

**THE  
VILLAGE OF GRAFTON, OHIO  
PERSONNEL POLICY AND PROCEDURE  
MANUAL**



**2024**

**THIS DOCUMENT IS NOT A CONTRACT**

**Prepared by:**

**CLEMANS, NELSON & ASSOCIATES, INC.  
4100 Regent Street, Suite N  
Columbus, OH 43219  
614-923-7700 / 800-282-0787  
[www.clemansnelson.com](http://www.clemansnelson.com)**

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**INTRODUCTION/DISCLAIMER****SECTION 1.01**

- A. The Village of Grafton is located in northern Ohio in Lorain County.
- B. Policies are the basic rules which guide administrative actions for accomplishing an organization's objectives. Comprehensive and clearly written policies are essential to the success of any organization.
- C. Written procedures provide members of the organization with administrative interpretation for the application of the organization's policies and explain the manner in which such policies are implemented.
- D. This manual contains the personnel policies and procedures of the Village of Grafton, Ohio (hereinafter referred to as "Employer").
- E. THIS MANUAL IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. IT MAY BE CHANGED AT ANY TIME BY THE EMPLOYER WITH OR WITHOUT NOTICE. THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT, EXPRESSED OR IMPLIED. NO REPRESENTATIVE OF THE EMPLOYER HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT WITH AN EMPLOYEE THAT IS CONTRARY TO THE POLICIES AND PROCEDURES CONTAINED HEREIN.

**OBJECTIVES****SECTION 1.02**

- A. The Employer recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective government. The policies and procedures set forth in this manual are designed to:
  - 1. Promote high morale and foster good working relationships between the Employer and employees.
  - 2. Encourage employees to give their best efforts to the organization and the public.
  - 3. Encourage that courteous and dependable service be provided to the public.
  - 4. Provide equal opportunity for qualified persons to enter and progress in their employment with the Village.
  - 5. Ensure that Village operations are conducted in an ethical and legal manner.
  - 6. Establish acceptable minimum standards of performance which are to be applied fairly and uniformly.

- B. The primary objective or mission of the Employer is to provide the residents of the Village of Grafton with superior services at the most reasonable cost. This is a continuing objective to which all other objectives are secondary.

Village employees are a valuable resource for fulfilling the Village's mission. Employees are expected to provide the public with courteous, friendly, and quality service at all times in as prompt, cheerful, and efficient manner as possible. For this reason, another of the Village's objectives is to recruit, select, and retain highly qualified, professional, and courteous employees.

**DEFINITIONS/ABBREVIATIONS****SECTION 1.03**

Unless otherwise indicated, the following definitions and abbreviations apply to the listed terms as used in this manual.

Active Pay Status: Except as may be otherwise defined in this manual, active pay status is when an employee is eligible to receive pay directly from the Employer and includes hours worked and compensatory time.

ADA: Americans with Disabilities Act.

BWC: Abbreviation for Ohio Bureau of Workers' Compensation.

Compensatory Time (Comp Time): Time off work granted to nonexempt employees in lieu of paying actual cash for overtime hours worked and granted off at the rate of one and one-half (1 1/2) hours for each hour of overtime.

Day(s): When reference is made to a time period in terms of days, the time period, unless otherwise specified, means calendar day(s). A day is a 24-hour period, usually starting at 12:01 a.m. and ending at 12:00 midnight. However, a Village department may define a day differently in terms of when the "first shift" of a day begins with the day of that department ending 24 hours later.

Demotion: A change in position that reduces the employee's scope of responsibility and compensation.

Department: An organizational unit directed and controlled by the Employer and charged with a specific public service function and mission (e.g., administration, police, service, fire, etc.).

Department Head: A management level employee charged with the responsibility of directing a department on behalf of the Employer.



Designee: Any employee authorized by a designated management official to perform a function on behalf of such management official.

Discourteous Treatment of the Public: Failure by an employee to treat any member of the general public with respect and in a polite and courteous manner.

Dishonesty: Conduct involving bad faith, a lack of integrity, or moral turpitude. Dishonesty may include but is not limited to failure to tell the truth; stealing; falsifying documents; or similar acts of misconduct or attempts to mislead.

Distribution: An act of distributing goods, materials, and/or written materials or literature.

Drug Abuse: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.

Employee: Any person holding a position subject to appointment, removal, promotion, or demotion by any representative of the Employer.

Employer: The Village of Grafton, Ohio, or the designee of the Employer, authorized by law to make appointments to positions. As context requires, Employer may also mean any designee who is authorized to carry out certain duties on behalf of the Employer.

Excused Absence: Absence from work with the approval of the Employer (i.e., sick leave, vacation, holiday, compensatory time, approved unpaid leave of absence, etc.).

Exempt Employee: A salaried employee determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, and who therefore does not have to legally be paid the statutory minimum wage and/or be compensated, at premium rates, for additional hours worked in the workweek.

Failure of Good Behavior: Failure by an employee to accept, adhere to, or maintain the expected levels of performance and/or conduct required by the Employer, or reasonably expected by the Employer even in the absence of a written rule.

FLSA: Abbreviation for the Fair Labor Standards Act.

FML: Abbreviation for Family and Medical Leave.

FMLA: Abbreviation for the Family and Medical Leave Act.

Immoral: Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

Immoral Conduct: Conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

Incompetency: Lack of ability, legal qualifications, or fitness to perform duties required of an employee.

Inefficiency: When an employee is either incapable of performing or indisposed or unwilling to perform duties required of an employee within reasonable standards.

Insubordination: Intentional failure to perform duties required of an employee; refusal to obey an order issued by the employee's supervisor or other management official.

Intoxication: The condition of a person affected by the immediate use of intoxicating drinks or controlled substances; the state of one who is under the influence of alcohol or controlled substances. The effect produced upon the person by drinking intoxicating liquor or ingesting another intoxicating substance to such an extent that the normal condition of the individual is changed and the person's capacity for rational action and conduct is substantially lessened.

Malfeasance: The commission of some act which is positively wrongful or unlawful; the doing of an act which is wholly wrongful or unlawful; the doing of an act which a person ought not to perform.

Misfeasance: The improper performance or commission of some act which a person may lawfully do.

Neglect of Duty: Omission or failure to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act. A designed failure, refusal or unwillingness to perform one's duty.

Non-Exempt Employee: An employee who is entitled to be paid the federal minimum wage and to be paid at the rate of one and one-half (1 1/2) times the employee's regular rate of pay for all hours worked in excess of forty (40) hours in an established work week or other standard work period established in accordance with the FLSA.

Nonfeasance: Nonperformance of some act which ought to be performed; the total omission to perform a required duty; or the total neglect of duty.

Non-Work Area: Those areas of the Employer's property such as the employee's parking lot or other areas where no official Employer business or operations are conducted.

Non-Work Time: Any time during an employee's workday where the employee is totally relieved of work duties, such as break time or lunch time. Whether an employee is in active pay or no-pay status during these times is immaterial to the designation of non-work time.



OPFPF: Abbreviation for the Ohio Police and Fire Pension Fund.

ORC: Abbreviation for the Ohio Revised Code; also abbreviated as R.C. when followed by a chapter or section number.

OPERS: Abbreviation for the Public Employees Retirement System.

PERRP: Public Employment Risk Reduction Act, Ohio's Occupational Safety and Health Act for public employees.

Personnel Actions: A specific act by the Employer to implement a personnel decision (e.g., hiring, promotion, demotion, suspension, removal, layoff, wage increases).

Personnel Decisions: Such decisions include but are not limited to: (1) recruitment; (2) selection; (3) placement; (4) testing; (5) training; (6) promotions and transfers; (7) layoff and recall; (8) removal; (9) disciplinary action; (10) social and recreational programs; (11) employee benefits and compensation; and (12) tangible program services and benefits.

Position: A group of duties and responsibilities assigned or delegated by competent authority to be performed by one (1) person. Positions and the duties of a position may be revised, but the employee's classification remains the same unless the position is reclassified.

Promotion: Any change in position which results in an increase in an employee's compensation and responsibility.

R.C.: Abbreviation for Ohio Revised Code when followed by a chapter or section number.

Reduction: A change in the classification held by an employee to one having a lower base rate of pay, or any decrease in compensation of an employee.

Solicitation: An act of requesting an individual to purchase goods, materials, or services, or a plea for a financial contribution.

Supervisor: An individual who has been authorized by the Employer to perform or assist in performing some or all of the following: hiring, transferring, suspending, laying off, recalling, promoting, demoting, discharging, assigning, rewarding, or disciplining employees under the direction of the Employer; to responsibly direct employees; to adjust their grievances; or to effectively recommend any of these actions.

Suspension: Relief of an employee from duty without pay, usually for a short period of time (e.g., one [1] to fifteen [15] days), as a disciplinary measure aimed at improving the employee's conduct.



Transfer: The movement of an employee from one (1) position to another where there is no change in level of responsibility, classification, or salary.

Vendor: Any individual or group engaged in or desiring to engage in the supply of goods, materials, or services (which are utilized in the conduct of public business) to the Employer and/or its employees.

Work Area: Any office, room, or physical location where official Employer business is transacted and/or operations of the Employer are being conducted.

Working Suspension: A form of discipline whereby the Employer may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and will have the same effect as a suspension without pay for the purpose of recording disciplinary action.

Work Time: All the time when an employee's duties require that the employee be engaged in work tasks; not including scheduled breaks and time before or after work.

Work Unit: A division under the Employer's control usually directed by a supervisor and charged with a specific work function which contributes to the accomplishment of the Employer's public service function.

Written Reprimand: The written record of disciplinary action, usually issued after a written warning has failed to improve an employee's conduct, or when the employee has committed a more serious violation, which is provided to the employee and placed in the employee's personnel file in an attempt to improve the employee's conduct and performance.

Written Warning: Written documentation of a verbal counseling and instruction which is provided to the employee and placed in the employee's personnel file to correct any misconduct and improve the employee's conduct and performance.

**SCOPE OF COVERAGE****SECTION 1.04**

- A The personnel policies and procedures in this manual generally apply to all Village employees. These policies do not establish tenure or contractual rights for employees not required by law or charter. Although the Employer generally subscribes to these policies, the Employer may amend or abolish any policies or procedures herein without advance notification. In the case that these policies conflict with the express terms of a collective bargaining agreement, the express terms of the collective bargaining agreement shall prevail.

- B. These policies and procedures supersede all previous written and unwritten personnel policies and past personnel practices of the Employer, and any current department or division policy or procedures, unless such department or division policy or procedure is more restrictive or more specific due to operational needs of that department or division. It is not the intent to supersede the Standard Operating Procedures of any.
- C. Certain employees are appointed by the Mayor, with Council approval. These employees, as well as certain other supervisors or managers may be hired under a separate employment contract that expressly sets for the terms of their employment. This policy and procedure manual will not supersede any existing or future individual employment contracts.
- D. In the event of a conflict between this manual and any applicable law, the law shall prevail.

**EMPLOYER'S AUTHORITY TO MANAGE****SECTION 1.05**

The Employer retains the full right and responsibility to direct the operations of the Village, to promulgate policies, rules and regulations and otherwise exercise the prerogatives of management, which more particularly include but are not limited to the following:

- A. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off, recall, or to reprimand, suspend, discharge, or otherwise discipline employees in accordance with applicable law.
- B. To manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed.
- C. To determine goals, objectives, programs, and services, and to utilize personnel in the manner designed to effectively meet these purposes.
- D. To determine the size and composition of the work force and the organizational structure.
- E. To determine the hours of work and work schedules required to operate most efficiently.
- F. To determine when a job vacancy exists, the duties to be included in all classifications, and the standards of quality and performance to be maintained.
- G. To determine the necessity to schedule overtime and the amount required thereof.
- H. To maintain the security of personnel and financial records and other important data or information.
- I. To maintain and improve the efficiency and effectiveness of the operations.



- J. To determine and implement necessary actions in emergency situations.

The exercise of any such right, power, authority, duty, or responsibility by the Employer and the adoption of such rules, regulations, or policies, as may be deemed necessary, shall be limited only by the specific express terms of applicable law.

**IMPLEMENTATION AND DISSEMINATION****SECTION 1.06**

- A. The Employer has the exclusive right and authority to create, amend, and issue policies and procedures.
- B. All supervisory personnel shall become thoroughly familiar with the policies contained in the PPM. Supervisory personnel are responsible for administering the policies herein and shall ensure that subordinate personnel comply with all policies and procedures adopted by the Employer.
- C. The PPM shall remain the exclusive property of the Employer. Unauthorized reproduction is prohibited.
- D. The PPM and any amendments thereto shall be adopted as the Employer's official policies and procedures by resolution or ordinance of Village council. Following adoption by Village council, the effective date and applicable resolution or ordinance number shall be added to the cover page of the PPM.
- E. Each employee will be provided with a copy of the manual. Reading shall not interfere with working time. The employee shall also sign an acknowledgment form indicating acknowledgement of receipt of the manual.

**AMENDMENT****SECTION 1.07**

Changes within the organization will necessitate changes in this manual. Policies may only be amended, revised, or deleted by ordinance/resolution. Changes in procedures and non-substantive changes may be made by the Mayor or designee. However, if there is a conflict between a policy contained in this manual and a Village ordinance, the ordinance shall prevail.

- A. Employees, supervisors, and department heads are encouraged to review and recommend amendments, additions, or deletions to the policies contained in this manual. Such suggested changes should be reduced to writing and presented to the Mayor or designee. The Mayor or designee shall review all suggested changes. The Mayor or designee shall thereafter present all suggested changes which he deems worthy of consideration to Village council.

- B. All ordinances adopted by Village council shall be reviewed by the Mayor or designee to determine whether the ordinance amends, adds, or deletes any section(s) of this manual.
- C. When an ordinance amends, adds or deletes a section of this manual, the Mayor or designee shall cause the affected manual section(s) to be rewritten. The new section(s) shall be dated and a reference to the amending ordinance shall be inserted.
- D. The original of the new section shall be placed in the Employer's master volume of the manual.
- E. The Mayor shall determine by what means the new or amended policy is to be communicated to employees (i.e., group meetings, posting on bulletin boards, etc.).
- F. The Mayor or designee is hereby authorized by Village council to make any and all necessary non substantive changes to this manual (i.e., corrections of grammar and spelling, etc.), revise the procedures in this manual to effectuate the policies contained herein, and make any changes to policies necessitated by law.

**PERSONNEL ADMINISTRATION****SECTION 1.08**

The Village's personnel system shall be administered by the Mayor or designee. The Village Administrator shall administer the personnel system within his or her scope of authority as designated in the Charter. The personnel system within each department shall be administered by the department head. Each department head shall be charged with the responsibility of ensuring that these personnel policies and procedures are applied in a consistent, objective manner, and for the purpose of performing the duties and responsibilities set forth in this manual.

**CONFLICT OF LAW****SECTION 1.09**

If any section or part of this manual or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any section or part of this manual is restrained by a court, the law or court decision shall prevail, but the remainder of this manual and any amendments thereto shall not be affected and shall remain in full force and effect, unless the context of the manual as a whole indicates that another section should be invalidated as well to conform with the Employer's intent.

Whenever any section of this manual is amended by operation of law or by court order, the section shall be amended in accordance with Section 1.07 of this manual.

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## **Chapter 2    EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION**

### **EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION      SECTION 2.01**

- A.    The Village of Grafton is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon race, color, religion, sex, military status, national origin, age, disability, ancestry, veteran's status, gender identity, sexual orientation or genetic information or any other protected criteria as defined by state or federal law.
- B.    The Mayor or designee is the Employer's Equal Employment Opportunity (EEO)/Americans with Disabilities Act (ADA)/ Pregnant Workers Fairness Act (PWFA) coordinator. The EEO/ADA/PWFA coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the department head.
- C.    The EEO/ADA/PWFA coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Department heads and supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each department employee or job applicant, and for attempting to resolve discrimination complaints within their respective departments not personally involving the department head.
- D.    No inquiry shall be made as to religious, racial, or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action on the applicant's part.

### **AMERICANS WITH DISABILITIES ACT (ADA) AND THE      SECTION 2.02 PREGNANT WORKERS FAIRNESS ACT (PWFA)**

- A.    The Employer recognizes that federal and state law, The Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.* (hereinafter the "ADA"), as amended and the Pregnancy Workers Fairness Act (PWFA), prohibits discrimination on the basis of disability, including known pregnancy, childbirth, or related medical conditions and vows to maintain facilities that are accessible to all, and to maintain a work environment free of unlawful discrimination. The Employer will not discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.



## **Chapter 2    EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION**

- B. The Employer shall maintain in operable working order all features of facilities and equipment which are for the use, benefit, aid, or service of the public, in a manner in which is readily accessible to and usable by persons with disabilities.
- C. Each service, program, and activity shall be operated in a manner that, when viewed in its entirety, shall be readily accessible to and useable by individuals with disabilities.
- D. The Employer shall ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- E. The Employer shall ensure that all interested persons (including those with impaired vision or hearing) can obtain information on the existence and location of accessible services, activities, and facilities.
- F. Notwithstanding the above commitments to accessibility, taking action to achieve accessibility is not required when it would result in a fundamental alteration in the nature of a service, program, or activity or cause undue financial and administrative hardships.
- G. The EEO/ADA/PWFA Coordinator shall be responsible for:
  - 1. Providing information about the Americans with Disabilities Act (ADA) and Pregnant Workers Fairness Act (PWFA) to employees and others.
  - 2. Receiving and resolving complaints involving non-accessibility of services, programs, or facilities and alleged discrimination against disabled individuals.
- H. Complaints, comments, or questions, regarding the county's compliance with the ADA/PWFA, should be filed in accordance with the Discrimination Complaint Procedure contained this manual.
- I. The Employer will conduct an interactive dialogue with an individual who has claimed a disability or has requested an accommodation. The interactive dialogue is an informal interactive discussion between the Employer and the individual aimed at finding a means by which the disabled individual can perform the essential functions of the job. The purpose of the meeting is to identify the precise limitations resulting from the disability, including known pregnancy, childbirth, or related medical conditions and to discuss the potential reasonable accommodations that could overcome those limitations.
- J. Upon being notified by an individual of a disability or a need for accommodation, the following process will be followed:
  - 1. The Employer will analyze the particular job involved and determine its purpose and essential functions;

## **Chapter 2    EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION**

2. The Employer will consult with the potentially disabled individual to ascertain the precise job-related limitations imposed by the claimed disability and how those limitations could be overcome with a reasonable accommodation;
3. Provided the individual's condition meets the definition of a disability (see paragraph K), the Employer will consult with the disabled individual to identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
4. The Employer will consider the preference of the disabled individual and select and implement the accommodation that is most appropriate for both the employee and the Employer, provided the accommodation does not impose an undue hardship on the operation of the Employer's business.

### **K.    Definitions:**

1.    Disability: The term disability means, with respect to an individual:
  - a.    a physical or mental impairment that substantially limits one or more major life activities of such individual;
  - b.    a record of such an impairment; or
  - c.    being regarded as having such an impairment.

The employee shall provide credible medical evidence to prove that a disability exists.

2.    Essential Functions: Fundamental or core duties of the position.
3.    Major Life Activities:
  - a.    Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, sitting, standing, lifting, learning, eating, sleeping, bending, reading, concentrating, thinking, and communicating, and working.
  - b.    A major life activity also includes the operation of a major bodily function including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

- L.    An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under



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the Americans with Disabilities Act and/or the Pregnant Workers Fairness Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. The Employer does not and will not regard an employee as having a disability.

### **NON-DISCRIMINATION AND DISCRIMINATORY HARASSMENT SECTION    2.03**

- A. It is the policy of the Village to maintain an environment free from all forms of unlawful discriminatory harassment for all employees, including gender-based sexual harassment. To maintain this environment, harassment which is discriminatory in nature, whether committed by supervisors, coworkers, or members of the public, or whether by members of the opposite or same gender, is strictly prohibited.
- B. Discriminatory harassment includes derogatory or vulgar, verbal, or written communications or actions regarding a person's race, color, sex, religion, military status, national origin, age, disability, ancestry, veteran's status, gender identity, sexual orientation, or genetic information.
- C. Harassment may be verbal, physical, or visual in nature. It may be made in general or directed at any individual or group of people. Harassment may occur regardless of whether the behavior was intended to harass. Examples of forms of harassment based on age, color, race, sex, religion, national origin, ancestry, marital status, physical or mental disability, gender identity, sexual orientation, include, but are not limited to the following:
  - 1. Verbal: repeated, unsolicited derogatory comments, epithets or slurs; or continued requests of social or sexual contact after being advised such contact is unwelcome.
  - 2. Physical: assault, impeding or blocking movement, unwelcome touching, leering or any physical interference with normal work or movement when directed at an individual, including "practical jokes" or horseplay which have the effect of interfering with the work.
  - 3. Visual: derogatory, prejudicial, stereotyping, or otherwise offensive poster, photographs, cartoons, notes, bulletins, drawings, staring, or leering.
  - 4. Retaliation: discipline, transfer, denial of promotional opportunity, training, or assignment, or any other verbal, physical, or visual action, taken as a result of the filing a complaint or participation in an investigation.

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- D. Sexual harassment, which is a form of discrimination based on sex, may include, but is not limited to:
1. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions.
  2. Repeated verbal abuse of a sexual nature, or use of sexually degrading words to describe an individual.
  3. Graphic or degrading verbal comments about an individual, an individual's body or the individual's appearance, or the individual's sexual preference.
  4. Request for sexual favors.
  5. The display of sexually suggestive objects or pictures through any media.
  6. The implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee or applicant's submission to requests for sexual favors or sexual harassment in any form.
  7. Any offensive or abusive physical contact.
  8. Any other conduct or behavior that may be construed as being sexually degrading or offensive.
- E. It is the policy of the Village to discipline, up to and including discharge, any employee found to have engaged in any type of discriminatory treatment, including sexual harassment, even if that behavior does not rise to the level of illegal discrimination.
- F. It is the responsibility of all employees to aid the Employer in maintaining a work environment free from all forms of discrimination, including discriminatory harassment. Therefore, it is the responsibility of each employee, including supervisors and managers, to immediately report any instances of discriminatory harassment to the proper authority. Any employee who observes any conduct that may constitute discriminatory harassment of a co-worker, but fails to report same, may be subject to disciplinary action.

It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors and employees are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.



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Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive sufficient training to maintain an environment free from discriminatory harassment. Additionally, each newly-hired employee will receive training on this policy as a part of his employee orientation.

### **EQUAL EMPLOYMENT OPPORTUNITY/ ANTI-DISCRIMINATION COMPLAINT PROCEDURE**

### **SECTION 2.04**

- A. All complaints alleging improper discrimination shall be filed on the EEO/Anti-Discrimination Complaint Form contained in the Appendix of this manual. Complaints shall be filed as soon as possible and no later than a reasonable period of time following the incident which gave rise to the complaint.
- B. Complaints shall be filed with the designated EEO/ADA coordinator, the Mayor, the Village Administrator or the employee's immediate supervisor. Once such a complaint is filed, the person with whom the complaint was filed shall notify the Mayor and the Law Director. The EEO/ADA coordinator, or another independent person or organization appointed by Council, or the Mayor shall promptly investigate all complaints and respond to the complainant as soon as the investigation is completed.

C. Complaint Procedure:

- 1. Employees who believe they have been the subject of discriminatory harassment or other form of discrimination should report the alleged act immediately. All information disclosed shall be held confidential to the extent permitted by law, and otherwise will only be revealed on a need-to-know basis in order to investigate and resolve the matter.

Step 1: Employees who believe they have been the subject of discriminatory harassment or other form of discrimination should report the alleged act immediately to their immediate supervisor. If the immediate supervisor is the subject of the complaint, or if the employee is uncomfortable reporting the act to her supervisor, the employee may report the act to the Village Administrator, Mayor, or designated human resource point of contact.

Step 2: The individual alleging the discriminatory action will be asked to complete a written statement outlining the nature of the complaint. The complaint will be investigated even if the individual making the allegation refuses to fill out a written statement. In such cases, the supervisor taking the complaint shall make written notations of the complaint as given to him or her, including the identification of possible witnesses.

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Step 3:            Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All employees shall, to the extent possible, be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.

Step 4:            If the investigation reveals that the complaint is valid, prompt remedial action designed to stop the harassment immediately and to prevent its recurrence will be taken. Any employee who is found, after appropriate investigation, to have engaged in discrimination or discriminatory harassing behavior shall be subject to disciplinary action, up to and including termination.

