the conditions of the need. Employees who are interested in donating time may do so by indicating their intent in writing to the HR Administrator **within two weeks of the memo.**

In order to receive donated time, employees must have a minimum ESL/**sick leave** balance at the onset of the incident. Minimums will be set according to the length of employment with the City:

- Less than 1 year: 20 hours
- 1 year: 40 hours
- 2 years: 80 hours
- 3 years: 120 hours
- 4 years: 160 hours
- 5+ years: 200 hours

~~In order to be eligible to donate, employees must have a minimum balance of 120 hours in their Employee Leave (EL) bank. No employees may donate more than forty (40) hours of leave time per year to any individual employee requesting a time donation. Employees must donate time in 8 hours increments of their available time. Time donated to regular, full time employees must be taken from the donating employee's EL. Donating from ESL is not allowed. Leave hours donated will be paid at the recipient's regular hourly rate on a one to one (1:1) basis.~~

**Time donated to regular, full-time employees must be taken from the donating employee's Employee Leave (EL) or Extended Sick Leave (ESL) bank. In order to be eligible to donate, employees must have a minimum balance of 120 hours in their corresponding bank. No employee may donate more than twenty (20) hours of Employee Leave and twenty (20) hours of Extended Sick Leave (ESL) per year to any individual employee requesting a time donation. Employees must donate time in four (4) hour increments of their available time. Leave hours donated will be paid at the recipient's regular hourly rate on a one-to-one (1:1) basis.**

If the employee uses all donated leave and needs additional hours, he or she may request that his or her situation be reconsidered by the City Manager.

Once the employee receiving donated time returns to work, he or she must pay back donated time at an hour for hour exchange. No adjustment will be made for differences in hourly rates of pay. For the employee receiving donated time, each year when leave is credited, two weeks of leave will go to ESL/**sick leave**, two weeks will go to EL/**vacation** leave, and the remainder will be distributed evenly among the employees who donated

time. This will continue until such time as the full amount of donated time is returned to the donating employees.

In case of a serious medical condition requiring leave time extending into multiple benefit years, reimbursement of donated time will be postponed until such time as the serious medical condition has been resolved. Employees donating leave may choose to waive reimbursement at any time.

## J. On the Job Injury Leave

The City of Clayton provides its employees protection against loss of income and/or medical expenses resulting from job-related injuries through the State of Ohio Bureau of Workers' Compensation (BWC) insurance program.

In the event of an injury that occurs during work hours which is the direct result of performing the job, employees are required to report the accident or injury to their supervisor prior to the end of the shift in which the injury occurred. In addition, employees must complete and submit a City of Clayton Incident Report within twenty-four (24) hours of injury. In the case of severe and incapacitating injury, the employee's supervisor will complete the paperwork on behalf of the injured worker.

Failure to report a work-related injury within twenty-four (24) hours of occurrence may result in the City's refusal to certify a claim for workers' compensation benefits.

Subsequent to making the report to a supervisor and based on the severity of the injury, an injured employee may be directed to seek medical attention at an appropriate facility.

~~Employees may be eligible for lost-time wage compensation from BWC when the work-related injury results in missing eight (8) or more days of work. It is the responsibility of the injured worker to submit a request for Temporary Total Compensation to BWC as soon as is practical following an injury which is expected to exceed seven (7) days.~~

~~At the discretion of the City Manager, employees may be eligible to receive paid injury leave benefits for on-the-job injuries lasting less than eight (8) days. If injury leave is granted, the employee shall receive payment for days of work missed due to on-the-job injury beginning on the first day of the employee's injury related absence. If the employee misses more than seven (7) days of work due to injury and the BWC grants Temporary Total Disability benefits to the injured employee, the City shall be reimbursed for injury leave used through a~~

~~reduction in the employee's ESL time. If the employee's injury is not allowed by the BWC as a legitimate on-the-job injury, the City shall be reimbursed for any injury leave granted through a reduction in the employee's ESL time. If the employee's ESL balance is not sufficient to reimburse the City for injury leave use, time will be deducted from the employee's EL balance.~~

~~Employees who are off work in excess of fourteen (14) days may apply to use a portion of their accumulated leave to adjust the amount of their base pay in relationship to the percentage granted by the BWC.~~