2.     Determining whether a particular action or incident is a purely personal, social relationship without a discriminatory employment affect, requires an investigation of all facts in the matter. Given the nature of discrimination, it is also recognized that false accusations of discrimination or discriminatory harassment can have serious effects upon innocent individuals. All employees of the Village shall act responsibly to establish and maintain a pleasant working environment, free of discrimination, for all.
  3.     The same conditions and rules apply as they may relate to discriminatory harassment of a resident or citizen by an employee at the workplace. Any acts of discriminatory harassment towards a resident must be reported to the supervisor, and documented by any witnessing employee, prior to the end of the applicable shift.
- D.     Disability Discrimination – Any person may file a complaint in accordance with the above procedure if the individual believes:
1.     An employee has illegally discriminated against the individual under any state or federal anti-discrimination law, including a violation of the ADA.
  2.     A Village program, service, or facility is not accessible to disabled individuals.
- E.     When reviewing employment discrimination complaints alleging a violation of the ADA, EEO/ADA coordinator will determine whether the complainant is a “qualified person with a disability,” whether the Employer may have discriminated against the complainant, and if so, whether the Employer can “reasonably accommodate” the complainant or otherwise resolve their complaint.



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- F.    Any employee who has been found by the Employer, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person in their capacity as an employee at the Village, will be subject to appropriate disciplinary action.
- G.    Non-employees found to have committed an act of illegal discrimination against an employee in the workplace will be dealt with appropriately as allowed by law.
- H.    If any program, service, or facility is found to be non-accessible to disabled individuals, the Employer shall take appropriate steps to achieve accessibility according to the law.

**REQUIREMENTS FOR EMPLOYMENT SECTION****3.01**

- A. The Employer appoints, employs, disciplines, and establishes policies and procedures and other conditions of employment for its employees. The Village council determines compensation and other fringe benefits for employees. Employment with the Employer is employment in a public agency, subject to federal, state, and local laws and the requirement that employees recognize and agree to abide by all applicable laws and all applicable policies and procedures as a condition of employment.
- B. Applicants may be subject to job-related examination techniques and/or review of qualifications, interviews, physical fitness testing, and/or medical examinations and must require the minimum qualifications/licenses in accordance with Village requirements.
- C. Fire Department: Qualifications for fire department personnel are set by the Fire Chief, as approved by Village Council.
- D. Police Department: No person shall be eligible to for an original appointment as a police officer unless they are at least twenty-one (21) years of age. No person shall be eligible for original appointment if they are older than thirty-five (35) years old, unless they are eligible for a five-year extension (forty [40] years age maximum) granted for applicants who have verified service credit in one of three law enforcement pension systems Ohio Police and Fire Pension, OPERS-LE and/or HPRS.
- E. All applicants for employment must be able to perform the essential functions of the position for which they apply with or without a reasonable accommodation and must possess or be able to obtain within a reasonable time frame any required licensing, certification, bonding, or other employment requirements as specified in the position description.

**EMPLOYEE STATUS****SECTION 3.02**

- A. Hours Assigned:
  - 1. Full-Time: An employee who works at least forty (40) hours per week on a regularly scheduled basis or the standard full-time workweek.
  - 2. Part-Time: An employee who works less than forty (40) hours per week and with the expectation of working less than fifteen hundred (1,500) hours per year.



3. Intermittent: An employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. An intermittent employee generally works less than one thousand forty (1,040) hours per year.
4. Volunteer: An employee who volunteers to perform work under the auspices of the Village.
5. Seasonal: An employee who works on the academic year, or who works on a reoccurring, but temporary basis annually.

B. Duration of Appointment:

1. Temporary: An employee appointed to a non-permanent position, on a full-time, part-time, or intermittent basis, for a specified period of time, not to exceed six (6) months.
  2. Seasonal: An employee who works on the academic program year or who works on a recurring but temporary basis annually (e.g., summer, mowing season, tax collection period, etc.). A seasonal employee may be appointed on a full-time, part-time, or intermittent basis.
  3. Interim: An employee appointed to a position for an indefinite period of time, fixed by the length of absence of another employee due to the sickness, disability, or approved leave of absence of such other employee. Such appointment shall continue only for the period of the regular employee's absence. An interim appointment may be made on a full-time, part-time, or intermittent basis.
  4. Student: An employee who is a student at an educational institution and employed by the Employer in cooperation with such educational institution to provide training to the student employee.
- C. Contract service providers and/or vendors are not considered to be employees and are not eligible for benefits provided by the Village.
- D. If an employee works the number of hours per week on a regular basis for six (6) consecutive months, which might justify a change in employment status, the employee may request to have his employment status changed.
- E. Employees shall be informed upon appointment of their employment status. Temporary, seasonal, interim, and student appointments should be communicated in writing to employees. The hours normally assigned to the employee should also be communicated in writing.

- F. Employees may submit a request to their department head for a change in employment status if they believe they are working more time on a regular basis than their employment status indicates.
- G. Nothing in this section establishes a continued right to employment except as provided by law, as stated otherwise in this manual, and/or charter.

**POSITION DESCRIPTION PLAN****SECTION 3.03**

The Mayor or designee shall, on behalf of the Employer, maintain and administer the Village plan of position descriptions, known as a "Position Description Plan." The position description plan is a compilation of the position descriptions for each employment position. A position description contains the qualifications, essential functions, other duties, equipment operated, required licenses or certifications, and the requisite knowledge, skills, and abilities of each position. The Mayor or designee or the Village Administrator will create or amend position descriptions based upon an analysis of the duties, responsibilities, essential functions, and qualifications of the positions affected.

- A. As positions are changed or added, the position description plan must be revised. Factors which may necessitate a revision to the plan are:
  - 1. Addition of new employee(s)
  - 2. Promotion of current employees
  - 3. Addition of a new duty or responsibility to a position
  - 4. Abolishment of a current duty or responsibility from a position
  - 5. Reassignment of current duties or responsibilities between or among positions
  - 6. A new or revised licensure or certification requirement as dictated by law for a position
- B. When any of the aforementioned factors change, the department head shall submit a proposed revision to the Mayor or designee or the Village Administrator who shall review the request and cause appropriate changes or additions to a position description or the position description plan.

In addition, changes to a department's table of organization shall be submitted if there is a change in reporting relationships within the department.

- C. The Mayor shall review all suggested modifications to the position description plan and approve all changes. Village Council consent shall not be required to modify a current in effect position description; however, any new position created shall require Village Council approval prior to the position being included in the position description plan.



- D. All changes to position descriptions, tables of organization, or other relevant documents shall be incorporated in the position description plan. Copies of new document(s) resulting from changes shall be provided within fourteen (14) days of any changes to:
  - 1. The appropriate department head for inclusion in the department head's position description plan.
  - 2. Affected incumbent employee(s) in the classification(s).
- E. Within fourteen (14) days of any position description change, all changes to applicable payroll, personnel, operational records, and other personnel records, if any are required, will be made by the appropriate personnel.

**VACANCIES/APPOINTMENTS****SECTION 3.04**

- A. All applicants for employment with the Village of Grafton, other than for police and fire positions, should be referred to the Village Administrator or Mayor's Office. Applicants for police or fire positions should be referred to the appropriate Chief.
- B. Application forms will be completed and forwarded to the appropriate departments for consideration for any vacancies.
- C. Department Heads will review, recommend, and make the final selections from among the best qualified applicants with the approval of the Mayor and/or Administrator or other hiring authority by Charter. Falsification of information on the application form for employment will be grounds for dismissal.

**EVALUATION OF APPLICANTS****SECTION 3.05**

Applicants for vacant positions in the Village, either by internal promotion or external selection, shall be evaluated to determine if the applicant meets the job-related qualifications and possesses the requisite knowledge, skills, and ability to perform the essential functions of the position as ascertained through job-related selection methods. Mayoral appointments pursuant to the Charter may be exempt from this procedure.

- A. A review of all bid forms, resumes, or applications shall first be made to determine which applicants possess the minimum job-related qualifications as stated on the classification specification (e.g., minimum licenses, certifications, experience, etc.).
- B. Upon determination of which applicants meet the minimum job-related qualifications, the applicant's knowledge, skill, and ability to perform the essential functions of the position shall be considered. Applicants may be required to submit to any or all of the following: reference checks, background checks, job-related performance tests, interviews, and other job-related procedures.

The Village requires that all applicants for employment complete, sign, and date an Employment Disclaimer Agreement Form and an Employment Eligibility Verification Form (Form I-9) as required by the Immigration Reform and Control Act of 1986 prior to actual hire.

C. Otherwise qualified applicants may be disqualified from consideration for a position if the applicant:

1. Makes a false statement of material fact on the employment application or other hiring documents.
2. Has committed or attempted to commit a fraudulent act at any stage of the selection process.
3. Is an alien not legally permitted to work.
4. Has previously been terminated for just cause from the Village, except in unusual circumstances to be determined by the Employer.
5. Has been convicted of a felony or a crime involving moral turpitude.
6. Is addicted to drugs and alcohol.
7. Has a pattern of poor work habits and performance with the current or previous Employer.
8. Has been guilty of infamous or notoriously disgraceful conduct.
9. Would violate Ohio ethics laws on nepotism if appointed.

If an applicant is hired and it is subsequently discovered that one (1) of the above disqualifying criteria apply, the employee may be disciplined or discharged as provided in this manual.

- D. Upon selection of a preferred candidate, the Employer may inquire whether the candidate requires accommodation to perform the essential functions of the job. The Employer will not classify a candidate who requires an accommodation as unqualified because the candidate requires an accommodation. However, if the Employer cannot provide a reasonable accommodation, or the only accommodation that could be made would cause undue hardship to the Employer, the candidate may be considered unqualified.
- E. The Employer shall maintain a record keeping system reflecting the disposition of all job applicants. Such records shall be kept on file for at least three (3) years and shall include a completed job application, medical examination data, test results, and/or any other job-related information.



**MEDICAL EXAMINATIONS - APPLICANTS AND EMPLOYEES****SECTION 3.06**

- A. A medical examination by a licensed practitioner may be required by the Village prior to appointment to evaluate selected job applicant's physiological and/or psychological condition as it relates to the applicant's ability to perform the essential duties of the positions for which they are applying. Generally, only jobs that have duties that exceed sedentary activity in the performance of the job shall require a physical examination (see below for more detailed provisions regarding police and fire personnel). Examinations may include any job-related examination determined to be a preemployment requirement.
- B. For purposes of this policy, a "licensed practitioner" is a physician, psychiatrist, psychologist, or other appropriately licensed mental health professional such as a licensed professional clinical counselor or licensed independent social worker, who is licensed to perform the appropriate examination.
- C. All employees are required to maintain their physical fitness at a level which will permit them to efficiently perform the duties of their position and avoid endangering themselves or those they serve subject to the American with Disabilities Act.
- D. When a medical examination is required, such requirement shall be included in the vacancy announcement.
- E. No medical examination or drug testing will be conducted until after the Employer has made the applicant a conditional offer of employment.
- F. The appointing authority shall select the licensed practitioner to administer the examination and shall pay the cost. Applicants may obtain, with approval of the appointing authority, a waiver of the medical examination requirement for the following reasons:
  - 1. Verified religious opinion or affiliation.
  - 2. Reinstatement within one (1) year of separation.

Any applicant requesting to waive the examination requirement for one of the above reasons shall submit a written affidavit describing the applicant's state of health at the time of employment.

- G. After hire, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the Village. Such an examination is intended to ensure that the incumbents continue to be physically and mentally able to perform the essential functions of their position with or without an accommodation. Other examples include examination to certify eligibility for Family and Medical Leave or other leaves of absence, examination to assess eligibility for Workers' Compensation, examination required by Occupational Safety and Health programs, etc. A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.
- H. Any time an employee is sent to a licensed practitioner for a medical examination, the following language shall be included in the form or as an attachment.

The Genetic Information Nondiscrimination or Act of 2008 (GINA) prohibits Employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically required by law. To comply with this law, we are asking that you not provide any genetic information when responding to this request. "Genetic Information" as defined by GINA, includes: an individual, family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive productive services.

**ORIENTATION****SECTION 3.07.**

- A. Upon appointment, all employees will be provided a copy of the Village of Grafton Personnel Policy and Procedure Manual, which contains the general terms, conditions, benefits, policies and procedures of employment, all notices, forms, and documents. The employee shall sign all acknowledgments, forms, and documents required by law or the Employer.
- B. Upon appointment, employees will also have the policies and procedures of their department and/or position explained to them by the department head or designee.

**IMMIGRATION REFORM AND CONTROL ACT****SECTION 3.08**

- A. In General: In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, the Village has adopted the policy set forth below. The Village intends to comply with any such amendments.



1. The Village shall not knowingly hire or recruit or continue employment of any alien hired after November 6, 1986, without substantiating and documenting that alien's eligibility in accordance with provisions established by this policy.
2. The Village has established an employment verification system and shall retain appropriate records establishing that each employee hired after November 6, 1986, is lawfully authorized to work in the United States as either a U.S. citizen or as a properly "documented alien."
3. As a condition of continued employment, the Village shall verify both the identity and the employment eligibility of all applicants considered for employment, by following the steps outlined in (B) below.

**B. Preemployment Requirements:**

1. All applicants to be hired, as a condition of employment, shall be required to complete the biographical information requested by Form I-9 (refer to Form I-9).
2. A current I-9 form and instructions are available on-line from the U.S. Citizenship and Immigration Services at [www.uscis.gov](http://www.uscis.gov).

**C. Post-Hiring Requirements:**

1. Within three (3) business days after the appointment of the applicant, the Village shall physically examine the documentation presented by the new employee, ensure that the documents presented appear to be genuine and relate to the individual, then complete the remaining portions of Form I-9.
2. The Village shall retain Form I-9 and photocopies of the supporting documentation for three (3) years after the effective date of hire or for one (1) year from the date of the employee's separation from service, whichever is later.
3. Form I-9 and copies of supporting documentation shall not be used for any purpose or provided to any Village or person other than for the purpose of complying with the requirements of the Act.
4. Should an employee be rehired or reinstated by the Village, within one (1) year of the date of separation, the Village may use the original I-9 form and supporting documentation for the purpose of complying with the Act.
5. If an employee's authorization to work expires, the Village must immediately reverify that the employee is still authorized to work, based on the employee's documentation of continuing eligibility or new authority to work. The Village must review the document, and verify on the I-9 Form, noting the document's ID number and expiration date.

- D. Anti-Discrimination Policy: It is the intention of the Village not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The Employer will not unlawfully discriminate against any citizen or national of the United States or against any alien authorized to work in the job at issue.

**PROBATIONARY PERIOD****SECTION 3.09**

- A. Any newly appointed employee of the Village of Grafton shall serve a probationary period of not less than twelve (12) months. The probationary period is considered part of the selection process and only after completion of the probationary period is an employee considered full-time. The probationary period allows the supervisor adequate time in which to evaluate an employee's overall performance and determine his suitability for the position. If performance as a probationary employee proves to be unsatisfactory, the employee's supervisor shall be responsible for providing that information to the Mayor or the Village Administrator for appropriate action to be taken. The employee will be dismissed by the Mayor or the Village Administrator, as applicable.
- B. When an employee is promoted, a new probationary period of six (6) months begins with the date of promotion. If performance on the new job is unsatisfactory, a recently promoted employee may be demoted to the former position, or to one of a similar nature. Only the Mayor or the Village Administrator have the authority to demote. When a demotion occurs, the base rate of pay will be adjusted with the position held.
- C. Seasonal and part-time employees are not subject to a probationary period.
- D. The probationary period may be waived by the Village Council upon the recommendation of the Administrator or the Mayor.

**PROMOTION****SECTION 3.10**

- A. It is the Village's policy to promote the best qualified employee, if qualified, to a vacant position. If any employee desires to be considered for a vacancy, a written notice of intent must be submitted along with a listing of qualifications, educational records, and any letters of recommendation. Job performance, attendance, seniority, suitability to position, experience, and other attributes will all be taken into consideration. Various testing procedures may be used in determination of the best qualified candidate. If a current employee is reassigned to a different position his/her pay may be readjusted and the employee may be subject to a probationary period.
- B. Police Department. The police department may establish specific procedures for promotion within the police department.
- C. All promotions are subject to Village Council approval.



**DEMOTION****SECTION 3.11**

A demotion is the assignment of an employee to a position which has a lower level of responsibility, classification, and compensation. Demotions generally result from an employee's failure to perform the duties of a position at an acceptable level or as a result of discipline. Demotions may also be voluntarily requested by an employee or as an accommodation for a qualified employee with a disability who is no longer able to perform the essential functions of the employee's position with or without a reasonable accommodation, but who can perform the essential functions of a lower classification with or without a reasonable accommodation. Demoted employees shall be reduced in pay to the corresponding pay for the new classification, at the discretion of the Employer.

**TRAINING****SECTION 3.12**

The Employer will make reasonable efforts to ensure that employees receive on-the-job and other required training necessary to perform their job.

- A. Employee's Responsibility for Maintaining and Upgrading Job Skills: Each employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, to meet state requirements, and for upgrading skills as necessary to meet technological changes or to seek promotion. The Employer will facilitate those efforts and provide training from time to time.
- B. Independent Study/Training: An employee may pursue independent study or training but may not obligate the Employer to pay expenses or compensation without specific advance permission.
- C. Training Program Evaluation: The Employer will periodically examine current and proposed training programs in order to ensure the program's relevance to both the individual employee and organizational training needs.
- D. On-the-Job Training (OJT): On-the-job training prepares employees to effectively and safely perform the responsibilities required of their positions and to learn the important safety aspects of the job. It allows the employees to learn their job duties, proper and safe procedures, and expected performance levels.
- E. Job-Related Training Programs: Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If the Employer assigns an employee to attend a training program or approves a specific request from an employee to attend a training program, the expense incurred shall be paid by the Employer. Any training taken voluntarily by the employee which is job related shall be subject to the prior approval of the Employer. The Employer will not, however, pay for training when it is taken voluntarily and is not directly related to the employee's job duties in the employee's present position.

F. Hours Worked: Time spent by FLSA nonexempt employees attending lectures, meetings, classes, and training programs is not considered hours worked when all four (4) of the following criteria are met:

1. Such time is spent outside normal working hours.
2. Attendance by the employee is voluntary.
3. The lecture, meeting, class, or training program is not directly job-related.
4. The employee does not perform any productive work for the Employer during the employee's attendance.

Voluntary attendance by an employee at an independent school or college outside working hours is not considered hours worked, even if the courses taken are directly job-related.

Training is directly "job-related" if it is designed to enable the employee to perform the employee's current job more effectively. Training is not job-related if it is designed to train the employee to perform a different job.

G. Travel Time: When an FLSA nonexempt employee is required to travel to and from an approved lecture, meeting, class, training program, etc. Such time is considered compensable.

Travel time is considered work time when an FLSA nonexempt employee is required to drive a vehicle in order to travel to and from an approved lecture, meeting, class, or training program outside the Village.

H. Any training that would incur a cost will be based upon the department head's request and the employee's overall work record. The training must be work-related and approved by the Mayor or the Village Administrator.

**REDUCTIONS IN FORCE/LAYOFF****SECTION 3.13**

- A. The Employer maintains the legal right to reduce the workforce through layoff or job abolishment and to determine when such a reduction is necessary.
- B. Layoffs within the Police Department and Electric Department shall be carried out in accordance with the applicable collective bargaining agreement.
- C. Whenever a reduction is necessary, the Employer will determine the positions to be eliminated and the individuals to be laid off.
- D. The Village shall consider an employee's qualifications, experience, and performance when determining layoff. In applying this provision, where qualifications, experience and



performance are equal, length of service shall govern. "Length of service" means the continuous, uninterrupted service of the employee, where no break in service has occurred. For the purpose of this definition, any separation lasting thirty (30) days or less shall not be deemed a break in service, nor shall an authorized leave of absence be deemed a break in service.

- E. A recall list shall be established for employees affected by the layoff, listing each laid off employee in the order of layoff.
- F. An employee on layoff must keep the Village informed of the address and telephone number where he/she can be contacted. If the Village is unable to contact the employee within seven (7) calendar days, the Village's obligation to recall the employee shall cease. The Village shall have no obligation to recall an employee after he has been on continuous layoff for a period that exceeds one (1) year. Should an employee not return to work when recalled, the Village shall have no further obligation to recall him.
- G. After the positions/employees affected by the layoff have been determined, a letter of notification shall be prepared and signed by the Mayor. The letter shall be provided to each affected employee after approval of the layoff by the Village council.
- H. The notice of layoff shall be delivered to the affected employee(s) at least fourteen (14) days prior to the effective date of the layoff.
- I. The following information must be contained in the layoff notice:
  - 1. Effective date of the layoff.
  - 2. A statement advising the employee of the employee's right to recall.
  - 3. A statement that the employee is responsible for maintaining a current address with the Employer.
- J. In the event the Employer decides to refill the position within one (1) year following the date of the layoff, employees shall be recalled in the inverse order of the layoff so long as they meet the minimum qualifications and can perform the duties of the job.

**RESIGNATION****SECTION 3.14**

- A. Employees may voluntarily resign by submitting a written letter of resignation to their immediate supervisor. Administrative and professional personnel shall provide at least thirty (30) days' notice, and other employees at least fourteen (14) days' notice prior to the effective date of separation. The letter shall be a signed, dated statement indicating the employee's desire to resign and the effective date of separation. Failure to give proper, timely notification may render the employee ineligible for future reemployment with the Village of Grafton.

- B. An employee who resigns in good standing may be reinstated, at the discretion of the Employer, to the employee's former position or a similar position within one (1) year following the employee's resignation, provided the former employee remains qualified to perform the duties of the position, the position is vacant, and reinstatement would be in the best interest of the Employer.
- C. It is the Employer's policy to provide only the following information in response to requests for employment references regarding former employees:
1. Employment dates
  2. Employee's classification
  3. Beginning and ending pay rates
  4. Employee's reason for resigning as stated in the letter of resignation
  5. Other objective factual information deemed necessary by the Village.

In addition, the Employer will comply with the Ohio Public Records Act pursuant to the Public Records — Inspection, Release, and Retention section of this manual.

- D. Letters of resignation shall contain the following information:
1. A statement indicating the employee's intention to resign
  2. The date of the letter
  3. The effective date of resignation
  4. The reason for resignation (optional)
  5. The employee's signature
- E. The employee's supervisor shall forward the letter of resignation to the Mayor or designee immediately upon receipt. It shall be the responsibility of the Mayor or designee to provide notification of acceptance of resignations.

**NEW HIRE REPORTING****SECTION 3.15**

Generally: In accordance with ORC 3121.89-2131.8911, the Employer shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits.

The Employer shall forward an ODJFS New Hire Reporting Form or a copy of the employee's I.R.S. W-4 Form to the New Hire Reporting Program, P.O. Box 15309, Columbus, OH 43215-0309. Such form should be forwarded within fifteen (15) calendar days of the date of hire. (Employers who desire to submit such reports electronically should contact Technical Support at [888] 872-1490 or Fax [888] 872-1611 or [www.oh-newhire.com](http://www.oh-newhire.com).)



**NOTICE OF PAYROLL CHANGES****SECTION 3.16**

The Mayor, the Administrator, Village Council, and/or department head shall notify the Clerk-Treasurer of all personnel actions which affect payroll within seven (7) days of such change. Such notice shall be in writing. Examples of such personnel actions include but are not limited to the following: \

1. Hiring new employees
2. Promotions
3. Demotions
4. Pay Increases
5. Reclassification of existing job
6. Resignations
7. Retirements
8. Layoffs
9. Recalls following layoff
10. Discharge (removals)

**NEPOTISM****SECTION 3.17**

- A. Pursuant to R.C. 2921.42, it is important to have a policy to prevent the possibility of nepotism in the workplace. Courts have generally upheld anti-nepotism policies as constitutional because the Employer has a rational basis for wanting to prevent the following:
1. Favoritism in job assignment, job promotion, additional employment, and pay
  2. Creation of morale problems
  3. Reduction in productivity
  4. Increased absenteeism
  5. Conflicts of interest
  6. Problems in administering discipline
- B. "Related" employees as identified in paragraph (C) include those persons related to employees, public officials, or members of the Village council through family of origin, extended family, or marital affiliation. For the purposes of this policy, the terms "related" employees and "relatives" include: spouse, child/step-child, son-in-law, daughter-in-law, parent, sibling/step-sibling, uncle, aunt, nephew, niece, grandparent, grandchild, or any other person related by blood or marriage and residing in the employee's household.
- C. This policy prohibits "related" employees from occupying positions within the same hierarchy of supervision. Furthermore, a public official/board member is prohibited from soliciting or using his authority or influence, formally or informally, to secure the

employment of a “related” employee, or to otherwise act with respect to that related individual’s employment. These matters include, but are not limited to, any of the following:

1. Changes in compensation or benefits (vacation, sick leave, holidays, etc.) that are determined by individual working conditions.
  2. The assignment of duties that will change the terms of employment, evaluations, and actions involving promotions, discipline layoffs, and termination.
- D. This policy does, however, permit the hiring of “related” employees, provided that paragraph (C) is not violated.
- E. If two (2) employees of the Village marry subsequent to the adoption of this policy, all of the policy requirements shall be applicable to them.
- F. Any employees/public officials who violate this policy will be disciplined accordingly, up to and including termination.
- G. Employees/public officials must notify the Mayor or the Administrator prior to any “newly formed” family relationships (marriage, adoption) between employees that will result in a violation of this policy. The Mayor or Administrator will make an effort to work with the employees who become part of any “newly formed” family relationship in order to avoid any violations of this policy.
- H. Further, this policy’s application is intended for the administrative operations of the Village. Persons are not barred or precluded from employment with the Village based on a relationship with a member of the Village Council. However, such member of the Village Council should educate themselves regarding the Ohio Ethics Law.



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**COMPENSATION****SECTION 4.01**

- A. The compensation practices of the Employer will comply with sound personnel management principles and practices and applicable laws and regulations. No compensation decisions shall be unlawfully based upon race, color, ancestry, religion, sex, national origin, age, military status, genetic information, sexual orientation, or disability.
- B. The Village council will establish an equitable compensation system for non-bargaining employees which shall be, insofar as practicable, competitive with comparable jurisdictions.
- C. General increases will be made at the discretion of, and approval by, the Village council.
- D. Changes in compensation due to promotions, demotions, performance evaluations, etc., will be in accordance with the Employer's compensation plan.
- E. The rate of compensation, including the calculation of overtime, for bargaining unit employees is established by the applicable collective bargaining agreement. The terms of collective bargaining agreements shall control over any conflicting provision in this Chapter.

**PAY PERIODS/PAYCHECKS****SECTION 4.02**

- A. There are generally twenty-six (26) pay periods per year consisting of two (2) weeks each. The biweekly pay period begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the second succeeding Friday. In those years in which there is a twenty-seventh (27<sup>th</sup>) pay, salaried exempt employees and elected officials shall receive their regular salary for the twenty-seventh (27<sup>th</sup>) pay in order to provide just compensation and maintain the biweekly schedule.
- B. Payday shall be on the second Friday after the end of the two (2) week pay period. Wages are received through direct deposit into the account authorized by each employee.
- C. Pay advances are not permitted.
- D. Questions regarding pay shall be first addressed with the immediate supervisor and then with the Clerk-Treasurer.

**PAYROLL DEDUCTIONS****SECTION 4.03**

Deductions required by law and/or in conformity with the Employer's benefit plans shall be withheld from employees' paychecks. Such deductions include Ohio Public Employees



Retirement System (OPERS) contributions, income taxes, Medicare tax, medical insurance premiums, etc. Other approved deductions requested by the employee may also be withheld. The Employer may refuse to make deductions, not required by law, which the Employer deems not in the Employer's best interests.

- A. Income Taxes: Employees are required to complete withholding tax forms (W-4) upon initial employment and also inform the fiscal officer of any dependency change whenever such change occurs. The amount withheld varies according to law and the amount of salary and number of dependency exemptions.
- B. Health Care: All requests for health care related payroll deductions shall be presented in writing by the employee to the fiscal officer. Payroll deductions are itemized on the employee's pay statement which accompanies the employee's paycheck.
- C. OPERS and Ohio Police and Fire Pension Fund: The state law requires that employees contribute to OPERS or OP&FPF rather than Social Security. Membership in these systems is compulsory upon being employed except those persons specifically exempted under the provisions of the Ohio Revised Code.
- D. Miscellaneous: Other deductions may include wage garnishments, deferred compensation, child support, credit union, employee insurance contributions, union dues, possible Village charges for withholding, etc.
- E. Authorization: All requests for payroll deductions must be presented in writing by the employee to the Clerk-Treasurer who shall make only those deductions authorized by the Mayor and/or required by law.

**WORK SCHEDULING****SECTION 4.04**

- A. The normal work period for full-time employees shall be seven (7) days beginning at 12:01 a.m. on Saturday of each calendar week and ending the next succeeding Friday at 12:00 midnight. No established schedule shall be construed (including as indicated below) as a guarantee of work hours or as a restriction on the Employer's right to restructure the workday or workweek or alter schedules according to operational needs.
- B. Each department or office's standard workday, workweek, and starting and quitting times for the employee's position shall be appropriately communicated to the affected employee(s). Nothing in this policy shall prohibit the department head from using different starting and quitting times for different employees based on the department head's determination of operational needs.
- C. Police Department: The workweek for full-time police department members and employees shall consist of either eighty (80) hours in a fourteen (14) day cycle or forty (40) hours in a seven (7) day cycle.

Service and Utility Personnel: The workweek for full-time service department and utility department members and employees shall consist of forty (40) hours distributed over seven (7) days of the week.

Town Hall: Town Hall is open weekdays from 8:00 a.m. to 4:30 p.m. The workweek for all full-time personnel working in Town Hall shall consist of forty (40) hours within a seven (7) day period, generally consisting of a weekday schedule.

Fire Department: The members of the fire department, with the exception of the Fire Chief, work on a part-time, part-paid status and may be scheduled during the hours of 8 a.m. to 5 p.m. or otherwise respond to calls on an as-needed basis.

**TIME RECORDS/WORK HOURS****SECTION 4.05**

All nonexempt employees under the FLSA are required to record all hours worked for the Employer, including all times the employee started work and stopped work each workday. Time sheets and/or time clocks are used by the Employer to document the hours worked by nonexempt employees so that accurate time worked can be recorded and wages can be determined. The use of time clocks shall not relieve an employee from filling out a timesheet if so directed by their department head. Failure to adhere to the reporting procedures adopted by the Employer may result in disciplinary action.

Failure to properly record times, misrepresentation of time worked, the altering of any time record, or allowing a time record to be altered by another employee will result in disciplinary action up to and including termination.

**Time Sheets/Time Clocks:**

- A. For purposes of public accountability, all employees shall be required to account for all time worked and performed for the Village by filling out time sheets and/or utilizing a mechanical time-keeping system (time clock). These sheets will serve as the official record of actual time worked by Village employees. Accordingly, all employees must fill in the time they arrive and are ready for duty on the time sheets. This entry should reflect the actual start time to the nearest hour and minute (e.g., 8:03 a.m., 7:57 a.m., etc.).
- B. No overtime eligible employee shall report for duty more than six (6) minutes prior to his/her scheduled start time without obtaining prior authorization.

No overtime eligible employee shall report off duty more than six (6) minutes beyond his/her scheduled without prior authorization.

No employee shall work overtime without prior authorization except as otherwise provided in this manual.



- C. All employees are expected to work a regularly scheduled week, in accordance with their schedule of compensation. (See also Section 7.01, Ethics of Public Employment.) Hours actually worked shall be accounted for by filling out the time sheets discussed above.
- D. At the end of every pay period, each employee shall review his/her time sheets/record for accuracy. Once the accuracy of the entries has been verified, the employee shall then sign and date the sheet/record and return it to his/her department head, who shall review the time sheet, approve, and forward it to the clerk/treasurer.

**OVERTIME FOR NON-EXEMPT EMPLOYEES****SECTION 4.06**

- A. Overtime may be mandatory if so stated by the Supervisor. If so, failure to work required overtime will be a violation of these personnel policies. Employees may be required to work more than the regularly scheduled work week.
- B. Employees required to work over and above their normal hours of work in the clerical, service, utilities, and administrative offices working over forty (40) hours within a seven-day work week will be paid at the rate of time-and-one-half their regular rate of pay.
  - 1. When approved by the Village Administration all full-time hourly workers shall receive pay at the rate of time-and-one-half (1 1/2) their regular rate of pay when they work past their regularly scheduled eight-hour shift.
  - 2. When approved by the Village Administration, all full-time hourly workers shall receive pay at the rate of time-and-one-half (1 1/2) their regular rate of pay when they work scheduled weekends and holidays.
  - 3. The Village Administration and/or Department heads (Chiefs, Superintendents, etc.) have and reserve the right to limit full-time hourly workers to a work week not to exceed forty (40) hours, including any hours worked at a time and a half (1 1/2) pay rate. Full-time hourly workers can opt to work less than forty (40) hours when approved by the Village Administration.
- B. An FLSA 207(k) alternative schedule for overtime has been established for police officers. Overtime for sworn police officers shall be defined as any time worked in excess of twenty (20) eight (8) hour shifts, one hundred sixty (160) hours, during a regular twenty-eight (28) day work cycle. FLSA overtime shall be paid in accordance with the FLSA. Contractual overtime shall be paid in accordance with the collective bargaining agreement.

1. Contractual Overtime Compensation for Police. Overtime in the amount of one and one-half (1-1/2) times the employee's regular pay rate shall be paid for actual hours worked in excess of forty (40) hours in a seven (7) day period. If a twelve-hour shift schedule is implemented, overtime in the amount of one and one-half (1-1/2) times the employee's regular pay rate shall be paid for actual hours worked in excess of eighty (80) hours in a fourteen (14) day pay period. Employees working in the Police Department working over 80 hours within a fourteen (14) day work period will be paid at the rate of time-and-one-half their regular rate of pay.
- C. When calculating overtime for a payroll period, the use of any sick leave time, funeral leave, and/or other leaves of absence will not be considered as compensable hours worked or counted as active pay status for overtime payment.
- D. In order to be paid overtime within a work week in which sick leave or other leave as described above occurs, the employee must work in excess of their normal work week plus the number of hours of leave. Preapproved Vacations and Personal Days and Holidays will be considered as hours worked when calculating overtime.

**EXEMPT EMPLOYEES****SECTION 4.07**

Salaried employees determined to be exempt from the overtime requirements of the FLSA shall not be eligible for overtime pay or compensatory time as defined herein. Such employees shall not receive a reduction in pay for absences of less than one (1) day or as may be provided for by the FLSA. All absences shall be deducted from the employee's sick leave, vacation leave, or other leave bank if the employee has such leave accumulated.

Salaried, exempt employees shall be entitled to overtime, in the form of compensatory time, when they work in excess of forty (40) hours per week and the excess hours are accrued for work outside of the employee's regularly-assigned department. Per Codified Ordinance 256.40 (b).

It is not the intent of the Employer to make improper deductions, and if an exempt employee feels there have been any improper deductions they shall report such deductions to a supervisor. The Village will remedy improper deductions the next pay-period or as soon as practicable.

Exempt employees shall submit a Leave Request Form to the appointing authority for any absence and designate the type of leave accrual from which the time is to be deducted.



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**SICK LEAVE****SECTION 5.01**

- A. Sick leave is a benefit provided by the Village to full-time employees after ~~ninety (90)~~ thirty (30) days of service. Sick leave is accumulated, without limit, at a rate of three and one-half (3.5) hours per full pay period worked.
- B. Paid sick leave shall be granted to an employee, upon the approval of the Employer for the following reasons:
  - 1. Illness, injury, or pregnancy-related condition of the employee.
  - 2. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate practitioner, when such examinations cannot be scheduled during off-hours.
  - 3. Illness, injury, or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
- C. The term "immediate family" shall be defined as grandfather, grandmother, grandfather of husband or wife, grandmother of husband or wife, father, father-in-law, mother, mother-in-law, husband, wife, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or grandchild.
- D. When an employee is absent for three (3) or more days, the employee shall submit to the Clerk-Treasurer written verification from a physician as to the reason for the absence and the date on which the employee is able to return to work.
  - 1. Sick time usage during leave covered under the Family and Medical Leave Act (FMLA) will be subject to the procedures outlined under that section of the handbook.
  - 2. For sick leave usage not subject to FMLA, the Village may require an employee to provide written explanation and/or a doctor's statement detailing all relevant information, prior to allowing an employee to return to work or prior to payment for sick leave.
- E. Falsification and/or misuse of sick leave benefits shall be grounds for dismissal. Absence on the last scheduled day before a paid holiday or on the first scheduled day after a paid holiday shall cancel holiday pay unless written verification from a physician is provided to the Village Clerk in accordance with section (D) above.



- F. Employees who elect to retire shall be paid a lump sum equal to fifty percent (50%) of unused sick leave credit to a maximum of forty-five (45) days.

**BEREAVEMENT LEAVE****SECTION 5.02**

- A. Any full-time employee with one (1) year of service with the Village who is absent due to a death in his or her immediate family shall be granted bereavement leave, to be based on the circumstances in each case by reason of making arrangements for or attending the funeral, not to exceed three (3) days for each death: the day before, the day of and the day after the funeral.
1. The Village Administrator or Department Head may extend the bereavement leave by granting the employee his or her three (3) personal leave days or may permit the use of personal leave for the death of family member not defined below.
  2. Only scheduled workdays lost following the above sequence shall be counted as bereavement leave.
- B. The term "immediate family" shall be defined as the employee's grandfather, grandmother, grandfather of husband or wife, grandmother of husband or wife, father, father-in-law, mother, mother-in-law, husband, wife, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or grandchild. One (1) day of bereavement leave may be granted due to the death of the employee's aunt, uncle, niece, or nephew.
- C. Falsification and/or misuse of bereavement leave benefits shall be grounds for dismissal.

**VACATION****SECTION 5.03**

- A. Provided they have completed at least one year's service preceding the anniversary employment date of any given year, full-time employees shall be granted vacation rights, depending on their tenure of service, on the following schedule, provided, however, that vacation time cannot be accumulated and carried over from year to year.

<u>Years of Service</u>	<u>Vacation</u>	
After the completion of 1 year	1 week	5 working days or 40 hours
After the completion of 2 years, until the completion of 10 years	2 weeks	10 working days or 80 hours
After the completion of 10 years, until the completion of 20 years	3 weeks	15 working days or 120 hours
After the completion of 20 years	4 weeks	20 working days or 160 hours

- B. Overtime work by full-time employees will not be considered in calculating vacation time.
- C. Any employee who is called in to work on any previously scheduled vacation day shall receive time and one-half (1 1/2) payment for the actual hours worked, in addition to vacation pay as set forth in this chapter.
- D. All vacation time must be used within the anniversary year in which it is granted. No unused vacation time will be permitted to carry over into a new anniversary year.
- E. Any full-time employee who is entitled to vacation time and does not use the vacation time, for any reason, by the end of his or her anniversary year, shall be reimbursed for up to one (1) week (forty [40] hours) of the unused time at that employee's regular rate of pay.
- F. Any full-time employee who has worked for this Village shall be credited with time served with the Village when computing vacation leave. Ohio Revised Code Section 9.44. Any deviation from this general policy shall be specifically approved by Village Council. Any part-time employee who becomes full time shall be credited with time served with the Village in a pro rata amount.
- G. Employees who elect to retire shall be paid a lump sum equal to 50% of days of unused vacation.
- H. Use of vacation
  - 1. Only accumulated vacation may be used; employees will not be advanced vacation.
  - 2. Vacation will be scheduled according to departmental rules and procedures. Department heads will consider vacation requests relative to departmental needs and employee needs. The Employer reserves the right to deny vacation requests if workload requirements so mandate.

**HOLIDAYS****SECTION 5.04**

- A. The following twelve (12) days will be observed as paid holidays:

New Year's Day (first day of January)  
Martin Luther King Day (3<sup>rd</sup> Monday in January)  
President's Day  
Good Friday (Friday before Easter)  
Memorial Day (last Monday in May)  
Independence Day (fourth day of July)  
Labor Day (first Monday in September)



Veteran's Day (November 11<sup>th</sup>)  
Thanksgiving Day (usually fourth Thursday of November)  
Friday after Thanksgiving Day  
Christmas Eve Day (24<sup>th</sup> of December)  
Christmas Day (25<sup>th</sup> of December)

- B. Any holiday which falls on a weekend will be observed on the nearest workday to the legal holiday.
- C. Non-Bargaining full-time employees who are not required to work shall receive the observed holiday off with pay for eight (8) hours, the number of hours normally scheduled for that day.
- D. Full-time employees who work on the actual holiday receive pay at one and one-half (1 1/2) times their base rate for hours worked in addition to the eight (8) hours of pay for the observed holiday. Employees who are not scheduled on the observed holiday, but are called out to work, shall receive pay at one and one-half (1 1/2) times their base rate for hours worked on the observed holiday, but such employees may not receive this holiday premium pay for both the actual holiday and the observed holiday. Premium pay for the actual holiday shall take precedence over the premium rate of pay for the observed holiday.
- E. Part-time employees who work on the actual holiday or the observed holiday receive pay at the rate of one and one-half (1 1/2) times their base pay for hours worked on the holiday, but such employee may not receive time and one-half for both days. Premium pay for the actual holiday shall take precedence over the premium rate of pay for the observed holiday.
- F. Department heads shall keep the number of paid holidays worked to a minimum, consistent with the safety and welfare of the residents of the Village.
- E. Any unexcused absence on the last scheduled day before a paid holiday or on the first scheduled day after a paid holiday shall cancel holiday pay.

**PERSONAL OR BUSINESS EMERGENCY LEAVE****SECTION 5.05**

- A. Each full-time employee shall be granted three (3) days of personal or business emergency leave each year after the first probationary year of employment. Such leave shall not be accumulated, shall not be deducted from accumulated sick leave, and may be used to extend a holiday or vacation period with the approval of the Village Administrator. In addition, whenever possible, written notification of personal or business emergency leave shall be reported to the Village Administrator, Department Head, or Mayor or designee prior to the leave.
- B. Reasons under which such personal or business emergency leave may be authorized shall

include, but not be limited to, attendance at funerals, family illness, change of residence, court appearance, or legal or business emergency leave for other reasons they deem appropriate. Misuse or falsification of personal or business emergency leave benefits shall be grounds for dismissal.

**JURY / CIVIC DUTY LEAVE****SECTION 5.06**

- A. Employees called for jury duty will be excused from work with pay. Any other payment received by the employee shall be remitted to the Village. An employee must notify his supervisor immediately upon a call to jury duty.
- B. If employees have been subpoenaed to testify as witnesses related to employment with the Village, they will receive regular pay for the entire period of witness duty.
- C. Employees will be granted unpaid time off when subpoenaed as witnesses in proceedings unrelated to Village employment. Employees may use vacation leave to receive compensation for the period of this absence.

**MILITARY LEAVE****SECTION 5.07**

- A. It is intended that this military leave policy comply with all provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 and Chapter 5903 of the Ohio Revised Code. The Village's policies in furtherance of military leave may be amended from time to time, to be consistent with the Village's obligations under Federal and State law.
- B. All employees who are members of the Ohio National Guard, the Ohio Defense Corps, the State and Federal Militia, or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay, and without any offset for receipt of military pay, for the time they are performing service in the uniformed services, as defined in Uniformed Services Employment and Reemployment Rights Act of 1994, for periods of up to one hundred seventy-six (176) hours within any one (1) federal fiscal year. This military leave policy will remain consistent with the Ohio Revised Code, including but not limited to all provisions of Section 5923.05.
  - 1. Employees are required to submit to the Village an order or statement from the appropriate military commander as evidence of such duty. There is not a requirement that the service be in one continuous period of time. The maximum number of hours for which payment will be made in any one (1) calendar year under this provision is twenty-two (22) eight-hour workdays or one hundred seventy-six (176) hours. Employees of those components listed in the paragraph above will be granted emergency leave for mob, riot, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Employees who are called or ordered to service by the President of the United States or an act



of Congress for periods beyond the authorized military leave for the calendar year shall be compensated consistent with the Ohio Revised Code. The leave will cover the official period of the emergency. This policy will remain consistent with the Ohio Revised Code and applicable federal laws regarding rights of reinstatement.

2. Periods of military leave shall not reduce the employee's seniority status, vacation, sick leave, or other benefits. The employee does have the option of requesting vacation time for use with military leave or for military purposes. During periods of military leave, employee shall continue to accrue seniority status, vacation, sick leave, and other benefits unabated.
- C. Full-time Village employees called to Active Duty Service by an order of the Governor or President shall be paid the difference of the military wage and their Village forty (40) hours per week wage for active duty military leave beyond the one hundred seventy-six (176) hours granted each fiscal year, or for full-time public safety employees the difference of the military wage and their Village regular workweek wage, excluding overtime for active duty military leave beyond the four hundred eight (408) hours granted each fiscal year. If the military wage is higher than the Village wage, no difference will be paid. Employees will be responsible for all regularly deducted payments for benefits.
- Part-time employee may be paid the difference of the military wage and their Village regular wages per week based upon their regular part-time work schedule as determined by Administrator and approved by Council.
- F. Employees will receive those benefits mandated by federal and state law relating to active duty service military leave from work. Any questions regarding active duty service military leave should be directed to the Administrator.
- G. Upon return from Active Duty, employee has the same reinstatement and re-employment rights at the Village as under the Uniformed Services Employment and Reemployment Rights Act of 1994.

**UNPAID LEAVE****SECTION 5.08**

- A. Medical Disability Leave. An unpaid leave of absence may be granted when an employee is determined by a medical doctor to be incapable of performing the duties of his/her position and has exhausted all other leaves. In reviewing a request for an unpaid leave the Village Administrator or Mayor shall consider:
1. The work record of the employee
  2. The attendance record of the employee
  3. Organizational needs
  4. Length of requested leave
  5. Likelihood that the employee will return to work

Such a leave of absence is discretionary on the part of the Village, shall not exceed one (1) year in length, and the Village Administrator's or Mayor's recommendation for granting such leave must be approved by Village Council. The Village may elect to extend health care benefits for a maximum of ninety (90) days if the Village Administrator or Mayor recommends and Village Council approves; however, no other benefits of employment will be extended.

- B. Non-medical Leave of Absence. An employee may request, in writing, a leave of absence without pay for non-medical reasons. In reviewing a request for an unpaid leave the Village Administrator or Mayor shall consider:
1. The attendance record of the employee
  2. Organizational needs
  3. Length of requested leave

Such a leave of absence is discretionary on the part of the Village, shall not exceed one (1) year in length, and the Village Administrator's or Mayor's recommendation for granting such leave must be approved by Village Council. During such a leave of absence no benefits of employment will be extended.

**WORKERS' COMPENSATION****SECTION 5.09**

- A. State law provides that all employees be covered by Workers' Compensation for injuries that arise out of or in the course of employment. The Employer contributes to the Workers' Compensation insurance fund an amount determined by the fund, based on the Employer's claim's experience rate.
- B. All injuries which arise out of or in the course of employment shall be reported and compensated for under this Workers' Compensation section, not under the Employer's health insurance plan.
- C. Injury Reports. Whenever an employee is injured during the course of employment, the employee's supervisor and the employee shall complete an Injury/Accident Form regardless of how serious or apparent any injury may be and whether or not medical attention is required. The form shall be completed within twenty-four (24) hours of the injury or accident to meet OSHA requirements adopted by PERPP and to avoid possible delays in processing the claims. Failure to report an incident within such time frame shall result in disciplinary action and/or denial of the claim. The supervisor or department head shall investigate the cause of the accident, review and complete the form, and forward it to the Mayor or designee.
- D. Application for Benefits. When an employee's injury requires any type of medical attention, the employee's supervisor shall, in addition to the injury/accident report described above, refer the injured employee to the Employer-designated MCO to file a



Bureau of Workers' Compensation First Report of an Injury, Occupational Disease, or Death FROI-1 Form. The form shall be completed and signed by the employee. Subsequently, if the employee is unable to return to work, the employee may be entitled to lost wages from Workers' Compensation.