**Provided an employee is eligible for lost time worker's compensation benefits the injured employee shall receive "Injury Leave Benefits" equal to their wage benefits for a period not to exceed 90 calendar days for each industrial injury or occupational disease. Weekly "injury leave benefits" will not be charged against the employee's accumulated ESL/sick leave. Should the disability exceed the 90-day injury leave benefit, the employee will be in receipt of Worker's Compensation benefits and may at their option, elect to receive supplemental benefits equal to 33 1/3% of their base pay. Such supplemental benefits paid shall be charged against the employee's accumulated ESL/sick leave at the rate of 1/3 day for each day of supplemental benefits paid until all accumulated ESL/sick leave of the employee is used. Thereafter, no additional supplemental benefit shall be paid.**

**During the time an employee is receiving "injury leave benefits" they shall sign an agreement to be furnished by the City, assigning to the City any and all benefits they receive from Worker's Compensation for the period "injury leave benefits" are received and further stating that in the event the employee is finally determined not to be eligible for Worker's Compensation benefits, they will reimburse the City for all "injury leave benefits" paid. The reimbursement may be accomplished by the equivalent reduction of accrued or extended sick leave, if available.**

**While an employee is receiving injury leave benefits and so long as an employee continues to use accrued leave, the City will maintain medical insurance coverage.**

~~In the event that a claim is denied by Workers' Compensation, the employee may use his or her accumulated Extended Sick Leave to cover the absence from work. Should the BWC approve a claim which had been previously denied, all erroneously charged leave will be reinstated to the injured worker's leave bank upon a final, unappealable determination of~~

the injured worker's claim or if the City does not file an appeal to the allowance of the claim.

Injury leave will terminate when the employee is able to return to either full or light duty work. Prior to any return from injury leave, employees must submit a physician's release to Human Resources for review and consideration. The physician's release must indicate any and all restrictions and in the case of light duty situations must contain a prognosis and expected time frame for full recovery.

All leave used under this Article shall be counted as leave taken to which an employee is eligible under the Family Medical Leave Act (FMLA).

### **M. Jury/Witness Duty & Poll Worker**

Employees shall be granted leave with pay to perform jury duty or to testify in a legal matter instigated by the court provided that any compensation received for jury duty or witness appearance shall be endorsed to the City.

In the event an employee is subpoenaed to appear as a witness for some other reason than those stated above, the employee shall be granted leave without pay to fulfill said witness duties. In this instance the employee may use time from his or her accrued leave bank to cover the absence. Absences for witness duty shall be subject to review by the City Manager and shall be approved on a case-by-case basis.

**Employees may be granted paid leave to perform poll worker duties, subject to approval by the Department Director on a case-by-case basis. Any compensation received for poll work duties may be retained by the employee.**

### **S. Exempt Employee Emergency Work Policy**

**To provide essential services during declared emergencies and disasters, emergency personnel holding an administrative rank may be asked or required to assist in mitigating the emergency. Emergency administrative ranks are classified as "exempt" (salaried) employees, as defined by the Fair Labor Standards Act (FLSA). As exempt employees, the administrative ranks are ineligible for overtime payment for work performed over and above their scheduled work hours. The purpose of this policy is to**

define circumstances in which emergency personnel holding an administrative rank shall receive overtime payment for hours worked beyond their salaried work week, to assist communities with disasters and/or emergency response and recovery.

### ***Applicability***

The provisions of this policy become effective when one or more of the following conditions are met:

- When a disaster, natural and/or manmade, is declared locally regionally, or nationally; or
- When a State of Emergency is declared by the mayor of a local government or governor of state; or
- When a National Emergency is declared; and
- When an employee is required to work 96 or more straight hours.

The provisions of this policy apply to disaster and emergency response and recover work assignments performed within the City of Clayton or in another locality under an approved reassignment. Reassignments must be pre-approved by the Department Director or designee to ensure appropriate staffing levels remain available for the emergency departments.

### ***Policy***

When the applicability provisions described in this policy are satisfied, “exempt” (salaried) emergency personnel shall receive overtime payment as follows:

- For hours worked beyond their normal scheduled hours of work for a typical work week, the employee shall be compensated on an hourly basis at the overtime rate, as dictated in Article 6 of the City of Clayton Personnel Manual.