- E. Transitional Work. If an employee suffers a work-related injury, and as the result of such injury is not able to perform his/her normal job functions, the Village may assign such employee to perform transitional work, upon receipt by the Village of a written request by such employee that details the nature of the injury, the current course of treatment and prognosis for recovery.
1. "Transitional work" is work that: (a) an injured employee can perform without the risk of injury; (b) is necessary; and (c) allows the employee to continue working within the employee's department while he/she makes the transition back to his/her regular work duties and/or normal work schedule.
  2. Transitional work is only offered due to a work-related injury at the discretion of the Village and shall be reviewed on a case-by-case basis by the Department Head and the Administrator. The maximum aggregate duration of transitional work assignments during any given year shall be three (3) months. The Administrator or Mayor may extend said three (3) month transitional period on a case-by-case basis.
  3. Once an employee has been assigned to perform transitional work, such employee shall not be permitted to return to the performance of his/her regular duties and/or normal work schedule until such employee provides the Village with a written note or report from a qualified physician indicating that the employee is able to perform his/her normal work duties and/or normal work schedule.
- F. Return to Work. The Employer must be kept informed if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to the Employer their expected date of return (if known). The employee's department head shall notify the fiscal officer in writing when an employee is able to return to work.
- G. Documentation. Any documents received from the injured employee, the employee's physician, the hospital, or the state regarding Workers' Compensation claims shall be forwarded immediately to the clerk/treasurer.
- H. Wages on Injury Date. Employees who are injured during the course of employment who must leave work prior to completing their workday shall be paid their regular rate for the balance of time left in their scheduled workday.
- I. Simultaneous Payments. Employees are prohibited from receiving payment for sick leave while simultaneously receiving lost wage compensation from workers' compensation.

- J. Accommodation of Disabled Employee. When confronted with an employee claiming a disability under the workers' compensation system, who is disabled as defined in the ADA, the Employer will consider making a reasonable accommodation that would allow the employee to continue performing the essential functions of the employee's position. (See Section 2.02 of this Policy Manual). When submitting information to the Bureau of Workers' Compensation or the Industrial Commission, the Employer will include:
1. Copies of the employee's position description and list of essential functions
  2. Related medical records
  3. Any offer of reasonable accommodation

The Employer will provide the same information to any examining physician or other appropriate, licensed practitioner.

<b>DISABILITY — ACCOMMODATION, LEAVE, AND SEPARATION</b>	<b>SECTION 5.10</b>
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- A. If an employee is disabled and believes he is a qualified individual with a disability as defined in the Americans with Disabilities Act (ADA), as amended, and such employee requires an accommodation to perform the essential functions of his appointed position, the employee may request the Employer provide a reasonable accommodation pursuant to Section 2.02 of this policy manual.
- B. A disabled employee whom the Employer cannot or is not required to accommodate, who has exhausted sick leave, may request an unpaid leave of absence pursuant to Section 5.08 of this policy manual.
- C. All questions or inquiries concerning disability accommodation, leaves, or separations shall be directed to the Administrator or the Mayor or designee.
- D. Disability Separation. When an employee has exhausted accumulated sick, personal, and vacation leave and compensatory time, and the employee is unable or unwilling to admit to personal incapacity, the employee will be ordered to submit to an examination by a licensed practitioner chosen by the Employer to determine if the employee is capable of performing the essential functions of the employee's job classification. The cost of the examination will be paid by the Employer.

Should the employee be declared physically or psychologically incapable of performing the essential functions of the employee's job classification by the licensed physician chosen by the Employer, or should the Employer determine the employee to be unable to perform the essential functions of any vacant position with the Employer, either with or without a reasonable accommodation, the Employer will assist the employee in making application for disability retirement through the OPERS or OP & F, and the employee shall be separated from employment with the Village.



Any appointment made to a position vacated due to an unpaid leave of absence shall be on a temporary basis. Any employee appointed to such a position must be made aware of the temporary nature of the position.

**GROUP HEALTH INSURANCE AND LIFE INSURANCE****SECTION 5.11**

- A. As defined below, the following Village employees are eligible for health insurance coverage through the Village health insurance plan effective.
1. All full-time employees and full-time elected officials are eligible to elect health insurance coverage through the Village health insurance plan and are entitled to have the premiums for their personal or immediate family plan hospitalization paid 85% by the Village and 15% by the full-time employee.
  2. Part-time employees are not eligible for health insurance coverage through the Village health plan.
- B. The Village will maintain group health insurance coverage for an employee on approved FMLA leave on the same terms as if the employee had continued to work. Employees not receiving a paycheck will be required to make monthly payments to the Village for the employee share of health insurance premium, if any.

**CONTINUED GROUP HEALTH INSURANCE COVERAGE****SECTION 5.12**

The Employer intends to comply with COBRA and will initiate any notices required by law. The Employer will promulgate processes to effectuate amendments as they occur from time to time.

**RETIREMENT****SECTION 5.13**

- A. Notice: All employees are requested to notify the Employer of their anticipated retirement in writing at least sixty (60) days prior to the effective date of their retirement to allow the Employer time to plan for any necessary replacement and to better enable the computation of final pay and benefits due the employee.
- B. Retirement Systems: All Village employees are required by law to participate in the Ohio Public Employee Retirement System or the Ohio Police & Fire Pension Fund, as applicable. These programs are entirely independent of the federal Social Security system. Employees are required to contribute at the rate of their gross pay, required by law, which is deducted each pay period.

- C. Questions concerning the benefits provided by the pension systems may be directed to the offices listed below:

Ohio Public Employees Retirement System  
277 E. Town Street  
Columbus, Ohio 43215  
(614) 466-2085

Ohio Police & Fire Pension Fund  
140 E. Town Street  
Columbus, Ohio 43215  
(614) 228-2975

**FAMILY AND MEDICAL LEAVE****SECTION 5.14**

- A. Family and Medical Leave (FML) is a leave of absence, taken for specified medical or family reasons, during which the agency shall maintain the employee's health insurance in the same manner as if the employee remained in active pay status. During the leave, employees must continue to pay their share of the premium. The Village intends to comply with the Family and Medical Leave Act of 1993 laws and regulations, as amended.
- B. The Family and Medical Leave Act of 1993.
1. Any employee ("participant") who has worked for the Village for at least twelve (12) months (this includes all time worked whether consecutive or not) and who has worked at least twelve hundred fifty (1,250) hours in the previous twelve-month period, is entitled to medical and family leave ("FMLA leave") of up to twelve (12) work weeks, without pay, for any of the following. (Whether an employee has worked the minimum twelve hundred fifty (1,250) hours of service is determined according to FLSA principles for determining compensable hours of work. The twelve hundred fifty (1,250) hours include only those hours actually worked. Paid time off and unpaid time off, including FMLA leave, are not included.)
    - a. Birth of a child of the participant, in order to care for such child;
    - b. Placement of a child with the participant for adoption or foster care, in order to care for the child;
    - c. Serious health condition of a spouse, child, or parent of the participant, in order to care for that person;
    - d. Serious health condition of the participant which makes the participant unable to perform the functions of his or her job;
    - e. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;



- f. Any period of incapacity requiring the absence of more than three calendar days from work that also involves continuing treatment by (or under the supervision of) a health care provider;
    - g. Any period of incapacity for episodic or chronic conditions, including, e.g., mental illness, stroke, cancer, etc.; or
    - h. Any period of incapacity due to pregnancy, or for prenatal care.
  - 2. FMLA leave qualification will be determined by the Clerk-Treasurer based on information provided by the employee or the employee's representative and will be calculated based on a rolling twelve-month leave period measured backward from the date an employee uses any FMLA leave.
  - 3. Participants are requested to provide the Village thirty (30) days advance notice of the need to take FMLA leave, when the need is foreseeable. In cases where the need was not foreseeable thirty (30) days in advance, participants are requested to provide as much notice as reasonably possible.
- C. Definitions. As used in this section, the following definitions apply:
- 1. "Child" means a son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care because of a mental or physical disability."
  - 2. "Continuing treatment by a health care provider" includes any time when requested leave is:
    - a. Associated with the same condition that involves treatment two (2) or more times by a health care provider.
    - b. Treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under supervision of a health care provider.
    - c. Required due to pregnancy or for prenatal care.
    - d. Needed for any period of incapacity or for treatment due to a chronic serious health condition.
    - e. For periodic visits for treatment by a health care provider.
    - f. Continuing over an extended period of time (including recurrences).

- g. Intermittent periods of incapacity that are due to a serious health condition.
  - h. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, such as Alzheimer's Disease or stroke.
  - i. Any period of absence to receive multiple treatments (including a recovery period) by a health care provider, such as chemotherapy or dialysis.
- 3. "Covered Service Member" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- 4. "Employee" means an individual working for the Village of Grafton.
- 5. "Health Care Provider" means:
  - a. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices;
  - b. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors authorized to practice in the state and performing within the scope of their practice under state law;
  - c. Advanced practice registered nurses, nurse-midwives, and clinical social workers authorized to practice under state law and performing within the scope of their practice as defined under state law;
  - d. Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;
  - e. Any health care provider recognized by the employer or the employer's group health plan's benefits manager; and,
  - f. A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.
- 6. "Incapable of self-care" means the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (caring appropriately for one's grooming and hygiene, bathing, dressing



and eating) or instrumental activities of daily living (cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

7. "Parent" means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter as defined in law. The term does not include parents "in law."
8. "Period of incapacity" means the time when an employee is unable to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.
9. "Regimen of continuing treatment" includes a course of prescription medication, such as antibiotics, or therapy requiring special equipment to resolve or alleviate a health condition, such as oxygen therapy. A regimen of continuing treatment that includes the taking of over-the-counter medications, bed rest, drinking fluids, exercise or other similar activities, is not, by itself, sufficient to qualify an employee for FMLA leave.
10. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves a period of incapacity or treatment following inpatient care in a hospital, hospice or residential medical care facility; a period of incapacity requiring more than three (3) days absence from work and continuing treatment by a health care provider; or continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated, would likely result in incapacity of more than three days; or continuing treatment by or under the supervision of a health care provider for a chronic or long-term condition or disability that is incurable; or certain prenatal care.
11. "Serious injury or illness" is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.
12. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides.

D. Family Medical Leave Act Military Family Leave Entitlements.

1. Any employee ("participant") who has worked for the Village for at least twelve (12) months (this includes all time worked whether consecutive or not) and who has worked at least twelve hundred fifty (1,250) hours the previous twelve-month period, is entitled to family and medical leave ("FMLA Leave"), without pay, for any of the following. (Whether an employee has worked the minimum twelve

hundred fifty (1,250) hours of service is determined according to FLSA principles for determining compensable hours of work. The twelve hundred fifty (1,250) hours include only those hours actually worked. Paid time off and unpaid time off, including FMLA leave, are not included.)

- a. **Military Caregiver Leave.** An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness is entitled to a maximum of twenty-six (26) workweeks of unpaid leave during a “single twelve-month period” to care for the service member.
- b. **Qualifying Exigency Leave.** An eligible employee is entitled to a maximum of twelve (12) workweeks of unpaid leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The leave will be calculated based on a rolling twelve-month leave period measured backward from the date an employee uses any FMLA leave. This leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces. Qualifying exigencies include:
  - i. Issues arising from a covered military member’s short notice deployment (i.e. deployment on seven [7] or less days of notice) for a period of seven days from the date of notification;
  - ii. Military event and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
  - iii. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
  - iv. Making or updating financial and legal arrangements to address a covered military member’s absence;



- v. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
  - vi. Taking up to five (5) days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
  - vii. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
  - viii. Any other event that the employee and employer agree is a qualifying exigency.
2. Participants are requested to provide the Village thirty (30) days advance notice of the need to take FMLA leave, when the need is foreseeable. In cases where the need was not foreseeable thirty (30) days in advance, participants are requested to provide as much notice as reasonably possible.

E. Certification/Re-Certification.

- 1. In the case of FMLA leave taken under either Paragraph B.1.c or d above, certification from the health care provider of the medical necessity for the FMLA leave will be required. The certification shall include date on which the serious health condition commenced; probable duration of the condition; and appropriate medical facts within the knowledge of the health care provider regarding the condition.
- 2. FMLA leave taken under either Section 3 above will also require certification. The certification shall include appropriate facts related to the particular qualifying exigency leave, including contact information if the leave involves meeting with a third party. When caring for a covered service member, certification should be completed by an authorized health care provider. A copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family would also suffice as a form of certification.

3. In the case of foreseeable FMLA leave, a participant who fails to provide timely certification after being requested by the Village to furnish such certification within fifteen (15) calendar days, (if practicable), may be denied the taking of FMLA leave until the required certification is provided. When the need for FMLA leave is not foreseeable, a participant must provide certification within fifteen (15) calendar days after being requested to do so, or as soon as reasonably possible under the particular facts and circumstances. In the case of a medical emergency, it may not be practicable for a participant to provide the requested certification within fifteen calendar days. However, if a participant fails to provide a medical certification within a reasonable time under the pertinent circumstances, the Village may deny the participant's continuation of FMLA leave.
4. The Village may require the employee to provide periodic reports during the period of leave of the employee's status and intent to return to work. If the Village requests the reports verbally from the employee, the Village will follow up with a written statement of the requirement(s).
5. The Village may, at its own expense, require the employee to obtain a second opinion from a health care provider for FMLA leave taken under either Paragraph B.1.c. or d.
6. If the opinions of the employee's and the employer's designated health care providers differ, the Village may require the employee to obtain certification from a third health care provider, again at the expense of the Village. This third opinion shall be final and binding. The third health care provider must be approved jointly by the Village and the employee.
7. The Village must provide the employee with a copy of the second and third medical opinions upon request by the employee within two (2) business days, unless extenuating circumstances prevent such action.
8. The Village is not permitted to request second and third opinions or recertification of a covered service member's serious injury or illness or of a qualifying exigency for FMLA leave taken under either Section 3 above.
9. An employee will be required to submit a new certification for the first FMLA absence in each FMLA year. The FMLA year will be calculated based on a rolling twelve-month leave period measured backward from the date an employee uses any FMLA leave.
10. Any participant who takes FMLA leave for the participant's own serious health condition that makes the participant unable to perform his or her job, must obtain



and present certification from the health care provider that the participant is able to resume work, with or without reasonable accommodation.

**F. Continuation Of Health Care and Other Benefits.**

1. During FMLA leave, the Village will continue payment of any insurance premiums for continuation of health insurance coverage for the participant (including family coverage if participant is on the family plan). Any share of health plan premiums which are paid by the participant prior to FMLA leave must continue to be paid by the participant during FMLA leave. If premiums are raised or lowered on the group health insurance coverage while the participant is on FMLA leave, the participant will be required to pay the new premium rates. However, if the participant fails to return from FMLA leave after the period of FMLA leave entitlement has expired, the Village may recover the premiums paid on the participant's behalf during FMLA leave, unless the participant fails to return to work due to continuation, recurrence or onset of a serious health condition that entitles the participant to FMLA leave under Paragraph B.1.c or d above, or for other circumstances beyond the control of the participant.
2. If FMLA leave includes substituted paid leave entitlement (i.e., use of paid time off), the participant's share of premiums for group health coverage will be paid in the usual manner through payroll. When paid leave entitlement expires, payment of participant's portion of the health plan premium as well as any optional life or disability premiums must be made to the Village by the employee by the fifteenth (15<sup>th</sup>) of each month.
3. Accrued paid time off (sick time, vacation leave and personal time) must be used concurrent with FMLA leave until the available balance is completely used. Per the Village's standard policy on paid time off, new paid time off is earned for time worked and years of service credit will accrue during FMLA leave under this policy if using paid time off during FMLA leave. Any FMLA leave time taken without using paid time off will not accrue paid time off but will provide credit towards years of service.
4. The participant's right to continue participation in, or coverage under, any other benefit plan during FMLA leave is subject to any restrictions, limitations or conditions contained within the particular Village benefit plan or in any contract between the Village and any third party under which the benefit is established or provided.

**G. Return to Work.**

- a. Upon expiration of the period of FMLA leave entitlement, the participant will resume his or her position with the Village, or an equivalent position with

equivalent benefits, pay and other terms and conditions of employment. The participant shall be reinstated at the same pay, benefits, and seniority and subject to all terms and conditions of the position at the time participant went on FMLA leave and shall be credited with years of service accrued and credited immediately prior to commencement of FMLA leave for purposes of determining benefit levels under the Village's benefit programs, subject to any present or future restrictions, limitations, or conditions of such benefit programs.

- b. The Village may require periodic reports from a participant on FMLA leave regarding the participant's status and intent to return to work. If the participant provides a statement of intent to return to work, even if the statement is qualified, entitlement to FMLA leave and maintenance of health benefits will continue. However, if the participant gives an unequivocal notice of intent not to return to work and/or fails to return to work without notice, the obligations of the Village to provide health benefits (except pursuant to COBRA requirements) and to restore the participant to work will end.

G. Spouses as participants.

1. Where spouses are both employed by the Village and are otherwise eligible for FMLA leave, the aggregate number of work weeks of FMLA leave to which both may be entitled is limited to twelve (12) workweeks during any twelve-month period for FMLA leave taken one of the following reasons:
  - a. The birth of a child
  - b. Placement of a child with the employee for adoption or foster care
  - c. Care for the employee's parent with a serious health condition.
2. Spouses are limited to a combined total of twenty-six (26) workweeks in a "single twelve-month period" for FMLA leave taken to care for a military family member with a serious injury or illness.

H. Intermittent or reduced FMLA leave.

1. When medically necessary for the illness of a spouse, child, parent or participant himself or herself, or to care for a covered service member or a qualifying exigency, a participant may take FMLA leave on an intermittent or reduced FMLA leave basis. The total amount of workweeks available to an employee in a twelve-month period, will be based on the type of FMLA leave for which the employee is eligible. When a participant requests such intermittent or reduced FMLA leave schedule, the Village may require that the participant transfer temporarily to an available alternative job position for which the participant is qualified, at equivalent pay and benefits, where such transfer better accommodates recurring periods of FMLA leave of the participant. For FMLA



leave that is foreseeable for planned medical treatment, participant must make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the Village, and shall provide wherever possible at least thirty (30) days notice before the date FMLA leave is to begin.

2. Intermittent or reduced FMLA leave can include such things as doctor appointments for prenatal care, treatment for chronic illnesses, etc.
  3. An employee under intermittent FMLA leave for a long-term condition other than FMLA leave taken under Paragraph D above, will be required to submit medical recertification every thirty (30) days provided the employee has been absent since the last re-certification was completed.
  4. An employee will also need to submit a medical recertification in the event the employee's need for leave changes, other than FMLA leave taken under Paragraph D above, (e.g., a need for more frequent time off or for a longer duration each occasion than stated in the most recent certification).
- I. Misuse or Abuse of FMLA. FMLA leave abuse occurs when an employee uses leave for unauthorized purposes or misrepresents the actual reason for charging an absence to FMLA leave. Abuse is cause for discipline, up to and including dismissal.

**ADMINISTRATIVE LEAVE****SECTION 5.15**

The Village may place an employee on administrative leave with pay, but only in circumstances where the health and safety of an employee or of any person or property entrusted to the employee's care could be adversely affected or the employee's presence in the workplace could impede the Village's investigation into allegations of employee misconduct. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation, such leave might extend until the Employer completes the investigative and predisciplinary process and takes action or decides no action is warranted. Compensation for administrative leave shall be equal to the employee's base rate of pay. The Village Administrator or the Mayor may place an employee on administrative leave for up to two (2) weeks without Village Council approval. The Village Council must approve any administrative leaves with pay that extend beyond two (2) weeks.

**UNEMPLOYMENT COMPENSATION****SECTION 5.16**

- A. Most employees of the Village are covered by unemployment compensation subject to the regulations established by state law and the Ohio Department of Job and Family Services.

- B. In the event of a reduction in force as provided in Section 3.14 herein, the affected employees may apply for unemployment benefits by contacting the Ohio Department of Job and Family Services.



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**TRAVEL EXPENSE REIMBURSEMENT****SECTION 6.01**

Village employees and officials shall be reimbursed for expenses incurred while in the authorized service of the village. These expenses include travel, lodging, meals, seminars, conferences, and registration fees.

This policy cannot cover every issue, exception or contingency that might arise. The employee is expected to use common sense and good judgment in the use of Village resources. Violation of this policy may result in disciplinary action, up to and including termination.

- A. Auto mileage reimbursement. If a Village vehicle is not available, employees will be reimbursed for actual miles while on authorized business outside of the Village at the current IRS rate per mile when using their own personal vehicles. Such payment is considered the total reimbursement for all vehicle related expenses (i.e., gas, oil, depreciation, insurance, etc.). Mileage reimbursement is payable to only one (1) employee if two (2) or more employees are traveling on the same trip in the same automobile. Charges incurred for parking at the destination, highway tolls, and local taxi fares, and local bus fares are reimbursable at the actual amount. An employee expense report and itemized receipts are required.
- B. Meal guidelines. Expenses for meals up to a maximum of \$40.00 per day will be reimbursable when the travel requires an overnight stay. The Village will reimburse up to \$10.00 for breakfast, \$10.00 for lunch, and \$20.00 for dinner including tax and up to a 15% tip but excluding charges for alcohol. When employees are traveling where meals are provided as part of the training session (seminar, conference, etc.) expenses will not be reimbursable for those meals. An employee expense report and itemized receipts are required.
- C. Lodging. Expenses covering the cost of a motel or hotel room will be reimbursed when travel requires an overnight stay. The government rate, conference rate, or lowest available rate for lodging should be used. The maximum amount that the Village will reimburse for lodging shall be determined in advance of the employee's travel. Return travel from conferences or seminars is to commence on the last scheduled day of the conference or seminar. An employee expense report and itemized receipts are required.
- D. Registration fees. Employees authorized to attend conferences, seminars, and/or meetings requiring pre-payment of fees shall obtain a purchase order and submit registration materials to the Clerk-Treasurer for payment.
- E. Other expenses. Any other expenses, such as air fare or others that an employee may incur while engaged in authorized service of the Village, must be approved by the mayor and one councilman and/or two councilmen in advance of the employees travel in order for the expenses to be reimbursed or paid. A travel request form must be submitted for prior authorization for all travel requiring an overnight stay or air travel.



- F. Expenses Not Reimbursed. Reimbursable expenses do not include entertainment, alcohol, laundry and dry cleaning, and expenses of spouse and/or family members traveling with the employee.
- G. No Personal Benefit. The employee shall not benefit from any type of award or point programs offered in connection with this travel policy.
- H. Use of Village Credit Card. Village employees or officials may use the village credit card for certain travel and/or conference expenses or fees. Any use of the Village Credit Card shall be in compliance with the Credit Card policy.

Any charges to the credit card will require itemized receipts and proper documentation or the employee or official may be responsible for these expenses. Any allowable expenses without the proper receipts or documentation will not be reimbursed or paid. Travel receipt expenses shall be submitted for payment within seven (7) days of the employee's return to work.

**USE OF EMPLOYER-OWNED VEHICLES****SECTION 6.02**

- A. The Village, in order to efficiently provide services to Village residents, has provided Village-owned vehicles to be used only for Village business.
- B. Village vehicles shall be used for official Village business only. Personal use of Village vehicles is prohibited. Council may grant the use of a Village vehicle for the purpose of commuting to and from the employee's residence; however in such case, the use of the vehicle by the employee will result in reportable income in the amount of one dollar and fifty cents (\$1.50) each way (home to work and work to home) for everyday he or she uses the vehicle for commuting purposes in accordance with the commuting rules of the IRS fringe benefit publications and guidelines. The charge will be reported as income on an employee's W-2 forms. The Mayor or Council may grant the use of an emergency vehicle by the appropriate department head to commute to and from work.

In either case where permission to use a Village vehicle for commuting purposes, the use of the vehicle for commuting purposes must otherwise comply with this policy.

- C. Village vehicles must not be used to transport non-Village employees except if used for Village related business. Cargo which has no relation or official use to Village business shall not be transported in Village vehicles. Seatbelts must be used in all Village vehicles.
- D. The driver of a Village vehicle shall hold a valid driver's license. A Commercial Driver's License may be required for certain positions within the Village. The driver and all passengers in a Village vehicle shall comply with all applicable State and local traffic

laws and parking laws. In the event of a violation of such laws, the driver shall be personally liable for any criminal, traffic violation, or civil penalties.

- E. Drivers of Village vehicles must also comply with the rules and regulations stated in the Village's employee driving record review policy. If an employee's license is expired, suspended, forfeited or revoked the employee shall be required to immediately inform their department head. The Village will keep a list of the driver's license information for all authorized employee drivers.
- F. No employee shall operate a Village vehicle or heavy equipment or machinery if the person is under the influence of drugs or alcohol. The employee must also comply with the Village's drug free workplace policy.
- G. All Village vehicles should be operated and maintained in a safe and efficient manner. Any defect, damage or unsuitable conditions of any Village vehicle should be reported to the department head. Village employees are responsible to maintain vehicles in a neat and orderly manner.
- H. Village owned gas and fluids shall be used in all Village vehicles. No employee is permitted to place Village gas or other fluids in his or her personal vehicle or other private vehicle under any circumstances. Mileage logs should be kept for all Village vehicles.
- I. Employee may use their personal vehicles for Village business only if a Village vehicle is not available. Employees who operate a personal vehicle for Village business shall be paid a mileage rate per IRS regulations.
- J. All Village owned vehicles are insured under the Village's comprehensive and liability insurance policy. This policy will cover only those employees who are authorized to use Village vehicles and hold a valid driver's license.
- K. This policy cannot cover every issue, exception, or contingency that might arise in the use of Village vehicles. The employee should use common sense and good judgment in the use of Village resources. The misuse of Village vehicles or equipment or any violation of this policy may result in disciplinary action up to and including termination.
- L. The Chief of Police may authorize the use of Village Police Vehicles for off-duty details which include, but are not limited to, paid or unpaid/volunteer involvement in memorials, funerals, parades, public relation events, off-duty paid details within the Village, as well as outside the Village on a mutual aid basis. The Police Chief may also permit Officers' use of police vehicles to reduce overtime and/or personal vehicle use reimbursement while in training or out-of-town training, and for use to attend court proceedings.



**EMPLOYEE DRIVING RECORD REVIEW****SECTION 6.03**

The purpose of this policy is to assure that employees of the Village maintain a current unrestricted Ohio operator's license in accordance with the following policy and procedure.

- A. Each employee of the Village shall at all times maintain a current unrestricted Ohio operator's license. Any employee who is required to drive in the course of his or her employment with the Village on a regular basis and who fails to maintain a current unrestricted operator's license or who fails to immediately notify his or her supervisor of any conviction or accumulation of points against his or her operator's license as provided herein below, shall be immediately reviewed by his or her supervisor and thereafter it shall be determined if one or more of the following sanctions should be applied:
- a. he or she will be given a change in employment duties;
  - b. he or she will be placed on unpaid administrative leave;
  - c. he or she will be suspended from the Village; and/or
  - d. he or she will be required to attend an approved driver improvement program or equivalent training.
- B. Any employee whose operator's license is suspended, administratively suspended, revoked or restricted is immediately prohibited from operating any Village vehicle. Each employee shall immediately notify his or her immediate supervisor if his or her operator's license has been suspended, revoked or restricted in any way. Furthermore, each employee shall notify his or her immediate supervisor if he or she accumulates six (6) or more points against his or her operator's license. Each employee is responsible for knowing the status of his or her operator's license and the number of points he or she has accumulated on his or her operator's license.
- C. Any employee who accumulates six (6) or more points against his or her operator's license resulting from a conviction of any misdemeanor violation pertaining to the ownership or operations of a motor vehicle shall immediately notify his or her supervisor of such circumstance and accumulation of points. Each such circumstance and the accumulation of points will be considered and reviewed on a case-by-case basis to determine whether such employee will be permitted to drive any Village owned vehicle. "Misdemeanor violations" referred to in this policy include, but are not limited to, the following:
- Driving while intoxicated.
  - Driving under the influence of controlled substance.
  - Operating during a period of suspension, administrative suspension or revocation.
  - Permitting an unlicensed person to drive.
  - Reckless operation.
  - Leaving the scene of an accident.

- Speeding.
- Any other prohibited moving violation.

D. Driving Record Review and Sanctions

On a regular basis the Village shall review the driving record and the accumulation of points of each employee of the Village. A change in point status and/or license restriction could result in the employee's driving status change, a change in employment duties, placement on unpaid administrative leave, suspension from the Village, or being required to attend an approved driver improvement program or equivalent training.

The Mayor and/or Village Council may change the driving status of the Village personnel based on driving complaints, driving ability, upon recommendation by another supervisor. A valid complaint received by the Village shall become a part of the employee's personnel file. The employee driver shall also be notified of the complaint. A second valid complaint filed against an employee shall invoke a restriction on driving Village owned vehicles and/or may also result in suspension from the Village for a period of time.

**SECONDARY EMPLOYMENT****SECTION 6.04**

- A. Time Conflicts: Full-time employment with the Village of Grafton shall be considered an employee's primary occupation and take precedence over all other occupations. Full-time employees shall not have other employment which presents a "time conflict." A time conflict for purposes of this section exists when the working hours of a secondary job directly conflict with an employee's scheduled working hours, mandatory overtime obligations, or when the demands of a secondary job prohibit an employee from receiving adequate rest or otherwise affect the employee's job performance. [Note military service excepted.]
- B. Interest Conflicts: No employee, regardless of employment status, shall have other employment which presents a conflict of interest with the employee's position with the Employer. A conflict of interest exists when an employee engages in any secondary employment which compromises or may appear to compromise the employee's judgment, actions, or job performance, or conflicts with the policies, objectives, and operations of the Employer. Any potential conflicts that involve ethics considerations shall be reviewed by the Village Law Director, in consultation with the Mayor or Administrator, who may seek an advisory opinion from the Ohio Ethics Commission.
- C. Uniforms and Equipment: Employees shall not use Employer-owned uniforms or equipment while performing secondary job duties, unless such use is specifically authorized by the Mayor or the chief of police for police department employees.
- D. Employees shall notify the Mayor regarding secondary employment that an employee intends to seek. The Mayor will consult with the employee and any other person deemed appropriate to determine whether the secondary employment presents a conflict. The



employee bears the burden of demonstrating the secondary employment does not present a conflict.

- E. If the Mayor, in consultation with the Law Director and the Department Head, determines that the secondary employment the employee intends to seek would present a conflict, the Mayor will advise the employee of such. If the employee still accepts the secondary employment, the Employer may begin taking appropriate disciplinary action against the employee.
- F. Current employees shall inform the Mayor of second jobs.

<b>EMPLOYER'S TOOLS, SUPPLIES, EQUIPMENT, AND PROPERTY</b>	<b>SECTION 6.05</b>
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- A. Tools, supplies, and equipment necessary to perform job duties shall be properly used and maintained. All employees shall be held strictly responsible and accountable for equipment personally issued to the employee, in addition to any generally issued departmental equipment, tools, or supplies used by the employee. All employees are responsible for using and maintaining such assets in a safe and proper manner.
- B. Loss, misuse, neglect, theft, and/or abuse of Employer assets is strictly prohibited and may result in discipline and/or demand for payment to the Employer for the cost to replace or repair such asset(s). Accidents resulting from misuse or abuse of tools may also be cause for disciplinary action.
- C. An employee's use of Village tools, supplies, and equipment is subject to prior approval of the department head. Use of Employer assets for other than work purposes is prohibited, unless specifically authorized by the Mayor.
- D. Presence in, or use of, Employer facilities (i.e., office, etc.) during non-work hours by employees is prohibited, unless authorized in advance by the Mayor or designee.
- E. Employees are responsible for reporting any equipment or property damages, including damages caused by the employee. Employees shall report all damages to the Employer and/or department head as soon as possible. Damaging Village equipment or property may be cause for disciplinary action.

<b>PERSONNEL RECORDS</b>	<b>SECTION 6.06</b>
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- A. The Employer maintains and is responsible for personnel records concerning employees. Personnel records contain "personal information" about an employee as defined in ORC 1347.01(E), and may include such information as:
  - 1. Personal data
  - 2. Employment application documents
  - 3. References
  - 4. Medical reports

5. Documentation relating to an employee's change of status
  6. Performance evaluations
  7. Communications or disciplinary actions
  8. Paid and unpaid leave records
- B. The Employer shall only use the information maintained in the personnel records system in a manner consistent with ORC Section 1347.01 et. seq., ORC Section 149.43, or as otherwise required by law or court order. Personnel files shall be maintained in such manner as to separate employee medical records from the remainder of the personnel file.
- C. Each employee shall be allowed to review the contents of the personnel file(s) pertaining to them.
- D. Employees requesting to obtain or review information in their personnel file may be required to provide proof of identification. Representatives of employees requesting to obtain or review information shall produce a written release from the employee requesting that the representative review the record. Said release shall be placed in the employee's file.
- E. The Employer will monitor the accuracy, relevance, timeliness, and completeness of its personnel records, take reasonable precautions to protect information in the system from unauthorized and unlawful modification, destruction, use, or disclosure, and shall collect, maintain, and use only that information necessary and relevant to the Employer's functions.

**REPORTING CHANGES IN PERSONAL INFORMATION****SECTION 6.07**

- A. Complete and current records for each employee of the Village are essential for proper operations. Report all changes promptly to the Administrator's Office and Department Heads so that accurate records are maintained. Personal changes include such items as:
1. Name changes
  2. Marital status
  3. Address or telephone number changes
  4. Income withholding or exemption changes (requires WRITTEN notification)
  5. Beneficiary changes for insurance or pension plans
  6. Dependency changes for insurance coverage
  7. Payroll deduction changes (requires WRITTEN notification)
  8. Persons to contact in case of emergency



**VILLAGE RECORDS – USE BY EMPLOYEES****SECTION 6.08A**

The Village will prepare and make available for inspection and/or copying “public records,” as defined in ORC 149.43, upon the request of any member of the general public.

- A. Public records inspection, release, and retention are subject to the Village’s Public Records Grafton Codified Ordinance Chapter 214 and will be processed accordingly. The text of the Chapter 214 is reprinted in Section 6.08(B).
- B. Questions of whether or not a record is a public record as defined in ORC Section 149.43 should be determined by the Village’s law director.
- C. Self-Help to Records Prohibited:
  - 1. Employees may not copy or remove any record or writing, even those regarded as “public records,” without first obtaining advanced written permission from the Mayor, Administrator, or Police or Fire Chief, as applicable, or without going through the process for obtaining public records outlined in Section 6.08B.
  - 2. No employee may copy, or use any Village writing, document, or record in any grievance, appeal, or legal action without having first obtained the written permission of the Mayor or the Administrator. This particular policy does not apply to matters obtained through formal “discovery” under the Rules of Civil Procedure.
  - 3. No employee shall make an audio or video recording of any meeting, hearing, or appeal involving the Village or a representative of the Village without the advanced written permission of the Village.
  - 4. Except for official Village business, employees may not have any Village writing or document in their possession, unless obtained through this policy.
- D. Penalty for Breach of this Policy. Any employee who is discovered to have violated any of the above enumerated policies will be subject to removal. Any former employee who is discovered to have obtained an authorized document or produced any unauthorized audio or video recording will be barred from reemployment by the Village and may be subject to civil or criminal penalties.

**PUBLIC RECORDS-- INSPECTION, RELEASE, AND RETENTION      SECTION 6.08B**  
**CODIFIED ORDINANCE CHAPTER 214****214.01 INTRODUCTION AND DEFINITION.**

- (a) It is the policy of the Village of Grafton that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village of Grafton to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.
- (b) The Village of Grafton, in accordance with the Ohio Revised Code, defines records as including the following: any document - paper, electronic (including, but not limited to, e-mail), or other format - that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Village of Grafton are public unless they are specifically exempt from disclosure under the Ohio Revised Code.
- (c) It is the policy of the Village of Grafton that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

(Ord. 07-021. Passed 11-6-07.)

**214.02 RECORDS REQUESTS.**

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

- (a) 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. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.
- (b) 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. It is this office's general policy that this information not be requested.
- (c) Public records are to be available for inspection during regular business hours, with the exception of published holidays. 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.

- (d) (1) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty (20) pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.
- (2) All requests for public records must normally either be satisfied or be acknowledged in writing by the (public office) within three (3) business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must normally include the following:
  - A. An estimated number of business days it will take to satisfy the request.
  - B. An estimated cost if copies are requested.
  - C. Any items within the request that may be exempt from disclosure.
- (e) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

(Ord. 07-021. Passed 11-6-07.)

#### 214.03 COSTS FOR PUBLIC RECORDS.

Those seeking public records will be charged only the actual cost of making copies.

- (a) The charge for paper copies is \$0.05 per page.
- (b) The charge for downloaded computer files to a compact disc is \$1.00 per disc.
- (c) There is no charge for documents e-mailed.
- (d) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

(Ord. 07-021. Passed 11-6-07.)

**214.04 E-MAIL.**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

- (a) Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the office's records custodian.
- (b) The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

(Ord. 07-021. Passed 11-6-07.)

**214.05 FAILURE TO RESPOND TO PUBLIC RECORDS REQUEST.**

The Village of Grafton recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, failure to comply with a request may result in a court ordering the Village to comply with the law and to pay the requester attorney's fees and damages.

(Ord. 07-021. Passed 11-6-07.)

**COMMERCIAL PUBLIC RECORDS REQUEST****SECTION 6.09**

- A. The Village may limit a public record request if it is used for commercial purposes.
- B. The Village will transmit by U.S. Mail up to ten (10) records per month, unless the requester certified to the Village in writing that they do not intend to use or forward the requested records, or the information contained in them, for commercial purposes (ORC 149.43 (B)(3)).
- C. Commercial purposes do not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding the operation or activities of government, or non-profit educational research.
- D. An employee who receives a public records request, as such as one stated in this policy, shall immediately forward this request to the Mayor or Village legal advisor.



**EMPLOYEE ACCIDENTS/EXPOSURES****SECTION 6.10**

- A. Any employee who is injured in a work-related accident or suffers an exposure to a hazardous chemical or bloodborne pathogens due to a work-related accident or incident shall immediately report the accident or exposure to the employee's immediate supervisor and complete a written accident report by the end of the employee's work shift, if possible, or not later than within twenty (24) hours after the accident/exposure, if approved by the employee's supervisor.
- B. Supervisors who become aware of a work-related accident or exposure shall immediately notify their department head, and after attending to any safety and/or treatment needs of any person resulting from the accident, shall investigate the cause of the accident and document all pertinent facts, including witnesses' names and addresses on the employee's injury/accident report. The supervisor should submit the report to the appropriate department head by the end of the employee's shift, or no later than twenty (24) hours after the accident/exposure, if approved by the department head.
- C. Any employee injured or who suffers an exposure due to a work-related accident shall complete an Injury/Accident Report and submit it to the employee's supervisor or department head. If the employee is unable to complete the report, the employee's supervisor shall assist the employee with completing the report and have the employee sign the report.
- D. The department shall forward the completed report to the Mayor upon completion of the supervisor's report by the following business day.

**SAFETY AND HEALTH****SECTION 6.11**

- A. The Employer is concerned about the safety and health of every employee. The department heads, supervisors, and employees are responsible for maintaining a safe workplace pursuant to the Public Employment Risk Reduction Program.
- B. The Department Head's Responsibility. Each department head or designee is responsible for safety in the area under the department head's control and will be given the assistance, authority, and support necessary to fulfill this responsibility. Every work-related accident should be investigated promptly and thoroughly with the aim of preventing the same or a similar accident in the future. The department head should correct unsafe conditions. The department head should ensure that employees are properly trained on safety practices and procedure, that each employee complies with all rules, regulations and established safety practices and procedures, and that safe working methods are used by employees under the department head's supervision.
- C. Employee Responsibility. Employees are also responsible for maintaining a safe workplace. Employees shall obey all workplace safety rules and report all potential or evident workplace safety problems to the department head.



Employees shall acknowledge their obligation to follow and enforce all workplace safety rules and report all potential or evident workplace safety problems by signing a Workplace Safety and Illegal Activity form upon initial employment.

**BULLETIN BOARDS****SECTION 6.12**

- A. Bulletin boards are a means of providing information to employees. No material shall be posted on a Village bulletin board which contains favorable or unfavorable comments regarding a candidate for public office or any personal attack upon any employee, official, or client of the Village. Bulletin boards provided pursuant to collective bargaining agreements are subject to the terms of the applicable agreement.
- B. Employees or others wishing to post materials on a Village bulletin board shall submit the material to the Mayor or the Administrator for approval in advance of the posting in the Village Administration Building or Service/Utilities buildings or to the Police or Fire Chief for posting in the applicable safety buildings.
- C. Material posted in violation of this policy shall be removed from the bulletin board. Employees in violation of this posting shall be subject to disciplinary action.

**CONCEALED WEAPONS****SECTION 6.13**

- A. The safety and security of employees, visitors, contractors, and the general public are of vital importance to the Employer. Further, carrying a concealed weapon is not part of anyone's job responsibility (except law enforcement officers); and such activity does not "arise in the course or scope of employment."
- B. This policy is not intended to restrict individuals with a valid concealed handgun license from transporting or storing a firearm or ammunition inside the person's privately owned vehicle in accordance with Ohio Revised Code 2923.126 and 2923.1210. However, the Employer shall be immune from liability for any injury, death, or loss to person or property that was caused by or related to a licensee bringing a handgun onto the premises or property of the Employer.
- C. More specifically, the Employer specifically prohibits employees from engaging in the following activities:
  - 1. Carrying a firearm or other weapon while on duty, whether or not licensed to do so (for those employees who leave the Employer's facility and travel to perform duties, these employees shall not carry a firearm on their person or in an Employer owned- or leased-vehicle).
  - 2. Possessing a weapon or firearm on any area owned, leased, or controlled by the Employer, except when it is lawfully being transported in the employee's private vehicle.



3. Displaying a weapon or firearm while on duty. Should an employee display a weapon or firearm, whether in the facility or in the parking lot, such action will be considered a threat and will be prosecuted.
4. Carrying or displaying a weapon or firearm, on or off-duty, while on strike or picketing.
5. Displaying an empty handgun holster on their person while on duty.

Any violation of the above activities is grounds for serious disciplinary action, up to termination.

- D. Law enforcement personnel who are authorized to carry weapons are exempt from this policy.
- E. Any employee who witnesses any prohibited activities as defined in this policy shall immediately report such activity to their immediate supervisor.

**GOOD HOUSEKEEPING****SECTION 6.14**

- A. Good work habits and a clean and orderly place to work are essential for job safety and efficiency. Employees are expected to keep their individual workspace and the work areas in general clean and well organized.
- B. Employees shall report anything that needs repair or replacement to their supervisor immediately.
- C. The Village's commitment to recycling requires all employees to discard paper in proper containers and to conserve on the use of paper.
- D. No food is to be eaten in any reception areas of the Village hall or at counters that serve the public.

**POLITICAL ACTIVITIES****SECTION 6.15**

- A. Prohibited Activity:
  1. Employees of the Village are prohibited from using their official authority or influence for the purpose of interfering with or influencing the result of any partisan election.
  2. Employees are prohibited from directly or indirectly coercing, attempting to coerce, or advising any other employee to pay, lend, or perform any activity for any person for partisan political purposes.

3. No Village funds or property can be used for any partisan political purpose.
- B. Permitted Activity: Employees may vote in any election as they choose and may personally express opinions on political subjects and candidates so long as such speech does not interfere with the performance of their duties as Village employees.

**GIFTS & GRATUITIES****SECTION 6.16**

- A. Employees of the Village are prohibited from accepting gifts, money, or any other form of gratuity from any person in exchange for services or benefits provided by the Village.
- B. Employees shall not solicit nor accept anything of value, whether in the form of service, loan, gift, gratuity, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever, in business dealings with the Village. This prohibition also applies to any person, firm, or corporation currently doing business with the Village.
- C. Any employee offered a gift or gratuity as outlined above shall advise the individual to contact the Mayor who shall explain the Village's policy and the appropriate procedures for making a donation to the Village. The employee shall also advise the Mayor of the offer.

**USE OF PERSONAL PROPERTY****SECTION 6.17**

- A. The Village assumes no liability and will not accept any responsibility for loss or damage to the personal property of an employee.
- B. Personal property may be placed within the work area or office only on the desk or credenza. Pictures, certificates, or diplomas may be hung on the wall in appropriate frames.
- C. The Mayor or a department head shall be authorized to order the removal from the workplace of any personal property which they deem inappropriate.

**ISSUANCE OF KEYS****SECTION 6.18**

- A. Keys for use on locks (master), secured gates, doors, desks, file cabinets, vehicles, and Village equipment will be issued to those employees whose duties require them to have such keys. Employees shall, at all times, be responsible for any keys which have been issued to them.
- B. The Mayor, the Administrator, or department head shall be responsible for issuing keys to individual employees, for ensuring the security of keys which have not been issued, and for maintaining the record of all Village keys.



- C. Employees shall be required to immediately return any keys which have been issued to them, upon request of their department head or the Mayor. Employees shall also be required to return any keys issued to them upon separation of employment with the Village.

**COMPUTER USE/INTERNET****SECTION 6.19**

To aid in providing services to the residents of the Village, the Village has purchased computers, software, printers, scanners, and other miscellaneous computer equipment ("equipment") for various Village departments. Village equipment and accessories are for official Village business only. No software should be installed on Village computers without proper authorization.

- A. Authorized Village employees can use this equipment to perform their official duties. Personal use of any computer equipment and accessories is prohibited except when the Department Head gives specific permission for de minimis usage that does not interfere with work performance or operations, e.g., playing of background music.
- B. A record of Village computer equipment and accessories that includes the model and serial number and any other relevant information and the department in which the equipment is located shall be kept by the Clerk-Treasurer.
- C. Internet connections and e-mail accounts may be provided for Village computers and miscellaneous office equipment. These internet connections and e-mail accounts are to be used as a source of information access and dissemination and for business transactions and the performance of official Village business.
- D. Personal use of the e-mail accounts is strictly prohibited. Access to Village computers and computer equipment, networks, files, or systems should be limited to Village business only.
- E. Village employees shall have no reasonable expectation of privacy with the use of Village computers, internet, e-mail accounts or other resources. The contents of the Village computer may be subject to review, investigation and public disclosure. Access and use of the internet including e-mail and other communications and the content of these communications are not confidential except in certain limited cases as provided by State law. The Village reserves the right to view the files and electronic communications and to monitor all electronic activities.
- F. This policy cannot cover every issue, exception or contingency that might arise in the use of Village computer equipment and accessories. The employee should use common sense and good judgment in the use of Village resources. Violations of this policy may result in disciplinary action up to and including termination.

**G. General Standards of Conduct for Internet Use**

1. Any use of Village computers or on-line computer services to facilitate illegal activity is prohibited.
2. Use of the Village's electronic services to access obscene, pornographic, or sexually offensive materials is prohibited, unless such use is authorized as part of a police investigation.
3. Use of the Village's electronic services for political, commercial or for-profit purposes is prohibited. This includes buying, selling, and bartering, including but not limited to, the use of credit cards. Employees must use discretion when using the Village's electronic services for personal use. When proper discretion is not used, disciplinary action will be taken. Employees are cautioned that network communications will be tracked. Employees are encouraged to use reasonable judgment with such use.
4. Disruption of electronic services, supporting equipment, or information available on it is prohibited, including, but not limited to, tampering with hardware or software, vandalizing or destroying data, introducing or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws or installing non-Village-owned software of any kind.
5. The use of electronic services to harass other users or to transmit materials likely to be offensive or objectionable is prohibited.
6. Users of electronic services are to protect themselves and others by not issuing or releasing confidential information, addresses, passwords or telephone numbers, and remembering that on-line computer services are not private.
7. All systems for Village business must be accessible by authorized individuals and their department heads.

**SOCIAL MEDIA****SECTION 6.20**

- A. Purpose: The purpose behind this policy is to make an employee aware of his or her privacy rights and prohibited conduct with respect to an employee's actions and its impact on the Employer when using social media sites on and off duty. This policy is also intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. It will allow the Employer to ensure that Employer rules are followed, and all employees are treated fair and consistent.



Employees should remember they are paid by public funds and the public holds them to a high standard of professionalism. The Employer has an overriding interest and expectation in deciding what is “spoken” on behalf of the Employer. This policy is not meant to infringe on one’s right to free speech, rights under R.C. 4117 as incorporated by charter, or any other protected activity.