## **ARTICLE 23 EMPLOYEES WORKING 24 HOUR SHIFTS**

### **A. Purpose**

~~To define the Fire Department non-union, exempt, full-time employee positions and identify benefits assigned to this employment category.~~

### **A. Policy**

Full-time fire department employees working twenty-four (24) hour shifts who are not members of a collective bargaining group and are not covered by a collective bargaining agreement, **excluding Paramedic only positions**, shall receive the accrual rates and

benefits as provided by the City's Personnel Manual unless otherwise stated in this document or approved by the City Manager.

### C. Definitions

~~Fire Department non union full time employees are those full time fire department employees working twenty four (24) hour shifts that are not members of the collective bargaining group and are not covered by a collective bargaining agreement.~~

### B. Benefits

Fire Department employees subject to this policy shall receive the following benefits in addition to those provided by other policies contained in the City's Personnel Manual:

- Employees shall receive **& sixteen (16)** hours of holiday pay ~~computed at forty (40) hour rates~~ for all of the approved holidays in the Clayton Personnel Manual.
- ~~For the six (6) holidays falling between January 1 and November 11 (New Year's Day, Martin L. King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day); holiday pay shall be paid to employees in one lump check in the second full pay period of November. For the five (5) holidays that fall between November 12 and December 31 (Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve), holiday pay shall be included in compensation for the pay period in which the paid holiday falls.~~
- Employees who's regularly assigned work shift falls primarily within any of the City approved holidays shall be compensated for all hours worked during the shift at one- and one-half times the employee's 24-48 shift hourly wage rate.
- ~~Employees with ten (10) years or less of full-time service with the Clayton Fire Department, are eligible to carry over seventy-two (72) hours of compensatory time. Any hours more than seventy-two (72) that are not used by November 30<sup>th</sup> or not scheduled to be used by December 31<sup>st</sup> will be paid out according to City policy.~~
- Shift coverage of unscheduled shifts and other times approved by the Fire Chief or his designee will be eligible for premium pay (one and one half time the normal hourly rate).
- ~~Every other pay period (28-day cycle), employees will receive guaranteed work period overtime in accordance with the Fair Labor Standards Act.~~
- **Each employee will receive WPOT (work period overtime) pay of six (6) hours on every paycheck starting on their third paycheck after the start date. If an employee uses comp time during a period, that employee will not receive the six (6) hours of WPOT.**

- **Employees working a 24/48-hour schedule shall receive equalized paychecks prepared as follows:**  
**At the beginning of each payroll year the Finance Department shall prepare a salary sheet that lists each full-time employee, their applicable hourly rate, and their anticipated straight time earnings for that year which shall consist of the hourly rate multiplied by 2920 hours. Each employee's straight time earnings shall be divided by the number of bi-weekly payroll periods to compute a gross payroll amount for equalized paychecks. Employees shall receive such equalized paychecks that include straight time earnings as well as equalized (1/26) of their educational bonus, holiday pay, and six (6) hours of WPOT if no comp time is used during the pay period.**
- Employees who have attained an Associate's or Bachelor's degree in a Fire or EMS related field approved by the City Manager, from an accredited or approved college, university or technical school shall be paid the following amounts the first pay in November:
 

Associate's degree	\$800.00
Bachelor's degree	\$1,200.00
- Each employee will receive one (1) EPDO (Earned Personal Day Off) every quarter throughout the calendar year. The employee must schedule and utilize an EPDO in each quarter of the year. If the EPDO is not utilized prior to the end of each quarter, the employee will forfeit the EPDO for that quarter. EPDO's are in lieu of the Personal Days as defined in Article 6 of this manual.

## ARTICLE 25 INTERNET POLICY

### D. Guidelines for ~~Appropriate Use of~~ Email

1. **Appropriate Use:** When using City e-mail and other forms of electronic communication, appropriate workplace etiquette must be observed. The guidelines for appropriate and effective e-mail and other forms of electronic communication include:
  - Communicating urgent matters for immediate response, communicating with several people quickly or communicating other time-sensitive matter.
  - Keeping all messages as brief as possible to minimize reading time, thereby keeping communication efficient.