- B. Scope: All employees will be subject to and held accountable for any conduct outlined in the Social Media Policy. This policy works in conjunction with other related personnel policies and procedures (e.g., discrimination, discriminatory harassment, and anti-bullying).
- C. Social media refers to the use of websites or electronic applications such as, but not limited to, Facebook, Twitter (or X), Instagram, Snapchat, TikTok, WhatsApp, LinkedIn, YouTube, etc. For purposes of this policy, blogs and other internet forums shall also be covered. Nothing in this policy is meant to prohibit access to any social media website or blog which may be work-related.
- D. Policy:
  - 1. On Duty Conduct: While at work, an employee may only access social media websites, blogs and/or other internet forums of communication during their lunch or breaks. This includes access from a personal cellular device (e.g., BlackBerry device, smartphone, iPhone, etc.) during an employee’s compensated hours of work. The exception to this is actual duty-related use, such as managing the social media accounts of the Village of Grafton, investigation purposes, etc.
  - 2. On and Off Duty Conduct: An employee enjoys no expectation of privacy to information posted into cyberspace even while off duty. This includes anything posted to a social media website, blog, or other similar internet forum of communication. Although information may be posted to a “private” webpage, the employee should be aware this information can still be accessed by the public and other sources in several ways. Because of this, an employee needs to use “common-sense” when posting comments, photos, opinions, or any other information related to his or her employment. Any social media activity which portrays the Employer in a negative light will be evaluated and may result in disciplinary action up to and including termination. Examples of prohibited conduct include, but are not limited to:
    - a. Posting one’s photograph while wearing the Employer’s uniform (or other similar attire, which could be misidentified as the official uniform);
    - b. Posting pictures, videos, or comments that are insubordinate with respect to the employee’s employment;
    - c. Posting pictures, videos, or comments that constitute or could be construed as unlawful behavior;

- d. Knowingly or recklessly posting false information about the Employer, supervisors, coworkers, public officials, or those who have a relationship with the Employer. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above;
  - e. Posting, transmitting, or disseminating any pictures or videos of official training, activities, or work-related assignments without the express permission of a supervisor;
  - f. Posting pictures, videos, or comments that are sexual, obscene, violent, offensive, harassing, or pornographic in nature along with any reference to the Employer or individual's employment.
- 3. Employees shall not imply they are speaking on behalf of the Employer unless authorized to do so. Should an employee speak on matters of employment, the employee shall include a disclaimer.
  - 4. Confidential Information – An employee shall not disclose any work-related confidential or proprietary information on any social media website, blog, or other internet forum of communication. This can include information that may eventually be obtained through a valid public record's request.
  - 5. Employees are encouraged to follow the internal complaint procedure and not take to the internet to voice work-related complaints.
  - 6. Employees found to have violated any part of this policy may be subject to discipline up to and including termination.
  - 7. Any deviation from the above policy shall be approved by the Employer in writing.
  - 8. Any questions regarding the policy should be directed to the employee's immediate supervisor.
  - 9. Employees shall take note of the following: DELETE DOES NOT MEAN DELETE. Once something is posted into cyberspace it remains there.



**FRAUD REPORTING****SECTION 6.21****A. PURPOSE**

Financial accountability is a top priority for the Village. The Village's fraud policy formalizes the expectations of personal honesty and integrity required of Village officials and employees.

The Village is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, sub-contractors, agents, intermediaries or its own employees, to gain by deceit financial or other benefits.

This policy prohibits fraud or misuse of the Village's assets and sets forth specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities.

**B. ORGANIZATIONS AFFECTED**

All departments and divisions of the Village.

**C. DEFINITIONS**

As used in this policy, the terms listed below shall have the following definitions:

1. Embezzlement is any loss resulting from the misappropriation of the Village assets.
2. Misappropriate is to take or make use of any item without authority or right.
3. Loss is defined as the Village losing possession or control of any type of asset through fraudulent activities.
4. Fraud is the intentional misrepresentation or omission of facts for personal gain.
5. Employee(s) refer to all Village employees, independent contractors, consultants, and temporary, part-time and/or seasonal workers.
6. Assets refer to the entire property of the Village, association, corporation, or estate applicable or subject to the payments of debts. Assets include, but are not limited to, all Village vehicles and building properties, computers and software, cash receivables, wages and benefits.

7. Equipment is defined as a fixed asset that is not consumable or expandable; it is movable, even though sometimes attached to other objects or buildings; and its removal does not create a readily observable physical impairment or deterioration.

Examples include but are not limited to: office equipment including computers, desk cabinets, printers and scanners, any electronic data processing equipment, training/educational equipment, medical supplies, and furnishings, audio-visual, cameras and recording devices. Equipment also includes, but is not limited to, all construction and maintenance equipment, air conditioners, fire-fighting equipment, and tools, rescue equipment and tools.

#### D. POLICY

The Village has adopted a zero-tolerance policy regarding fraud. No employee of the Village shall remove any Village assets from the property, misuse any Village assets for personal gain, or willfully misappropriate any Village asset. Any evidence supporting fraud, theft or embezzlement of Village assets and equipment may be subject to the following actions, including but not limited to, suspension, termination, restitution, and criminal charges. Any Village employee who is aware of fraud being committed against the Village by anyone shall report such activity to the Police Department or other official as detailed in Section F.

#### E. PROHIBITED ACTS

Fraud and misuse of the Village or assets are prohibited. Examples of fraud and misuse of Village assets include but are not limited to:

1. embezzlement;
2. misappropriation, misapplication, destruction, removal, or concealment of Village property;
3. alteration or falsification of documents;
4. theft of any asset (money, tangible property, etc.);
5. authorizing or receiving compensation for goods not received or services not performed;
6. authorizing or receiving compensation for hours not worked;
7. misrepresentation of fact.



**F. COMPLAINT PROCEDURE**

1. Employees shall read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be reported to their respective department head. If an employee has reason to believe that his department head may be involved, the employee shall notify the Police Department directly.
2. If the employee is a member of the Police Department and has concern that an irregularity exists within the department, he/she should notify the Law Director. If a department head believes there is an issue of potential fraud within the Police Department, he/she shall notify the Mayor of the details of his/her concerns.
3. Supervisors shall (1) communicate the provisions of this policy to all staff, (2) take no action without consulting the department head, (3) recommend appropriate disciplinary action when there is evidence of wrong-doing, and (4) if suspension or termination is recommended, consult with the Law Director.
4. Department heads shall communicate any suspected or known fraudulent act to the Police Department. The Police Department shall notify the Mayor of each reported incident and keep the Mayor abreast of the investigation.
5. All participants in a fraud investigation shall keep the details and results of the investigation confidential.
6. Any employee reporting an act of fraud; or assisting, testifying, or participating in a fraud investigation, acting in accordance with the requirements of this policy, shall not be subject to any adverse employment action unless it is determined the employee is culpable for such action and/or made an allegation knowing it was false. Examples of adverse employment action include, but are not limited to, discipline, suspension, threatening to discipline or suspend, coercion, acts of intimidation, and firing.

**G. PREVENTION**

Each department will maintain an internal control environment to protect the department and the Village from loss or other damages as a result of a fraudulent act.

**H. FALSE ALLEGATIONS**

False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

**I. CORRECTIVE ACTIONS AND DISCIPLINE**

Appropriate and timely action will be taken against those proven to have committed a fraudulent act. These remedial actions may include, but are not limited to:

1. Disciplinary action (up to and including immediate termination of employment).
2. Restitution for all losses, including investigation and legal expenses, to the fullest extent of the law.
3. Forwarding information to the appropriate authorities for criminal prosecution.
4. Institution of civil action to recover losses.
5. Where the Village elects to take corrective or disciplinary action, it will proceed under the procedures in place under policy or under any collective bargaining agreement for the respective employment classification.
6. The Village may take corrective or disciplinary action without awaiting the resolution of criminal or civil proceedings arising from fraudulent conduct.

**J. CONFIDENTIALITY**

All investigations shall be conducted in confidence insofar as reasonably possible. The names or names of those communicating information about a fraudulent act or the name or names of those suspected of a fraudulent act will only be revealed when required by law in conjunction with the investigation or legal action.

**K. COUNCIL NOTIFICATION**

At the conclusion of any investigation, the Law Director shall inform Council of the nature of any suspected, alleged, or purported fraud that was presented to an appropriate Village official in accordance with the provisions of this policy. The Law Director shall discuss and/or report to the Council on the results of the investigation and any civil or criminal proceedings that may arise from such an investigation.

In the event an instance of fraud is reported in accordance with the terms of this policy and the nature of such information may impact the legislative operations of the Village, the Law Director shall inform the Council of the existence of an allegation or report without disclosing details or information that would impact the investigation of any such claim. The Law Director may wish to request an Executive Session of Council to discuss such matters if public discussion of such information may jeopardize the investigative process or is not in the best interests of the financial or legal position of the Village.

- L.** In addition to the process outlined above, complaints or any matter regarding fraud, including any matter that alleges mismanagement of employer resources or misuse of public money, can be made to the Auditor of the State of Ohio through the Ohio fraud-reporting system.



Complaints made to the Auditor of the State of Ohio through the Ohio fraud-reporting system are anonymous. Complaints may be made in three (3) ways:

1. File a written complaint at:  
  
Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215
2. Call the Fraud Hotline: 1-866-FRAUD OH (1-866-372-8364)
3. Online: <http://www.auditor.gov>

**VILLAGE CREDIT CARDS****SECTION 6.22**

In order to expedite the purchase of certain items from time to time the Village has secured a Village credit card. The credit card will be issued in the name of the Village of Grafton with individual credit cards issued to the Mayor, Clerk-Treasurer, and the Village Administrator. The credit card will be used in accordance with the Village's purchasing policy. Employees of the Village may also use the Village credit card to make necessary purchases for which it is not feasible to issue a purchase order and follow standard Village purchasing policies.

- A. The Village credit card cannot be used for personal expenditures. Credit card statements will be reviewed monthly. The cardholder is responsible for the security and physical custody of the card and is accountable for all transactions made with the card. If the credit card is lost or stolen, the cardholder must notify the Clerk-Treasurer immediately.
- B. Receipts for all purchases made on the Village credit card shall be given to the Clerk-Treasurer immediately after the purchase is made. Payment for transactions without receipts will become the responsibility of the employee. Tax exempt forms must be used with purchases made with the Village credit card. Any sales tax that is charged will not be paid. If credit card transaction receipts are lost the credit card provider will be contacted for duplicate receipt information.
- C. The credit card may be used to purchase subscriptions, books, tapes, office supplies, computer supplies and software, building maintenance materials and supplies and authorized travel expenses.
- D. The credit card may not be used to pay for capital equipment, entertainment, or alcoholic beverages. ATM, cash advances and other cash related transactions are strictly prohibited.

- E. The credit card may be used to purchase goods on the internet, telephone, or fax. A confirmation receipt and/or itemized receipt of the purchase must be obtained and submitted to the Clerk-Treasurer. The purchaser must make sure the web-site on which the credit card information is being placed is secure.
- F. Purchases may be returned by following the merchants' return procedures. The credit receipt should be given to the Clerk-Treasurer.
- G. The credit card holder cannot benefit from any type of awards program offered in connection with the credit card.
- H. The credit card is to be used only by the cardholder or an employee of the Village to pay for authorized work-related expenditures. The card holder is not permitted to lend the card to non-employees. The card cannot be used for personal transactions. Improper use of the credit card may be considered misappropriation of Village funds. The misuse of the credit card and any violation of this policy may result in disciplinary action up to and including termination.
- I. This policy and procedures cannot cover every issue, exception or contingency that might arise in the use of the credit card. The cardholder should use common sense and good judgment in the use of Village resources.
- J. Officials, department heads, and employees who use a Village credit card in a manner contrary to this policy shall be subject to disciplinary action, up to and including termination.
- K. The Village clerk/treasurer shall be contacted for interpretations, resolution of problems and special situations that arise from the use of all Village credit cards. If there is no agreement, then the Village council will be the contact for resolution.
- L.

**CELL PHONES****SECTION 6.23**

In order to improve communications and service to the residents of the Village, Village Council may approve the use of Village acquired cell phones to various departments and/or department heads.

- A. An employee who has been provided the use of a Village acquired cell phone shall maintain it either on his person or in a secure environment to minimize theft or damage to the cell phone. Village provided cell phones are not to be loaned to non-employees.
- B. Village provided cell phones are not to be used for personal phone calls, text messages or e-mails. All cell phone calls of a non-business nature whether received or made on a personal cell phone should be kept to a minimum during working hours.



- C. Any employee who is driving a Village vehicle shall not use a cell phone while driving for any phone calls, texting or e-mails. If an essential call is received while the employee is driving a Village vehicle, the employee should park the vehicle and complete the cell phone call. Police Department and Fire Department operating procedures supersede this rule.
- D. The Village will review all cell phone bills for any misuse or necessary reimbursement for personal cell phone calls. Employees will be responsible for fees for roaming charges, directory assistance, web-usage or download fees and any other charges above and beyond the regular monthly service charge. All Village cell phone records are subject to full disclosure.
- E. An employee who abuses the privilege of access to a Village provided cell phone or otherwise disregards these rules may be subject to corrective action. Violation of this policy may result in disciplinary action up to and including termination.
- F. This policy cannot cover every issue, exception or contingency that may arise in the use of a cell phone. The employee should use common sense and good judgment in the use of Village resources.

**LACTATION ACCOMMODATION****SECTION 6.24**

- A. Expression of Milk: The Village will provide a reasonable break time for all employees to express breast milk for nursing a child for one (1) year after the child's birth each time the employee has the need to express milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion of coworkers and the public to be used by an employee to express the breast milk. The Village intends to comply with this requirement so long as it does not impose an undue hardship. Employees requiring such time shall contact their department/division head.
- B. Break time may be required to be flexed depending on the situation and applies to employees working remotely.
- C. Employees shall be allowed access to a nearby clean and safe water source and a sink for washing hands and rinsing out any breast-pump equipment.

**ETHICS OF PUBLIC EMPLOYMENT****SECTION 7.01**

- A. All employees shall maintain the highest ethical and moral standards and perform their duties within the parameters of the laws of the State of Ohio and other rules and regulations that may be set forth by the Employer. Employees should remember that their compensation is paid through taxes and user fees. Therefore, each employee assumes the responsibility to serve the public in an honest, effective, and professional manner. Discourtesy or rudeness to the public will not be tolerated.
- B. In accordance with the Ohio Ethics Laws (Ohio Revised Code Chapter 102, R.C. sections 2921.01, 2921.42, 2921.421, and 2921.432), no employee shall:
1. Use their position for personal gain or engage in any transaction which may conflict with the proper discharge of the employee's official duties.
  2. Use or disclose confidential or proprietary information concerning the property, government, or affairs of the Village without proper legal authorization.
  3. Solicit or accept anything of value, whether in the form of service, loan, item, or promise from any person, firm, or corporation interested directly or indirectly in conducting business dealings with the Village.
  4. Accept from any person, firm, or corporation doing business with the Village any material or service for the private use or benefit of the employee.
  5. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or would tend to impair independent judgment or action in the performance of the employee's official duties.
  6. While an employee, or for one (1) year thereafter, represents another person before a public agency on any matter in which the employee personally participated as an employee through decision, approval, disapproval, etc.
  7. Receive or agree to receive outside compensation for services rendered in a matter before any office or department of the Village except as provided in ORC Section 102.04.
  8. Have a personal interest in a contract with the Village or use his position or authority to secure approval of a public contract in which the employee, a member of the employee's family, or a business associate has an interest.
  9. Use his position or authority to secure approval of the employment of a member of the employee's family or a business associate, or to obtain a pay increase, fringe benefit improvement, or promotion of such individual(s).



- C. Any employee who is in doubt as to the application of this policy or other ethics laws or regulations may seek the advice of the Mayor, who may seek the advice of the Village Law Director, who may refer the matter to the Ohio Ethics Commission for a binding advisory opinion.
- D. Employees will be provided with a copy of Ohio's ethics laws, R.C. Section 102, and R.C. Section 2921.42, within 15 days of hire, and the Employer will require employees to acknowledge receipt in writing.

**TARDINESS****SECTION 7.02**

- A. Habitual tardiness is inexcusable and will not be tolerated. Tardiness is defined as any time an employee reports to work after the employee's scheduled starting time and the employee's lateness is not excused. Employees tardy by more than six (6) minutes shall not be paid for the period the employee is tardy. Pay will be deducted for this purpose in a minimum of one tenth (.10) of an hour (i.e., more than six [6] minutes results in a six [6] minute deduction, up to the full time period an employee is late).
- B. In addition, a tardy employee, including those tardy by less than eight (8) minutes, shall be subject to progressive disciplinary action as follows:

<u>Event</u>	<u>Discipline</u>
1 time tardy	Verbal warning and instruction
2 times tardy	Written reprimand
3 times tardy	One (1) day suspension without pay
4 times tardy	Three (3) day suspension without pay
5 times tardy	Up to and including termination

- C. The Employer will consider the employee's tardiness record over the previous twelve (12) months from the date of the most recent occurrence in applying this policy.
- D. Verbal warnings generally will be given by an employee's supervisor. A Record of Verbal Warning form shall be given to the employee and a copy placed in the employee's personnel file. Written reprimands will also be issued by the employee's supervisor and a Record of Written Reprimand form shall be given to the employee and a copy placed in the employee's personnel file.
- E. Any supervisor or department head may recommend suspension or termination of an employee. However, only the police chief, the Mayor, or the Administrator possess the authority to suspend or terminate an employee subject to Council concurrence.

**SOLICITATION AND DISTRIBUTION****SECTION 7.03**

- A. Generally: This policy is intended to protect the interests of the citizens of the Village of Grafton by ensuring that only official Employer business is transacted in the Employer's work areas during work time.
- B. Non-Employee Solicitation and Distribution: There shall be no solicitation or distribution by non-employees at any time on any Employer property or in any work area. This section does not apply to vendors transacting business with the Employer.
- C. Employee No Solicitation Rule: There shall be no solicitation by employees of other employees or non-employees during work time. Employees may solicit other employees during non-work time in non-work areas provided both employees are on non-work time.
- D. Employee No Distribution Rule: There shall be no distribution by employees during work or non-work time in the work area. Employees may distribute goods and written materials during non-work time in non-work areas only.
- E. Miscellaneous: The terms "distribution," "solicitation," "vendor," "work time," "non-work time," "work areas" and "non-work areas" are defined in the definitions section of this manual. This policy shall be clearly posted on the Employer's premises. Any deviations from this policy shall be approved as to content and form by the Village legal advisor.
- F. Employee Compliance: Employee compliance with this policy is required. Employee violations of this policy will result in appropriate disciplinary action.
- G. Employer's Responsibility: The Employer shall determine work time and non-work time, and work areas and non-work areas.

**PERSONAL APPEARANCE****SECTION 7.04**

- A. The Employer reserves the right to prescribe appropriate dress and grooming and to set standards that are deemed to be in the best interest of the Village.
- B. The Employer requires that an employee's clothing, grooming, and overall appearance be appropriate, in good taste, presents a favorable public image, and be in conformity with regulations established by the Employer.
- C. Clothing shall be conducive to the safe and effective performance of required job duties.



- D. Generally, neat, and clean attire, hygiene, and personal grooming are required. Hair is to be neat, clean, and styled; facial hair neatly trimmed. Hair color should be within natural occurring color tones.
- E. Employees with questions regarding their department's dress code, tattoos, piercing, hair color, gaging, or what would be considered appropriate attire, should request clarification by the Appointing Authority or designee before wearing an outfit which might be in violation.

**DRUG FREE WORKPLACE POLICY****SECTION 7.05****I. Statement of Policy**

- A. The Village of Grafton (the Village) believes that it is very important to provide a safe workplace for all its employees. One aspect of a safe environment is addressing the problem of substance abuse and its negative effects on the workplace. The Village is concerned with the health and well-being of its employees. Behaviors related to substance use can endanger all employees, not just the substance users. The Village cannot condone and will not tolerate behaviors on the part of employees that relate to substance use, such as:
  - 1. Use of illegal drugs
  - 2. Misuse of legal drugs (prescription or over-the-counter medications)
  - 3. Misuse of alcohol
  - 4. Sale, purchase, transfer, use or possession of any illegal drugs, or prescription drugs obtained illegally.
  - 5. The arrival to work or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected.
- B. Management is fully committed to our Drug-Free Workplace Policy which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. We will not tolerate substance use in violation of this Policy and intend to hold everyone reasonably responsible for supporting the Policy.
- C. The Village holds all employees accountable in terms of substance use but also supports getting help for employees. Employees who come forward voluntarily to identify that they have a substance problem will receive Village support and assistance. However, if an employee has a substance problem and does not come forward, and the employee then tests positive for drug or alcohol use in violation of this Policy, the Village reserves the right to terminate employment for violation of this work rule. Employees whose jobs are subject to any special law or regulation may face additional requirements in terms of substance use. Other consequences that apply to all employees who violate this Policy are spelled out within this document.

D. This Policy which describes the program covers five (5) key parts of the Village's program. The five (5) parts are:

- A written policy that clearly spells out the program rules and how everyone benefits.
- Annual substance awareness education for all employees.
- Training for supervisors regarding their responsibilities.
- Drug and alcohol testing.
- Employee assistance.

E. Protections for Employees

This program is designed to protect employees from the behaviors of substance users. Some of the protections built into the program are:

- Employee records, like testing results and referrals for help, will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
- We are committed to employees who have a substance problem getting help. Each situation will be reviewed individually. Employee assistance is available for employees and their families a list of resources available through our Drug-Free Coordinator and posted at Town Hall. We want you to come forward if you have a substance problem and not wait. If you test positive, you are risking losing your job.
- All supervisors will be trained in their duties related to testing before this program begins.
- All employees will receive substance awareness education every year to help identify problems and learn where employees can go for help.
- Collection of urine specimens and breath testing will be done at a local clinic, and urine drug test specimens will be analyzed by a laboratory certified by the Federal government. These labs use the highest level of care in ensuring that results are accurate, and the process that is used is 100% accurate in detecting that the substances that the Village is concerned about are present in the employee in sufficient quantity to lead to behaviors that may hurt the person or other employees. The lab will work closely with our local clinic to ensure fairness and accuracy of every test, and we also have a Medical Review Officer (called an MRO), a trained physician responsible for checking whether there is a valid reason for the presence of the substance in the employee's system. The MRO is



an expert in drugs and alcohol use. When the MRO receives positive test results, the MRO will contact the employee and any appropriate health care provider to determine whether there is a valid reason for the presence of the drug in the person's system.

- The testing program consists of an initial screening test. If the initial results are positive, then a second test is used. Cut-off levels for each drug and for alcohol are established for what will be considered a positive test. These levels show that the employee did not just have a little of the substance in his or her system but enough to affect workplace safety and the ability to do the job. These cut-off levels come from Federal guidelines and are fair for all employees.

F. Employee Awareness Education

Every employee will attend a session in which this policy is discussed. You will have a chance to ask questions. Each employee will receive a copy of the written Policy and will sign a form indicating they have received the policy. The Fire Chief will be the Village Safety Coordinator. He will have information on the Employee Assistance Program, where employees can access help for themselves or their families. He will also arrange for the appropriate professionals to conduct educational programs for our employees about substance abuse. There will be a minimum of two (2) hours of substance education annually for all employees. New employees will receive the policy along with the employee handbook and will receive substance education as soon as possible after employment.

G. Supervisor Training

Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this Policy. This training is in addition to the employee education session. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

H. Drug and Alcohol Testing

Testing will be used to detect problems, get employees not to use substances in a way that violates our Policy, and then allow us to take appropriate action to correct the situation. In addition to alcohol, the drugs being tested for are:

- Amphetamines (speed, uppers)
- Cocaine (including crack cocaine)
- Marijuana
- Opiates (codeine, heroin, morphine)
- Phencyclidine (PCP, "angel dust")

**I. Employee Assistance**

The Village believes in offering assistance to employees with a substance problem. The Village does not have a rehabilitation program and will not pay for an employee to attend a program, but the Village is supportive of employees taking action on their own behalf to address a substance problem. The Village has a list of local community resources to give to employees who come forward voluntarily to seek help. The list includes places to go for an assessment and for treatment. When an employee has a substance problem, the Policy Coordinator will meet with the employee to discuss the problem and any violation of this Policy. The Village reserves the right to terminate based on a positive test.

**II. When Will A Test Occur?****A. Definitions of Safety Sensitive**

1. A "safety-sensitive position" means any job position that through the nature of the activity could be detrimental or dangerous to the physical well-being of the employee, co-workers, or the general public through a lapse in attention or judgment.
2. The Village of Grafton identifies all positions in the Police and Fire Departments as "safety-sensitive" positions due to the nature of interaction with the public. The Village also designates all Utilities Department positions as "safety-sensitive" as these positions are positions where a momentary lapse in judgment could result in harm to themselves or others. In addition, those positions that require a CDL license and involve driving large vehicles among the public are also safety-sensitive.

**B. Employees will be tested for the presence of drugs in the urine and/or alcohol on the breath under any and/or all of the conditions outlined below. Failure to appear for testing when scheduled shall be considered a refusal to participate in testing, and will subject an employee to discipline, including termination, and an applicant to the withdrawal of an employment offer.****1. Post-Offer, Pre-Employment Medical Examination and Drug and Alcohol Testing**

As part of the Village's employment procedures, all applicants for safety sensitive positions will be required to undergo a post-offer, pre-employment medical examination and a drug screen/test and alcohol test that is conducted by a contractor designated by the Village. Any offer of employment depends on satisfactory completion of this examination and/or screening, and the determination by the Village and the examining physician that the person is capable of performing the responsibilities of the position that has been offered. A positive drug or alcohol test will result in the withdrawal of an employment offer.



## 2. Reasonable Suspicion Testing

Reasonable suspicion testing will occur when the Village has reason to suspect that any employee may be in violation of this Policy. The suspicion will be documented in writing prior to the release of the test findings. A reasonable suspicion test may occur based on:

1. Observed behavior, such as direct observation of drug/alcohol use or possession and/or physical symptoms of drug and/or alcohol use;
2. A pattern of abnormal conduct or erratic behavior;
3. Summons, citation, arrest or conviction for a drug or alcohol-related offense, or identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking. The employee is responsible for notification of the Village, within five (5) calendar days, of any drug or alcohol-related summons, citation, arrest or conviction;
4. Information provided either by reliable and credible sources or independently corroborated regarding an employee's substance use; or
5. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere "hunches" are not sufficient to justify testing. To prevent this, all supervisors will be trained to recognize drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

## 3. Post-Accident Testing

Post-accident testing will be conducted whenever an accident occurs, regardless of whether there's an injury. We consider an accident an unplanned, unexpected, or unintended event that occurs on our property, during the conduct of our business, or during working hours, or which involves one of our motor vehicles or motor vehicles that are used in conducting the Village's business, or is within the scope of employment, and which results in any of the following:

- a. A fatality of anyone involved in the accident;
- b. Bodily injury to the employee and/or another person that required off-site medical attention;
- c. Vehicular damage in apparent excess of \$750; or

- d. Non-vehicular damage in excess of \$500.00.

When an accident results in one of the situations above, a supervisor shall determine which employee(s) may have contributed to the accident will, based upon cause, direct that employee to be tested for drugs or alcohol use or both.

#### **Drug and/or Alcohol Testing after an Accident**

Urine specimen collection (for drugs) or breath/saliva (for alcohol) is to occur as quickly as possible after a need to test has been determined. At no time will a urine specimen be collected after thirty-two (32) hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed as quickly as possible but no later than eight (8) hours after the incident, or it will be documented but not performed. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee grants the Village the right to request that attending medical personnel obtain appropriate specimens (breath, urine and/or blood) for the purpose of conducting alcohol and/or drug testing. Further, all employees grant the Village access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the work-related accident including a full medical report from the examining physician(s) or other health care providers. A signed consent to testing form is considered a condition of employment. The Village reserves the right to determine who may have caused or contributed to a work-related accident and may choose not to test after minor accidents if there is no violation of a safety or work rule, minor damage and/or injuries and no reasonable suspicion.

#### **4. Follow up Testing after a Positive Drug or Alcohol Test**

A return-to-duty test is required when an employee has previously tested positive, and the decision is made to not terminate the employee. A negative (passed) drug and/or alcohol test is required before the employee will be allowed to return to work. If the employee fails this test, this will lead to termination of employment.

Pursuant to any last chance agreement entered into with the employee to avoid termination for the first positive test, additional unannounced tests may be given on a random basis.

Any employee with a second positive test result will be terminated.

### **III. Substances To Be Tested for and Methods of Testing**

- A. The procedure being used for this testing is called systems presence testing. This is how qualified testing professionals identify the presence of one or more prohibited controlled substances or alcohol that may be present in the employee. There is an initial screening



test. If it is negative, then a negative test is declared. If the initial test is positive (comes in at or higher than the cut-off level), a second test called a “confirmatory” test is done. This is a different test and is considered 100% accurate by experts and in court. Cut-off levels are standards that have been established for each of the tested drugs after years of research. The cut-off levels come from federal guidelines (SAMSA). These levels will be used to interpret all drug screens/tests, whether for a pre-employment examination, random, reasonable suspicion, post-accident or follow-up tests.

- B. Breath alcohol testing will be conducted by a medical clinic that uses only certified equipment and personnel. Breath alcohol concentrations exceeding .02 will be considered a verified positive result. An Evidentiary Breath Test (EBT) will typically be used to confirm any initial positive test result. The Village also reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or local regulations or laws.
- C. An employee who adulterates, attempts to adulterate, or substitutes a specimen or otherwise manipulates the testing process will be terminated. A failure to produce/provide a specimen is considered a positive test unless there is a verifiable medical reason that the specimen could not be produced.

#### **IV. Specimen Collection Procedure**

- A. Trained collection personnel who meet standards for urine collection and breath alcohol testing will conduct urine specimens and breath testing. Confidentiality is required from our collection sites and labs. Employees are permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen.
- B. Breath alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing when scheduled shall be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. An observed voiding will only occur if there is grounds for suspecting manipulation of the testing process.

#### **V. Review Of Test Results**

- A. To ensure that every employee who is tested is treated fairly, any positive test results will first be reviewed by the Medical Review Officer (MRO). The MRO is a doctor with a specialized knowledge of substance abuse disorders and he/she will be able to determine whether there are any valid reasons for the presence in the employee’s system of the substance that was tested positive. The MRO will contact the employee to discuss the results and review any possible reasons for the positive result.



**VI. Employees' Rights When There is a Positive Test Result**

- A. An employee who tests positive under this Policy will be given an opportunity to explain findings to the MRO BEFORE the Village is notified of a positive result. Upon receipt of a confirmed positive finding, the MRO will attempt to contact the employee by telephone or in person. If contact is made by the MRO, the employee will be informed of the positive findings and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and on medications taken within the last thirty (30) days by the employee.

If the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee's position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation. A medical disqualification of the employee will result. If the employee fails to contact the MRO as instructed, the MRO will issue a positive report to the Village.

**VII. Reporting Of Results**

- A. All test results will be reported to the MRO prior to the results being issued to the Village. The MRO will receive a detailed report of the findings of the analysis from the testing laboratory. Each substance tested for will be listed along with the results of the testing. The Village will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Officers, published by the federal Department of Health and Human Services.

**VIII Storage Of Test Results and Right To Review Test Results**

- A. All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated Village personnel. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by law. Designated Village officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment.
- B. Any employees tested under this Policy have the right to review and/or receive a copy of their own test results. An employee may request from the Village, in writing, by presenting a duly notarized Employee Request for Release of Drug Tests Results form, that a copy of the test be provided. The Village will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Certified Mail, Return Receipt Requested.



**IX. Positive Test Results**

- A. Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to discipline up to and including termination.

**X. Termination Notices**

- A. In those cases where substance testing results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause." All procedures required by law related to termination will be followed.

**ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR  
DRIVERS OF COMMERCIAL MOTOR VEHICLES (CDL)****SECTION 7.06**

- A. Objectives. The Village of Grafton is required by Federal regulations to implement an alcohol and controlled substance testing program for drivers of commercial motor vehicles. The following policy has been adopted by the Village in compliance with said regulations in order to reduce highway accidents resulting from the use of controlled substances and to protect the safety and wellbeing of the public, contractors and their employees. This policy will apply to all employee drivers and independent contractors who wish to enter into contracts to drive for the Village, and to their employees, as well as to all incumbent contractor/drivers and their employees, effective January 1, 1996. This policy describes and summarizes the regulations found in the Federal Motor Carrier Safety Regulations (FMCSR), Parts 382 and 40. These Regulations should be referenced with respect to any questions that may arise from the policy that follows.
- B. General Policy Statement. An alcohol-free and drug-free work force is critical for the Village and is in the best interest of public safety. The driver who uses alcohol and/or drugs is a hazard to himself or herself, to other workers and to the general public. It is the Village's policy that alcohol misuse on the job and drug users be quickly identified and removed from the work environment.
- C. Applicability. This policy and the regulations that require it shall apply to all persons who operate commercial motor vehicles in commerce and are subject to the commercial driver's license requirements found in Part 383 of the Regulations.
- D. Definitions. As used in this section:
1. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other alcohols, including methyl and isopropyl alcohol.

2. "Alcohol concentration" means the alcohol in a volume of breath in tens of grams of alcohol in 210 liters of breath as indicated by an evidential breath test as described in this policy.
3. "Alcohol use" means the consumption of any beverage, mixture, or preparation, including medication, which contains alcohol.
4. "Breath Alcohol Technician" or "BAT" means an individual who instructs and assists persons in the alcohol testing process and operates an EBT (Evidential Breath Testing) device.
5. "Collection site person" means a person who instructs and assists individuals at the collection site and who receives and renders an initial examination of urine specimens.
6. "Company." See "Employer."
7. "Confirmation test" means:
  - a. For alcohol, a second test, following a screening test with a result of 0.02 or greater, that provides quantitative results of alcohol concentration.
  - b. For controlled substances, a second analytical procedure to verify the presence of a specific drug. NOTE: the GC/MS (gas chromatography/mass spectrometry) method is the only authorized method for the drugs covered in this policy and defined in paragraph D.8 of this section.
8. "Controlled substances" means marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
9. "Drivers subject to testing" means all employee drivers and contract drivers under contract for ninety (90) days or more in any three hundred sixty-five (365) day period and employees of said contractor.
10. "Drug" means a controlled substance as defined above, as well as any other illegal substance or drug.
11. "Employer" means any person (including the United States, a state, the District of Columbia, or a political subdivision of a state) who or which owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle, including agents, officers and representatives (including authorized third-party service providers) of the Village.



12. “Medical review officer” means a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders who is employed or used by the Village to conduct drug testing in accordance with Federal law. The medical review officer shall be responsible for receiving laboratory results generated by the Village’s drug-testing program and shall be medically trained to interpret and evaluate any individual’s positive test result, together with his or her medical history and any other relevant biomedical information.
13. “Performing a safety-sensitive function” means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive function as defined in paragraph D.16 of this section.
14. “Reasonable suspicion” means the belief that a driver has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or body odors of the driver.
15. “Refusal to submit (to an alcohol or controlled substance test)” means that a driver:
  - a. Fails to provide adequate breath for testing without a valid medical explanation therefore after he or she has received notice of the requirement for breath testing;
  - b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation therefore after he or she has received notice of the requirement for urine testing; or
  - c. Engages in conduct that clearly obstructs the testing process.
16. “Safety-sensitive function” means any of the on-duty functions described in Section 395.2 of the Regulations and as described below:
  - a. All time, at any facility owned or otherwise, while waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
  - b. All time inspecting equipment as required by the Regulations.
  - c. All driving time as defined in the Regulations.
  - d. All time, other than driving, in any commercial motor vehicle, except time spent resting in a sleeper berth.

- e. All time loading or unloading a vehicle or supervising or assisting in the process.
  - f. All time spent performing the requirements specified in Sections 392.40 and 392.41 of the Regulations relating to accidents.
  - g. All time repairing, obtaining assistance for, or remaining in attendance upon, with a disabled vehicle.
  - h. All time spent providing a breath or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident or follow-up testing required by this policy, when directed by the motor carrier.
  - i. Performing any other work in the capacity of, or in the employ or service of, a common, contract or private carrier.
  - j. Performing any compensated work for any non-motor carrier entity.
17. "Substance Abuse Professional" or "SAP" means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or additional counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

**A. Alcohol and Controlled Substance Testing.**

- 1. Pre-employment requirements.
  - a. All drivers that the Village intends to employ or enter into a contract with will be tested for the use of alcohol and controlled substances prior to the first time a driver performs a safety-sensitive function for the Village.
  - b. Such drivers will be notified that a breath and urine sample will be tested for the presence of alcohol and controlled substances.
  - c. The Village will not allow a driver to perform a safety-sensitive function unless the results of the breath alcohol test indicates a breath alcohol level of less than 0.02 and unless the Village has received a controlled substance test result from the medical review officer indicating a verified negative test.



- d. If the results of a driver's alcohol test indicate a breath alcohol concentration of 0.02 or greater, but less than 0.04, the driver will not be permitted to perform safety-sensitive functions until the start of the driver's next regularly-scheduled duty period, but not less than twenty-four (24) hours following the administration of the test.
  - e. Any individual who refuses to submit to a controlled substance test or who tests positive for a controlled substance shall be deemed medically unqualified to operate a commercial vehicle and shall not be offered employment or a contract to drive for the Village.
2. Reasonable suspicion testing.
- a. The Village will require drivers to be tested for the use of alcohol and controlled substances upon reasonable suspicion. (Reasonable suspicion testing carries different procedures for alcohol and controlled substances. Please refer to Part 382 and Part 40 of the Regulations for more detail regarding this portion of the policy and the Regulations.)
  - b.
    - 1) Conduct by drivers constituting reasonable suspicion must be witnessed by one supervisor. This observation for alcohol must be based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observation for controlled substances may include indications of the chronic and withdrawal effects of controlled substances.
    - 2) The Village must ensure that persons designated to determine whether reasonable suspicion exists, so as to require a driver to be tested for alcohol and/or controlled substances, receive a minimum of sixty minutes of training on alcohol misuse and a minimum of sixty minutes of training on controlled substance misuse.
  - c. Reasonable suspicion testing shall be authorized only if the observation as described in Paragraph E.2.b of this section above is made during, just before or just after the driver has been, will be or was performing a safety-sensitive function.
  - d. Once a driver has been notified that a reasonable suspicion test will be conducted, such test shall take place within two (2) hours of issuance of the notice. If the test is not accomplished by the Village within two (2) hours, a written record shall be made stating the reasons the alcohol test was not promptly administered. If the test has not been accomplished within eight (8) hours following notification, the Village shall stop its attempt to administer the test and make and retain in its files a record of the reasons the alcohol test was not properly administered.

- e. A written record shall be made documenting the driver's conduct with respect to an alcohol and/or controlled substance reasonable suspicion and must be signed by the supervisor or company official who observed the behavior.
- f. The possession of alcohol does not constitute a need for a reasonable suspicion test as set forth in Paragraphs E.2.a to e of this section. Reasonable suspicion must be based on observations concerning the driver's appearance, behavior, speech, or body odors.

3. Random testing.

- a. The Village shall utilize a random selection process to select and request drivers to be tested for the use of alcohol and controlled substances.
- b. The random tests conducted annually for controlled substances shall equal or exceed fifty percent of the driver positions available, and random alcohol tests conducted annually shall equal or exceed twenty-five percent of the driver positions available.
- c. A driver shall only be tested randomly for alcohol when he or she is performing safety-sensitive functions or immediately prior to or after performing a safety-sensitive function.
- d. Drivers must submit to these tests when selected by a random selection process utilized by the Village. These tests will not be announced in advance and will be spread reasonably throughout the year.
- e. After a driver is randomly selected for a test, the driver must immediately proceed to the testing site upon notification of being selected.
- f. Once a driver is notified of the requirement to take a random alcohol and/or controlled substance test, provided that the driver was performing a safety sensitive function at the time of the notification, the Village will ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.
- g. If a driver who has been randomly selected for a test is on vacation or an extended medical absence, the Village may either select another driver (alternate) for testing or keep the original selection confidential until the driver returns.



4. Post-accident testing.

Nothing in this policy (or in the Regulations) should be construed as to require the delay of necessary medical attention for injured persons following an accident, or to prohibit a driver from obtaining assistance as needed to respond to the accident or to obtain necessary emergency medical care.

- a. Drivers shall provide a breath and urine sample to be tested for the use of alcohol and controlled substances as soon as possible following an accident involving a fatality or a recordable accident in which the driver receives a citation for a moving traffic violation.
- b. A post-accident test must take place within two hours of the accident or as soon as practical. If the alcohol test is not accomplished within two (2) hours by the Village, a written record shall be made stating the reasons the alcohol test was not promptly administered. If the test has not been accomplished within eight (8) hours following the accident, the Village shall stop its attempt to administer the alcohol test and make and retain in its files a record of the reasons the alcohol test was not properly administered.
- c. If a driver has not submitted to a controlled substance test within thirty-two (32) hours of the accident, the Village shall stop its attempt to administer the controlled substance test and make and retain in its files a record of the reasons the test was not properly administered.
- d. A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining medical reports and other documents which would indicate whether there were any alcohol or controlled substances in his or her system at the time of the accident.
- e. The Village may use, by permission from the Federal Highway Administration, post-accident tests conducted by Federal, State and local officials, and such tests shall be deemed to meet the requirements of this section under the following conditions:
  1. The official must have independent authority to conduct the test;
  2. The test must conform to Federal, State and local requirements;
  3. The alcohol test must require blood or breath samples; and
  4. The controlled substances test must require a urine sample.
- f. A driver who is subject to post-accident testing must remain available or the Village will consider the driver to have refused to submit to testing.

5. Return-to-duty and follow-up testing.

- a. The Village shall ensure that before a driver returns to duty requiring the performance of safety-sensitive functions, after engaging in prohibited conduct regarding alcohol misuse and/or controlled substance use, the driver shall be tested for alcohol and/or controlled substances. In order to return to duty, a driver must test negative for substance abuse and have a breath alcohol concentration of less than 0.02.
- b. In the event that a driver is required to complete a return-to-duty test, the driver must also be evaluated by a substance abuse professional (SAP) and participate in the assistance program prescribed by the SAP.
- c. Follow-up testing should be performed by the Village on an unannounced basis as instructed by the SAP. A driver shall be subject to a minimum of six (6) follow-up controlled substance and/or alcohol tests in the first twelve months. Alcohol follow-up tests shall only be administered when the driver is performing a safety-sensitive function, either immediately prior to or after the safety-sensitive function is performed.

**B. Alcohol and Controlled Substance Prohibitions**

1. No driver shall perform a safety-sensitive function while having a breath alcohol concentration of 0.02 or greater.
2. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety-sensitive functions.
3. No driver shall possess any quantity of alcohol while on duty unless the alcohol is manifested and transported as a part of the load. This includes any medicines, both prescription and over-the-counter, that contain alcohol, unless the packaging seal is unbroken.
4. No driver shall use alcohol while performing a safety-sensitive function.
5. When involved in an accident that requires a post-accident alcohol test, the driver shall not use alcohol within eight hours of the accident or prior to submitting to the post-accident test, whichever comes first.
6. No driver shall refuse to submit to an alcohol or controlled substance test as required by this policy. Any refusal shall be treated in the same manner as a positive alcohol or substance abuse screen.



7. No driver shall perform a safety-sensitive function when the driver uses controlled substances, except when prescribed by a physician who has determined that the substance will not adversely affect the driver's ability to safely drive a commercial motor vehicle.
8. No driver shall perform a safety-sensitive function if the driver has tested positive for controlled substances.

**C. Consequences of Alcohol Misuse and Drug Use**

1. Drivers who are known to have engaged in behavior prohibited by this policy shall be suspended or terminated. The Village shall determine which option is in the best interests of the Village.
2. Drivers who are suspended shall be informed by the Village of resources available to them to resolve their problem of alcohol misuse or drug use. Any period of inpatient drug or alcohol treatment prescribed for or chosen by the driver which results in missed work days shall be covered by the employee's sick days and/or vacation. Under no circumstances shall the Village be held financially responsible for any of the driver/employee's treatment costs or missed work days.
3. Following return to work, drivers shall be evaluated by a substance abuse professional (SAP) on what course of action is needed to assist the driver in resolving his or her problem with alcohol misuse and drug use. The SAP will monitor the driver's rehabilitation to determine if the driver has followed the prescribed program. This portion of the policy is provided as information only. It does not indicate that the Village is required to rehabilitate a driver who has tested positive with respect to alcohol or controlled substances. The Village will consider drivers who test positive to be medically unqualified and such drivers shall be disqualified from driving for the Village.

**D. Supervisor Training**

1. The Village will designate and provide training to supervisors in the recognition of observable behavior that is indicative of misuse of alcohol and controlled substance use. Sixty (60) minutes of training shall be provided for both alcohol misuse and controlled substance use, for a total of one hundred twenty (120) minutes.
2. The prescribed training shall include a review of physical behavior, speech and performance indicators consistent with alcohol misuse and controlled substance use.

**E. Procedures**

1. Drug-testing requirements. The Village is required by Federal regulations to test for alcohol, marijuana, cocaine, opiates, amphetamines and phencyclidine. The Village may, however, upon reasonable cause, require drivers to be tested for other illegal drugs. In such event, a second urine sample will be provided by the driver.
2. Preparation for testing.
  - a. Controlled Substances.
    1. A urine sample will be used for all controlled substance tests provided for herein.
    2. "Split sample" procedures will be used as outlined in Part 40 of the FMCSR for all controlled substance tests conducted on or after August 15, 1994. Under this provision, a driver whose urine sample has tested positive for a controlled substance has the option (within seventy-two [72] hours after being notified by the medical review officer) of having the remaining portion of the split sample tested at another laboratory at the driver's own cost. If the second test produces negative results, the test is considered negative and no further sanctions are imposed.
    3. A standard urine custody and control form will be used.
    4. A tamper-proof system for sealing specimen bottles will be used.
    5. A special shipping container designed to prevent undetected tampering will be used.
    6. Procedures, instructions, and training for the collection site will be provided by the Village or the third-party vendor selected by the Village to provide this service.
  - b. Alcohol
    1. A breath sample will be used for all alcohol tests required and provided for herein.



2. All Breath Alcohol Technicians (BATs) will be trained in proficient operation of the EBT and in the alcohol testing procedures contained in Part 40 of the Regulations, either by the Village or the third-party vendor providing this service for the Village.
3. The Village (or its third-party vendor) will conduct alcohol testing in a location that allows visual and actual privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing test results.
4. No unauthorized persons will be permitted access to the testing location when the EBT remains unsecured, or in order to prevent such persons from seeing or hearing a test result at any time when testing is being conducted.
5. The Village will use the breath alcohol testing form as prescribed in Part 40 of the Regulations. A log book shall be used for an EBT used for screening tests that does not meet the requirements of Part 40.53(b) 1-3.

3. Specimen collection

- a. A collection site will be designated by the Village.
- b. Security measures will be taken to prevent unauthorized access which could compromise the integrity of the collection process or the specimen.
- c. The chain of custody of the urine specimen will be carefully documented.
- d. Special precautions will be taken to ensure that access to urine specimens is restricted to authorized personnel.
- e. Procedures for collecting urine specimens will allow individual privacy, except under circumstances indicating that a particular individual may alter or substitute the specimen as defined by Federal regulations.
- f. Rules designed to preserve the integrity and identity of urine specimens will be carefully followed.
- g. Controlled collections and transportation of collections to the laboratory will be handled by the Village or its third- party vendor pursuant to all applicable sections of the Federal regulations.

**F. Reporting and Review of Results.**

1. A medical review officer will review the controlled substance testing results prior to transmission of the results to the Village.
2. Prior to final verification of positive test results, the medical review officer will give the driver an opportunity to discuss the test results.
3. The Village's contracts with laboratories will require the laboratory to maintain all drivers' test records in confidence as required by Department of Transportation agency regulations.
4. Any driver who is the subject of a drug test shall, upon written request, have access to any records relating to his or her drug test and any records relating to testing results as described below.
5. The Village will only use laboratories certified under the Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing and Program.