- Using the simple rules of who, what, when, where and why to answer any anticipated questions.
  - Avoiding sensitive subject matter that should be addressed in person, if possible.
  - Checking message content for accuracy and good business writing style (i.e., using correct grammar, spelling and punctuation).
  - Following up when a response is expected or requested and has not been received in a timely manner.
  - Reading all messages and responding when requested or expected.
  - Avoiding the use of all capital letters.
  - Avoiding the “reply all” function (i.e., system-wide distribution) when not necessary or intended.
  - Saving, printing or deleting messages after reading to avoid using the e-mail server as permanent storage. Email communication pertaining to City business should be maintained in accordance with applicable state and federal public record requirements.
2. **Cyber Security: To ensure the integrity, confidentiality, and availability of City email services employees must abide by the following policies to safeguard the City’s electronic communications.**
- **Avoid Suspicious Links & Attachments – Do not click links or open attachments in unexpected or unsolicited emails.**
  - **Verify Email Addresses – Always check sender addresses to confirm legitimacy before responding or taking action.**
  - **No Payroll or Personnel Requests via Email – Payroll and personnel-related requests will never be processed through email.**
  - **No Electronic Signatures via Email – The City will never request electronic signatures for documents sent via email.**

## ARTICLE 26 DRUG FREE SAFETY PROGRAM

### B. Policy

It is the policy of the City of Clayton to prohibit the use and possession of controlled substances including alcohol and drugs by City employees under the following conditions:

- Employees shall not unlawfully manufacture, distribute, dispense, possess, consume or use any controlled substance or alcoholic beverages.
- During scheduled work hours employees shall not have any ~~illegal~~ **illicit** drugs or alcohol in their system.

- During scheduled work hours employees shall not abuse **or misuse** physician-prescribed or over-the-counter drugs.
- Outside of work hours, employees shall not consume alcoholic beverages or drugs to the extent that their ability to perform the job in a safe and competent manner is adversely affected.

### C. Definitions

Controlled Substances - a drug or chemical substance whose possession and use are restricted by law.

**Illicit Drug** – a drug that is forbidden by laws or rules.

Medical Review Officer - a licensed Doctor of Medicine with knowledge of drug abuse disorders who is used by the city to conduct drug testing in accordance with federal law.

Prescription Drugs - a drug that can be obtained only by means of a physician's prescription.

Reasonable Suspicion - an objectively justifiable suspicion that is based on specific facts.

#### *Drug and Alcohol Testing*

- The city will test for drugs and alcohol to detect problems and provide incentive for employees to not use substances in a way that is in violation of the policy.
- Any employee required to submit to a random drug or alcohol screening shall be compensated for the time required to obtain the sample at the collection facility.
- Testing will be conducted to identify the presence of the following:
  - Alcohol
  - Amphetamines
  - Barbiturates
  - Benzodiazepines
  - Cocaine
  - Ecstasy
  - Marijuana (including medical marijuana)
  - Methadone
  - Methylenedioxymethamphetamine
  - Opiates
  - Oxycodone

- Phencyclidine
- Propoxyphene
- Testing of employees will be conducted in accordance with the following conditions:
  - Pre-employment testing – All offers of employment are contingent upon satisfactory completion of a drug screening.
  - Reasonable suspicion testing – Conducted when a supervisor suspects an employee may be in violation of the policy.
  - Post-accident testing – Post accident testing will occur when any employee may have caused or contributed to serious injury/damage to persons or property.
  - Return to duty – Occurs when an employee who previously tested positive for substance use but was not terminated is reinstated to his/her position.
  - Random drug testing – Employees will be tested on an unannounced basis.
- The testing procedure and processing of positive results shall occur as follows:
  1. To ensure that the tests are reliable, the collection of samples will be conducted in a medical facility with specialized knowledge in the area of substance abuse.
  2. Testing specimens may include urine, breath/saliva or blood.
  3. **An employee who refuses to participate in testing shall be in violation of this policy and subject to discipline up to and including discharge. A failure to execute required forms as part of the testing process is considered a refusal. Similarly, an employee who attempts to adulterate a specimen or otherwise manipulate or impede the testing process shall be subject to discipline up to and including discharge.**
  4. Upon receipt of a positive finding, the collection site will attempt to contact the employee by telephone. The employee will be given the chance to rebut or explain the findings.
  5. Failure on the part of the employee to document any valid medical cause for the presence in the employee's system of the substance for which the test was positive will result in the finding being forwarded to the employer.
  6. In the event of a finding, a negative test result must be produced before the employee is eligible to return to duty. Those who previously tested positive but whose employment was not terminated will be subject to unannounced follow-up tests.

## ARTICLE 27 CELLULAR TELEPHONE POLICY

## F. Cellular Phone Use while Operating a Vehicle

Employees are discouraged from using city-issued or personal phone/communication devices while operating equipment, driving a City vehicle or driving any other vehicle (rented, leased, borrowed, or their own vehicle) while conducting City business. If a call must be taken, the phone can be answered, but the vehicle or equipment should be stopped to complete the conversation.

If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. Under no circumstances are employees required to place themselves at risk to fulfill business needs.

Drivers shall comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cell phones. Sending or reading text messages, emails, dialing cellular phones, viewing television or videos, and inputting data into laptop computers, personal digital assistants, or navigation systems are prohibited while driving. The cellular phone voicemail feature should be on to store incoming calls while driving and all message retrievals and calls should be made after the vehicle is safely parked.

Accidents incurred while the driver is using a cellular phone may be considered preventable and the driver may be subject to disciplinary action. Employees who are charged with traffic violations resulting from the use of their phone while driving will be responsible for all financial liabilities (fines associated with citations) that result from such actions.

## ARTICLE 31 TRAVEL POLICY

### A. Purpose

This policy outlines policy and procedures concerning travel pertaining to City business. Personnel authorized to travel at city expense are employees, elected officials, and members of boards and commissions.

### B. Compliance

All employees/travelers shall strictly adhere to these guidelines and any deviation to these rules shall be cause for disciplinary action.

### C. Request to Travel

If it is necessary, or requested, that an employee travel for the City, a request for travel shall be submitted **via email** for approval to the Department Head and subsequently to the City Manager for final approval. The travel request shall be submitted as soon as the need for travel is known.

### D. Request for Advance of Funds

~~Any employee/traveler needing an advance of funds shall complete and submit a request for Advance of Funds.~~

### E. Travel Expense Report

~~The Travel Expense Report and substantiating receipts shall be submitted to the Finance Director within seven (7) working days after completion of travel.~~

### D. Expenses

**Employees who have been issued a City credit card or if a Department credit card is available they are permitted to use the card for travel-related expenses in accordance with City policy which includes obtaining a purchase order and submitting itemized receipts.**

**Employees who have not been issued a City credit card and a Department credit card is unavailable, they must use personal funds for all travel expenses. To receive reimbursement, employees are required to submit itemized receipts for all eligible expenses.**

**All travel expenditures are subject to review.**

### I. Per Diem Allowance

Per diem shall not be paid for trips unless overnight stay is involved. The per diem shall be reduced by ~~one-third (1/3)~~ for each pre-paid meal included in the conference registration fee.

Per diem rates for meals and incidental expenses (M&IE) incurred during overnight trips will be paid in accordance with rules established by the Office of Budget and Management. For per diem purposes, a day equals a twenty-four (24) hour period starting at the time the traveler leaves his or her home and ending twenty-four (24) hours later. ~~No receipts are required for submittal when per diem is received.~~ **Itemized receipts are required to substantiate expenses.** There will be no payment for alcoholic beverages. Partial per diems will be paid for periods of less than twenty-four (24) hours equal to ~~one-third (1/3)~~ of the established **meal** rate for each eight-hour increment of the trip.

## ARTICLE 33 PUBLIC RECORDS POLICY

### G. 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.

**Those requesting copies of law enforcement dashboard camera video(s) and/or body camera video(s) will be charged the actual costs associated with reviewing, blurring, or otherwise obscuring, redacting, uploading, or producing the video records which includes, but is not limited to, the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request at the rate of \$75.00 per hour, not to exceed \$750.00 per video.**

**A requester will be required to pay the estimated actual cost before beginning the process of preparing the video record for inspection or production. The obligation to produce a video or make it available for inspection begins once the estimated actual cost is paid in full by the requester. The requester shall be provided with the estimated actual cost within five (5) business days of receipt of the public records request. If the actual cost exceeds the estimated actual cost, the requester will be charged for the difference up to twenty (20) percent higher than the estimated actual cost if the requester is notified in advance that the actual cost may be up to twenty (20) percent higher than the estimated actual cost.**

**A requester may be required to pay in advance for the actual costs involved in providing paper documents.**