**G. Notification of Test Results and Record Keeping.**

1. The Village will notify a driver of the results of a pre-employment alcohol and/or controlled substance test, provided that the driver requests said test results within sixty (60) days of being notified of the Village's decision as to whether or not it will enter into employment or lease contract with him or her.
2. The Village will notify incumbent drivers of the results of random, reasonable suspicion and post-accident alcohol and/or controlled substance tests, provided that the results were positive, and will also advise the driver of what controlled substance was detected or what alcohol level was discovered.
3. All records relating to the administration and results of the alcohol and drug testing program will be maintained for a minimum period of five (5) years, except that individual negative, canceled or alcohol tests of less than 0.02 results need only be maintained for a minimum of twelve (12) months.
4. All records related to the collection process and required training shall be retained for a minimum period of two (2) years.
5. A medical review officer will serve as the sole custodian of individual test results and will retain the reports of individual test results for a minimum of five (5) years.



6. The Village will retain in its files information which will indicate only the following:
  - a. That the driver submitted to a controlled substance test;
  - b. The date of the test;
  - c. The location of the test;
  - d. The identity of the person conducting the test; and
  - e. Whether the test finding was positive or negative.

**H. Release of Testing Information by Previous Employers.**

1. The Village may obtain from any previous employer of the driver information related to the driver's participation in an alcohol and drug testing program. The Village will obtain written permission from the driver to acquire this information.
2. The Village will obtain and review the information listed below from any previous employer for which the driver performed safety-sensitive functions in the previous two years. The Village will request and review this information within fourteen (14) days after the driver first performs a safety-sensitive function. The information will include:
  - a. Any breath alcohol tests that indicated concentrations of 0.04 or greater;
  - b. Positive controlled substance tests; and
  - c. Any refusals to submit to a required alcohol or controlled substance test.
3. The Village will provide the previous employers of the past two (2) years with the driver's written consent to release the information upon request. The Village may obtain the information via personal interview, telephone interview, letter or other method, as long as measures are taken to ensure confidentiality. The Village will maintain a written, confidential record with respect to each of the past employers contacted.
4. The Village will not use a driver to perform safety-sensitive functions if the Village obtains information indicating the driver has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test, unless the employer has evidence that the driver has been evaluated by a SAP, completed any required counseling, passed a return-to-duty test and been subject to follow-up testing.
- 5.

<b>GARNISHMENTS</b>	<b>SECTION 7.07</b>
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- A. A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt, served by legal authority, is a garnishment and shall be recognized and executed by the Employer. Repeated garnishments on the wages of an employee may result in disciplinary action.

- B. No employee will be disciplined for garnishments where the employee has demonstrated a willingness and effort to resolve the employee's financial problems.
- C. Upon receipt of a garnishment for an employee, the following procedure of notification will apply:
  - 1. The fiscal officer will notify the Mayor of the garnishment order and whether the employee has had any previous garnishment(s) of wages.
  - 2. The Mayor will schedule a conference with the employee and the clerk/treasurer to discuss the garnishment.
- D. The following procedure will apply for the first garnishment received for an employee.
  - 1. The employee will be informed by the Mayor of the consequences of further garnishments.
  - 2. The employee will be counseled or referred to an appropriate agency by the Mayor in order to assist the employee in working out the employee's financial difficulties.
- E. For second or subsequent garnishments received for an employee:
  - 1. A meeting will be arranged between the employee and the Mayor to discuss the continuing problem.
  - 2. Depending on the circumstances, the employee may be subject to disciplinary action.
- F. Repeated garnishments may be cause for further disciplinary action.

Employees will not be disciplined for garnishments if they have demonstrated a willingness and effort to resolve their financial problems.

**WORKPLACE VIOLENCE****SECTION 7.08**

- A. The safety and security of employees, clients, contractors, and the general public are of vital importance to the Village of Grafton. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found guilty of violence will be subject to disciplinary action up to and including termination of employment.
- B. The purpose of this policy is to provide guidance to employees of the Village of Grafton should they encounter a situation that they believe is or could result in an act of violence.



- C. The word “violence” in this policy shall mean an act or behavior that:
1. Is physically assaultive.
  2. A reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property).
  3. Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another.
  4. Would be interpreted by a reasonable person as carrying a potential for physical harm to the person.
  5. A reasonable person would perceive as intimidating or menacing.
  6. Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening.
  7. Consists of a communicated or reasonably perceived threat to destroy property.
- D. The Employer prohibits the following:
1. Any act or threat of violence by an employee against another person’s life, health, well-being, or property.
  2. Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion.
  3. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public.
  4. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.
  5. Use or possession of a weapon on the Employer’s premises, on a Village controlled site, or an area that is associated with Village employment except as required in the line of duty (i.e., law enforcement).
- E. The most common situations where workplace violence is likely to occur are as follows:
1. Dealing with the Public: Violent situations could occur in employee contact with the public. While the Employer has a strong commitment to client service, we do not intend for employees to be subjected to verbal or physical abuse by the client.

2. On-the-Job: Situations could occur where relationships between employees, or between an employee and a supervisor, result in strong negative feelings by the individuals involved.
  3. Off-the-Job: An employee could become involved in a personal non-criminal dispute with a co-worker, family member, or neighbor during the employee's non-working hours. The Employer prohibits any act of violence by an employee towards any other employee while off duty. If the situation escalates, individuals sometimes secure restraining orders from the courts. If an employee requests such a restraining order, the employee should include the work location as well as the employee's place of residence in the order.
- F. The possession or use of dangerous weapons is prohibited on Employer property, in Employer vehicles, or in any personal vehicle which is used for Employer business or is parked on Employer property, except as hereinafter provided.
1. A dangerous weapon is defined as:
    - a. a loaded or unloaded firearm.
    - b. a weapon, device, electronic stun weapon, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
  2. Exceptions: Individuals may possess a firearm on Employer property if the individual is employed in the capacity of a law enforcement officer and is engaged in law enforcement activities.
- G. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on the Employer's property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The Employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.
- H. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on a Village controlled site or is associated with Village employment.



- I. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the department head. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.
- J. Supervisor Responsibilities. Supervisors and department heads are responsible for assessing situations, making decisions on the appropriate response, and responding to reports of or knowledge of violent activities that have occurred in the workplace or that involve an employee of the Employer.
- K. When any actual, potential, or suspected incident of violence is brought to the attention of a supervisor or the department head, the department head or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a Workplace Violence Incident Report Form. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the department head or designee shall:
  - 1. Discuss the situation with the employee(s) and attempt to find out what caused the situation.
  - 2. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
    - a. Assigning a different employee to the area or job.
    - b. Talking with the disgruntled client or employee(s).
    - c. Discussing the incident and offering suggestions for appropriate actions.
    - d. Referring the affected employee(s) to professional help or counseling.
    - e. Disciplining the employee(s), up to and including termination of employment.
- L. All employees who apply for, obtain, or are the subject of a restraining order which lists department locations as being protected areas, must provide to their department head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

**NO SMOKING****SECTION 7.09****A. POLICY**

- 1. Smoking of any tobacco, the use of any tobacco products or any illegal elicit substance, and the use of e-cigarettes is hereby prohibited in all public places and places of employment including areas immediately adjacent to building entrances and exits. Village Council may, consistent with these rules, establish designated smoking areas.

- a. Public Place: A public place is any enclosed area to which the public is invited or permitted.
  - b. Place of Employment: A place of employment is an enclosed area under the control of the Employer that employees use for work or any other purpose including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles.
  - c. Enclosed Area: An area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.
  - d. Employee: An employee is defined as an individual who provides services to an employer for compensation or for no compensation.
  - e. Smoking: Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.
2. While not regulated by Section 3794 of the Ohio Revised Code, the use of e-cigarettes is also prohibited in all places of employment, enclosed areas, and public places including areas immediately adjacent to building entrances and exits.
  3. Smoking, the use of tobacco, and the use of e-cigarettes is permitted in designated areas provided by the Employer. Such areas will be provided in compliance with applicable law and shall ensure that smoke or the vapor from e-cigarettes does not enter the place of employment.
  4. Smoking, the use of tobacco, and use e-cigarettes is prohibited in all Employer vehicles.

**B. DISCIPLINE**

Any employee violating this policy shall be given a Verbal Instruction and Cautioning upon the first infraction. Further violations shall be subject to further disciplinary proceedings. In addition, employees taking unauthorized breaks to smoke may be subject to discipline.

**FRATERNIZATION****SECTION 7.10**

All Village employees are discouraged from dating, becoming romantically involved with one another, having sexual relations and/or exchanging affections or gifts especially should they



involve a supervisor-subordinate relationship. All employees are cautioned that certain relationships may create a conflict of interest, cause disruption, and create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale. The Village does not intend for this policy to otherwise discourage friendship or social activities with Village employees.

The Village recognizes that the question of whether a relationship constitutes romantic or simply a social relationship is a very personal issue. However, because of the potential for inappropriate conduct, you are encouraged to bring any questions you may have regarding such involvement to the attention of the Mayor or designee.

If an actual, perceived, or potential conflict exists, the Village may take whatever action it deems appropriate according to circumstances, up to and including transfer of supervision, reassignment, or discharge.

All employees should remember that the Village maintains a strict policy against unlawful harassment of any kind, including sexual harassment.

**VIDEO RECORDING OF WORKSPACES****SECTION 7.11**

In order to ensure safety and security of employees within designated Village workspaces, department heads with the authorization of both the Mayor or Village Administrator and the Village Law Director may install video cameras. Video camera placement shall be at the final discretion of the Mayor or Village Administrator and the Law Director and should generally be designed to ensure monitoring of workspaces for safety concerns. Cameras shall be prohibited from spaces where there is a reasonable expectation of privacy by employees such as bathrooms and break areas. However, cameras if necessary, may be installed in offices that are shared or need to be monitored for safety concerns.

To comply with Federal wire-tapping laws cameras shall only record video and shall not record audio unless there is a reasonable business justification for the audio recording. Where there is such a business justification, the Village will place notices in writing in areas where audio recording is taking place.

The Village of Grafton Police Department may be exempt from this policy in certain areas of the police department, however, usage of audio recording within the police department must be in accordance with policy approved by the Village Law Director.

Nothing in this policy prohibits the Village from using video recording technology to investigate and or obtain evidence of workplace misconduct.

No video recordings shall be made, nor shall any video recording devices be placed, in any Village workplaces unless the video recording has been duly authorized under this Section. Unauthorized video recording is grounds for disciplinary action.

**NO EMPLOYEE EXPECTATION OF PRIVACY****SECTION 7.12**

Employees working for the Village of Grafton should have no expectation of privacy from the Employer, or a representative of the Employer in regard to anything maintained or stored in any desks, lockers, vehicles, equipment, or other items owned, rented, leased or operated by the Village. Such furniture, vehicles, equipment, technology, etc. shall be subject to search by the Employer or a designee at any time for any reason.



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**DISCIPLINARY PRINCIPLES****SECTION 8.01**

- A. All employees of the Village serve at the will of the Employer except as prescribed by law and charter. However, to provide for professional and consistent delivery of services, the Employer has adopted the following general principles to administer disciplinary actions of employees:
1. Employees should be advised of expected job behavior, the types of conduct that the Employer has determined to be unacceptable, and the normal penalties for unacceptable behavior. Of course, some infractions are so obvious they will warrant discipline or removal even without a specific rule.
  2. Immediate attention shall be given to policy infractions unless special circumstances warrant further investigation or delay.
  3. Deviations from standard procedure should be clearly justified and documented.
  4. Each offense should be dealt with objectively.
  5. Discipline for minor offenses, as determined by the Employer, should be progressively applied.
1. The Mayor shall have the sole power to remove and suspend Village employees, including administrative officers subject to the next sentence. The directors of department have the exclusive right to suspend any of their deputies, officers, and employees who are under their management and control, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given them by a proper authority, or for any other reasonable or just cause.

**PROGRESSIVE DISCIPLINE****SECTION 8.02**

- A. The Employer has adopted this discipline policy as a guide for uniformly administering discipline. However, this policy shall not be interpreted as a delegation of, or a limitation upon, the Employer's statutory rights and/or obligations set forth in the ORC or this Manual.
- B. This policy provides discipline guidelines for specific offenses. The specific examples of offenses listed in any grouping are not totally inclusive and serve only as a non-binding guide.
- C. The guidelines provided in this policy do not preclude the application of a more or less severe penalty for any infraction when specific circumstances warrant such deviation.



- D. All records of discipline shall be maintained in the employee's personnel file.

**GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES****SECTION 8.03**

- A. Department heads may issue verbal and written warnings. Forms for issuing and recording disciplinary actions are contained in **Section 9** of this manual. The forms shall be completed and signed by the supervisor responsible for administering discipline, delivered to the employee, signed by the employee (if applicable), and placed in the employee's personnel file.
- B. The directors of the departments have the exclusive right to suspend any of their deputies, officers, and employees who are under their management and control, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given them by a proper authority, or for any other reasonable or just cause.
- C. If an employee is suspended, the director shall immediately certify this in writing, stating the cause for the suspension, to the Mayor and shall serve a true copy of the charges against whom they are made. Within five (5) days after receiving the certification, the Mayor shall inquire into the cause of the suspension and render a judgment on it. If the Mayor agrees with the charges, he or she may suspend, reduce in rank or remove the person from the department.
- D. Suspensions for more than three (3) days, reduction in rank, or removal from the department may be appealed to the Village council within five (5) days from the date of the Mayor's judgment. The council shall hear the appeal at its next regularly scheduled meeting. The person against whom the judgment has been rendered may appear in person and with the assistance of counsel, examine all witnesses, and answer all charges against her or him.

At the conclusion of the hearing, the Village council may dismiss the charges, uphold the Mayor's judgment, or modify the judgment to one of suspension for not more than sixty (60) days, reduction in rank, or removal from the department. The removal or suspension of the person against whom the charges are made requires a two-thirds (2/3) vote of council members.

- E. In all cases, the person against whom the charges are made shall be able to appeal the action to the appropriate state court as specified in the current Ohio Revised Code.
- F. The offenses set forth in Groups I, II, III below are examples of the misconduct and guidelines for determining the appropriate level of discipline for any employee. The examples of specific offenses are not all inclusive, and the examples of disciplinary actions are a general guideline only.

- G. In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature, and which cause only a minimal disruption to productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.
- H. Group II offenses may be defined as infractions which are more serious in nature than Group I offenses and which, in turn, cause a more serious, longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II offenses, if left undisciplined, can cause serious, longer lasting impact upon the organization than Group I offenses.
- I. Group III offenses may be defined as infractions which are very serious or possibly criminal in nature and/or which cause critical disruptions to the organization in terms of decreased productivity, efficiency, and/or morale. Group III offenses, if left undisciplined, may have a long lasting and serious adverse impact on the organization.
- J. The following groups of offenses for discipline are examples only and shall not be binding on the Employer:

GROUP OFFENSES

Examples of Group I Offenses:

- 1. Failure to "report off" work for any absence.
- 2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
- 3. Leaving the job or work area during the regular working hours without authorization.
- 4. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
- 5. Leaving post of continuous operations position prior to being relieved by employee of incoming shift.
- 6. Neglect or carelessness in signing in or out.
- 7. Unauthorized absence from work (except job abandonment, which is a constructive resignation and/or grounds for removal).
- 8. Creating or contributing to less than serious unsanitary or unsafe conditions or poor housekeeping. More serious violations carry more severe penalties.
- 9. Distracting the attention of others, unnecessary shouting demonstration, or otherwise causing disruption on the job.



10. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
11. Use of abusive language toward other employees.
12. Failure to cooperate with other employees as required by job duties.
13. Failure to use reasonable care of Village property or equipment.
14. Use or possession of another employee's working equipment without authorization.
15. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices. Wanton or willful neglect carries more severe penalties. See Group III.
16. Failure to observe department rules.
17. Obliging the Village for any expense, service, or performance without authorization.
18. Failure to report minor accidents, injury, or equipment damage.
19. Disregarding job duties by neglect of work or reading for pleasure during working hours.
20. Unsatisfactory work or failure to maintain required standard of performance.
21. Unauthorized use of telephone or personal computer for other than Village business purposes.
22. Excessive garnishments.
23. Violation of any other work rule, directive, or policy.

Examples of Group II Offenses:

1. Sleeping during working hours.
2. Reporting for work or working while unfit for duty (may be a Group III Offense for CDL holders).
3. Conduct violating morality or common decency.
4. Unauthorized use of Village property or equipment.
5. Willful failure to sign in or out when required.
6. Willful failure to make required reports.

7. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
8. Solicitation on Village premises without authorization.
9. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the Village, or its operations.
10. Refusing to give testimony when accidents are being investigated.
11. Giving false testimony during a complaint or grievance investigation or hearing.
12. Unauthorized posting or removal of notices or signs from official bulletin boards.
13. Unauthorized video recording within Village workplaces or unauthorized placement of video recording devices within Village workplaces.
14. Distributing or posting written or printed matter of any description on Village premises unless authorized.
15. Unauthorized presence on Village property.
16. Willful disregard of department rules.
17. Use of abusive language toward supervisors, elected officials or members of the public.
18. Discourteous treatment of the public.
19. Misuse of two-way radio or related equipment, abusive language over the airways, or interference with business-related transmission.
20. Violation of the Social Media Policy.
21. Violation of any other work rule, directive, or policy.

Examples of Group III Offenses:

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any Village property or equipment.
2. Abuse, or deliberate destruction in any manner, of Village property, tools, or equipment, or the property of employees, in any manner.
3. Without authorization, possession of any equipment, tools, implements, or other property belonging to the Village.



4. Signing or altering other employees' time cards, tampering with other employees' time cards, or unauthorized altering of own time card.
5. Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying any Village records including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
6. Making false claims or misrepresentation in an attempt to obtain any Village benefit.
7. Performing private work on Village time or using Village property or equipment for private gain.
8. Gambling during working hours.
9. Stealing or similar misconduct, including destroying, damaging, or concealing of any property of the Village or of other employees.
10. The manufacturing, distributing, possessing, or using alcohol or controlled substances (without a properly reported prescription) in the workplace.
11. Fighting or attempting to injure other employees, supervisors, or persons.
12. Carrying or possession of firearms, explosives, or weapons on Village property at any time without prior authorization.
13. Knowingly concealing a communicable disease such as TB which may endanger other employees.
14. Misusing or removing Village records of information without prior authorization.
15. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the Village's work stations.
16. Dishonesty or any dishonest action.
17. Insubordination, e.g., refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
18. Committing safety violations.
19. Threatening, intimidating, or coercing employees or supervisors.

20. Engaging in unauthorized political activity.
  21. Engaging in discriminatory harassment conduct.
  22. Failure to report a workplace accident or illness.
  23. Committing a breach of confidentiality.
  - 24.
  25. Failure to report violation of the computer/internet/electronic mail policy.
  - 26.
  27. Failure to maintain insurability under the Village's vehicle insurance policy.
  - 28.
  29. Violation of any other work rule, directive, or policy.
- K. Multiple minor infractions will normally be dealt with by following the progressive discipline procedure set forth below:
1. Multiple offenses which are unrelated should be progressively disciplined in the groups in which the offenses are outlined in these guidelines; and
  2. Multiple offenses which are related should be progressively disciplined regardless of the groups in which the offenses are outlined in these guidelines and regardless of the order in which the offenses occurred;
  3. Multiple offenses which are closely related in time, even if unrelated or in different groups hereunder, may be combined to result in discipline which exceeds the normal severity for separate offenses.

**GRIEVANCE PROCEDURE****SECTION 8.04**

- A. Employee questions and complaints arising from the application of policies, procedures, and work rules, or other problems that affect employees from conditions of employment shall be promptly reviewed and corrective action taken, when appropriate, pursuant to this grievance procedure. This grievance procedure does not replace any grievance procedure set forth in a collective bargaining agreement and any alleged violations of a collective bargaining agreement must be processed pursuant to the applicable agreement.
- B. All employees, including probationary employees, have the right to file a grievance without prejudice. No employee will be disciplined, harassed, or dealt with unfairly as a result of filing a grievance or testifying in a grievance hearing.
- C. Complaints regarding illegal discrimination shall be filed and resolved pursuant to the complaint procedure contained in the Equal Employment Opportunity/Anti-Discrimination section of this manual, not this grievance procedure.



**D. Step One: Immediate Supervisor:**

1. Any employee with a grievance shall first discuss the matter with the employee's immediate supervisor within five (5) working days of the incident giving rise to the grievance. The supervisor shall make every reasonable effort to resolve the grievance.
2. If the employee is not satisfied with the supervisor's response, the employee may proceed to step two.

**E. Step Two: Department Head:**

1. The employee shall reduce the grievance to writing on the prescribed grievance form and deliver the form within five (5) working days of receipt of the response of the supervisor to the department head.
2. The department head will reply in writing to the grievance within 10 days following receipt of the employee's grievance.

**F. Step Three: Mayor or Designee:**

1. The employee shall reduce the grievance to writing on the prescribed grievance form and deliver the form within one (1) week of receipt of the response of the supervisor to the Mayor.
2. Within two (2) weeks of receipt of such an appeal, the Mayor or designee shall hear matters pertinent to the grievance. The Mayor will forward one (1) copy of the final decision to the employee and one (1) to the employee's supervisor.

**G. General Procedures for Hearings:**

1. Grievances citing issues of law shall be forwarded to the Village legal advisor for an opinion before proceeding. In such cases, time limits shall be waived until the opinion is received.
2. The Employer may extend time limits by mutual written agreement with the employee.
3. A grievant may have witnesses present at any hearing. Employees and employee witnesses will not lose pay or benefits for time spent in hearings during normal work hours. Prior notice of any employee representatives or witnesses shall be provided to the Mayor to allow the employee to be relieved of duty for the hearing.
4. Hearings shall be informal, and the rules of evidence customarily applicable in court shall not apply.

**CONVICTION OF A FELONY****SECTION 8.05**

- A. The Mayor shall not appoint an employee if the person previously has been convicted of or has pleaded guilty to a felony.
- B. Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. If an employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the employee's reinstatement.
- C. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.
- D. As used in this policy, "felony" means any of the following:
  - 1. A felony that is an offense of violence as defined in Section 2901.01 of the revised code.
  - 2. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the revised code.
  - 3. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude.
  - 4. A felony involving dishonesty, fraud, or theft.
  - 5. A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the revised code.

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick and vacation leave as authorized by policy. If subsequently reemployed in the public sector, such person shall qualify for and accrue sick and vacation leave in the manner specified by Village policy for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.



**ACKNOWLEDGMENT OF RECEIPT OF  
VILLAGE OF GRAFTON PERSONNEL POLICY MANUAL**

Employee:

I hereby acknowledge that I have received a copy of the Village of Grafton Personnel Policy Manual. I hereby acknowledge that I have the duty to familiarize myself with the Personnel Policy Manual and I agree to do so. I further agree to comply with all of the policies and procedures contained therein.

I further understand that this manual is not an employment contract and that changes may occur to this manual. I agree to comply with all changes to the policies and procedures contained in the manual.

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

THIS FORM MUST BE COMPLETED, SIGNED, AND RETURNED TO YOUR IMMEDIATE SUPERVISOR WITHIN TWO (2) WEEKS OF THE ISSUANCE OF THIS MANUAL.

**VILLAGE OF GRAFTON  
DISCRIMINATION/EEO COMPLAINT****PAGE 1 OF 3**

Individuals who feel they have been discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity, pregnancy, national origin, disability, age, ancestry, genetic information, military status, or veteran status, or have been sexually harassed by an employee of the Village or while working for the Village may file a complaint by completing this form and submitting it to the Village Law Director.

1. Name of complainant: \_\_\_\_\_  
Position title (if employee): \_\_\_\_\_  
Address (if non-employee): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Type of discrimination alleged (e.g., race, color, religion, sex, sexual orientation, gender identity, pregnancy, national origin, disability, age, ancestry, genetic information, military status, or veteran status):  
\_\_\_\_\_  
\_\_\_\_\_

☐ I believe the following program, service, or facility is inaccessible to disabled people:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Name(s) of individual(s) involved in the alleged discrimination:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Please describe the specific nature of your complaint and the date(s) on which the alleged discrimination occurred:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Check here and add attachment if additional space is required.



**VILLAGE OF GRAFTON  
DISCRIMINATION/EEO COMPLAINT****PAGE 2 OF 3**

5. Please describe any adverse employment action which you believe has resulted from the alleged discrimination:

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6. Potential Witnesses:

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7. Has this incident(s) been previously reported? ☐ Yes ☐ No

Date Reported: \_\_\_\_\_ To Whom: \_\_\_\_\_

8. What remedy or reasonable accommodation are you requesting?

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant