



CITY OF DELAWARE

EMPLOYMENT HANDBOOK

Last Revised: February, 2012

SECTION I - INTRODUCTION.....	4
WELCOME!	4
INTRODUCTORY STATEMENT	5
SECTION II - EMPLOYMENT POLICES & PROCEDURES	6
EMPLOYMENT-AT-WILL	6
ADA ACCOMMODATION	6
EQUAL EMPLOYMENT OPPORTUNITY	7
HARASSMENT (ANTI-HARASSMENT)	7
APPLICATIONS FOR EMPLOYMENT	9
BACKGROUND / REFERENCE CHECKS.....	9
EMPLOYMENT CATEGORIES.....	10
EMPLOYEE ORGANIZATIONS	10
INTRODUCTORY / PROBATIONARY PERIOD	11
JOB DESCRIPTIONS.....	11
JOB POSTINGS & INTERNAL TRANSFERS.....	11
TRAVEL / TRAINING AND AUTO ALLOWANCE.....	12
HIRING OF RELATIVES.....	14
RESIGNATION / TERMINATION	15
EMPLOYMENT REFERENCES.....	16
SECTION III - HOURS OF WORK AND PAY	17
HOURS OF WORK	17
INTERIM PAY	17
SEVERE WEATHER EMERGENCIES	18
PAY DAYS.....	19
DIRECT DEPOSIT.....	19
PAYROLL DEDUCTIONS	20
CHILD SUPPORT	20
GARNISHMENTS	20
FINAL PAYCHECK	20
SECTION IV - EMPLOYEE BENEFITS.....	21
EMPLOYMENT NOT COVERED BY SOCIAL SECURITY	21
UNEMPLOYMENT INSURANCE	21
WORKERS' COMPENSATION INSURANCE.....	21
MILITARY LEAVE.....	22
BENEFIT CONTINUATION (COBRA)	23
JURY DUTY	24
SECTION V - EMPLOYEE CONDUCT / RESPONSIBILITIES.....	25
EMPLOYMENT REGULATIONS.....	25
STANDARD OF CONDUCT / WORKPLACE ETIQUETTE	26
DRESS CODE & PERSONAL HYGIENE	28
USE OF CITY PROPERTY, EQUIPMENT & SUPPLIES	28
MISUSE, ABUSE OR DESTRUCTION OF CITY RESOURCES.....	29
USE OF CITY CREDIT CARD	29
CELL PHONE USAGE	29

USE OF CITY VEHICLES.....	30
TEXTING WHILE DRIVING.....	32
ETHICS STATEMENT & POLICY	32
CONFLICT OF INTEREST	35
PERSONAL DATA CHANGES	36
DRUG FREE WORKPLACE	36
TOBACCO POLICY	38
REPORTING WORK-RELATED INJURIES.....	39
INFORMATION TECHNOLOGY POLICY	39
EMAIL ETIQUETTE AND USE POLICY	42
PERSONAL RECORDS AND ACCESS	44
PERSONAL RELATIONSHIPS.....	44
WORKPLACE VIOLENCE	45
EMERGENCY EVACUATION	47
IDENTITY THEFT PREVENTION PROGRAM AND POLICY.....	47
SECTION VI - MISCELLANEOUS.....	49
EMPLOYEE ASSISTANCE PROGRAM	49
COMMITTEES.....	49
SECTION VII – ADDENDA	51
A. TEXTING WHILE DRIVING – CITY ORDINANCE 331.44	51
B. PAID MILITARY LEAVE FOR PERMANENT PUBLIC EMPLOYEES (ORC 5923.05).....	52
C. FAMILY AND MEDICAL LEAVE (FMLA) POLICY	55
D. CELL PHONE ALLOWANCE POLICY.....	65
E. RESOLUTION NO. 09-37, A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY	71
F. ANTI-IDLING POLICY	72
G. RECORDS MANAGEMENT POLICY	74
SECTION VIII – ACKNOWLEDGEMENT OF RECEIPT	75
HANDBOOK ACKNOWLEDGEMENT OF RECEIPT	75

Section I - Introduction

Welcome!

The City of Delaware is an outstanding organization comprised of individuals with varied professional backgrounds who possess knowledge, insight, and expertise in a variety of areas. We believe that every employee helps to make the City of Delaware successful. Additionally, we believe that every employee serves as a reflection of our commitment to serve our citizens and to provide critical and value-added services without discrimination. It is my hope that you will become a valuable, capable, dependable, and enthusiastic member of our team.

This handbook describes many of our policies and outlines the programs and benefits available to eligible employees.

The handbook will answer many questions you may have about your employment with the City of Delaware. We suggest that you become familiar with the handbook and refer to it throughout your employment.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Yours Sincerely,



R. Thomas Homan
City Manager

Introductory Statement

Welcome to the City of Delaware. As a valued employee, we are confident that you will find our organization a dynamic and rewarding place in which to work and we look forward to a productive and successful association. This handbook has been written to serve as the guide for the employer/employee relationship.

This handbook has been prepared to provide our employees with a general understanding of our personnel policies, work rules and benefits. This handbook is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described, herein. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to your supervisor, other member of management or the Department of Administrative Services.

It is important to note that many of these policies, procedures, guidelines, etc. are not applicable as it pertains to an employee's ability to perform the necessary functions of their individual positions.

All employees are responsible for becoming familiar with our policies and procedures. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member of management for clarification.

This handbook does not confer any contractual right, either express or implied, to remain in the City's employ for any specified period of time, nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause and without prior notice, by the City of Delaware or you may resign for any reason at any time. The City Manager is the only staff member that holds the authority to enter into any agreement for employment, terminate, suspend or change such an agreement for any specified period of time, or to make any agreement contrary to the above.

The procedures, practices, policies and benefits described here may be modified or discontinued at the City's discretion. When changes are necessary, we will provide you with amended pages for your handbook. If any statement contained in this handbook conflicts with a provision in a labor union contract agreement the union contract takes precedence.

Questions concerning the contents of this handbook may be addressed to the Department of Administrative Services, unless otherwise indicated. Questions may be emailed directly to handbookemail@delawareohio.net or may be addressed by contacting department staff directly at 740/203-1025.

Section II - Employment Policies & Procedures

Employment-At-Will

This handbook is intended to serve as a guide to your employment with the City of Delaware. This handbook should not be construed as a contract of employment. Any employee may voluntarily leave the employment of the City of Delaware upon proper notice or may be terminated at any time and for any reason as long as there is no violation of federal, state or local law. The handbook is an overview of the City's policies and benefits. The contents herein are subject to change, at any time, at the City's discretion.

ADA Accommodation

The Americans with Disabilities Act (ADA) of 1990, as amended by the Americans with Disabilities Amendments Act (ADAAA) of 2008 and which became effective January 1, 2009, prohibits discrimination against a qualified individual with a disability in regard to job application procedures, the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment.

Requests for a reasonable accommodation should be initiated by an employee and should be made directly to an employee's immediate supervisor and the Department of Administrative Services. Requests for a reasonable accommodation should include supporting medical documentation that substantiates the need for such an accommodation. The City reserves the right to request additional medical evidence supporting the need for an accommodation if the original documentation provided is unclear. Reasonable accommodation requests are considered for employees with a disability, as defined by the Americans with Disabilities Act [as amended], when the disability affects the performance of the essential functions of the employee's position.

Once a formal request for an accommodation has been made, the City and requesting employee, shall work cooperatively in identifying the barriers that exist which affect the employee's performance of the essential functions of their position. The City and the employee will then work to identify a range of possible accommodations which would allow the employee to perform the essential functions of their position. Finally, having identified various possible accommodations, the City will assess the effectiveness of each proposed accommodation, taking into consideration the preference of the employee to be accommodated, and determine whether the various accommodations would pose an undue hardship.

Employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. The City of Delaware is committed to taking all necessary actions to ensure equal employment opportunity for persons with disabilities in accordance with the ADAAA and any other applicable federal, state, and local laws.

Equal Employment Opportunity

No person in the service of the City or seeking appointment thereto shall be appointed, promoted, demoted, removed or advanced in any way or otherwise affected on any basis or for any reason other than qualification, merit and fitness. Discrimination against any person employed by the City or seeking employment with the City on the basis of sex, age, race, color, religion, national origin, citizenship status, ancestry, physical or mental disability, familial status, veteran status or any classification protected by applicable law is expressly prohibited, except where such criteria is considered a bona fide occupational qualification.

It is the responsibility of the Department of Administrative Services and City management personnel to ensure that equal consideration be given to all applicants and employees with regard to personnel actions, which include recruiting and hiring, selection for training, promotion, evaluation, demotion, discipline, suspension, rates of pay or other compensation, transfer, layoff, recalls, and terminations.

All testing selection devices shall not purposefully discriminate against any minority applicants. Testing procedures or devices shall contain only those criteria which reflect bona fide occupational qualifications. Upon sufficient and proper notification, the City will work to accommodate individuals who make a request for an accommodation in testing for or employment with the City provided that they can perform the essential functions of the position for which they otherwise qualify.

Any person who believes that they have been discriminated against by reason of race, sex, religion, age, color, national origin, ancestry, disability or familial status, in connection with any personnel action or the administration of any program, grant or contract, by or under the authority of the City shall, at the request of such person, be advised of their rights under this section.

Harassment (Anti-Harassment)

The City of Delaware is committed to the maintenance of an environment free of discrimination and all forms of intimidation that impede the freedom or diminish the dignity of any employee of the City. The City affirms this policy specifically as it pertains to prevention of sexual harassment and other harassment of employees and its citizens. In support of this policy, the City expressly prohibits any form of employee harassment based on race, religion, sex, national origin, age, disability, genetics or an individual's status in any class protected by applicable federal, state, or local law.

A. Notification/Reporting Requirements

An employee who has been subjected to harassment is responsible for informing his/her immediate supervisor, Department Director **or** the Department of Administrative Services, **immediately**. Complaints should be made in writing. All incidents of harassment will be taken seriously and investigated in an efficient and expeditious manner. The City will take appropriate steps to ensure that a person who in good faith brings forth a complaint of harassment will not be subjected to retaliation. The City reserves the right to take corrective action against an employee for making a false report/filing a false complaint.

Department of Administrative Services
1 S. Sandusky Street
1st Floor
Delaware, Ohio 43015
(740) 203-1025

- B. *Harassment Defined*: Any conduct, verbal or physical, on or off City premises, which has the intent or effect of unreasonably interfering with an individual's or group's work performance or which creates an intimidating, hostile or offensive work environment.

Any jokes, slurs, obscene gestures or any other conduct or behavior deemed inappropriate which is aimed at individuals based on an individual's race, religion, sex, national origin, age, disability, or protected class status is considered harassment. Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Racial slurs.
- Graphic or degrading comments about an employee's appearance, dress, or anatomy.
- Verbal abuse with racial comments.
- Repeated unwelcome offensive gestures.
- Practical jokes aimed at individuals because of race, religion, age, disability, etc.
- Comments such as "old dogs can't be taught new tricks," "new blood is needed."
- Jokes about the disabled.
- Religious jokes.
- Display of hate group paraphernalia.
- Any other conduct or behavior deemed inappropriate by the City.

- C. *Sexual Harassment Defined*: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to such conduct is made or threatened to be made either explicitly or implicitly a term or condition of an individual's employment;
- 2) Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for employment decisions affecting that individual; and/or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating what a reasonable person would sense as an intimidating, hostile or offensive working or living environment.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.

- Sexually suggestive touching.
- Grabbing, groping, kissing, fondling.
- Violating someone's "personal space."
- Offensive whistling.
- Lewd, off-color, sexually oriented comments or jokes.
- Foul or obscene language.
- Leering, staring, stalking.
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons.
- Unwanted or offensive letters or poems.
- Sitting or gesturing sexually.
- Offensive E-mail or voice-mail messages.
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.
- Questions about one's sex life or experiences.
- Repeated requests for dates.
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
- Sexual assault or rape.
- Any other conduct or behavior deemed inappropriate by the City.

Applications for Employment

Per Chapter 155; Sec. 155.07 of the Employment Provisions contained within the City's Codified Ordinances, for consideration of employment, all applicants shall complete an approved City employment application. Applications shall not be distributed or accepted except when a vacancy occurs. All applications received after the advertised deadline shall not be considered.

Additionally, if the City finds that any information provided on an application for employment is misleading, false, or was left out intentionally, the applicant may be removed from further consideration. If a person has already been hired, these actions may result in termination of employment.

Background / Reference Checks

To ensure that individuals who join the City of Delaware meet the essential functions and qualifications of the position for which they have applied for and have a strong potential to be productive and successful, it is the policy of the City of Delaware to check the employment references of all applicants.

In addition to checking references of applicants, it is the policy of the City of Delaware to respond to inquiries on former employees with information being limited to factual information that can be substantiated by official records.

Management personnel, acting in their professional capacity as agents of the City of Delaware, may only respond to inquiries on former employees upon the prior consent of the City Manager or his/her designee. Management personnel providing a reference of a personal nature on a former employee may do so without prior approval.

Employment Categories

Per Chapter 155; Sec. 155.09 of the Employment Provisions contained within the City's Codified Ordinances, all employees of the City of Delaware shall be categorized as full-time, permanent part-time, seasonal or intermittent.

- A. "Full-time employee" means an employee who works forty hours per week on a regularly scheduled basis or on the standard full-time work week as designated by the Appointing Authority.
- B. "Permanent part-time employee" means an employee who works less than thirty-six hours per week, or less than full-time as designated by the Appointing Authority, but on a regularly scheduled annual basis.
- C. "Intermittent employees" means an employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. Such employees are called into work on an as needed basis.
- D. "Seasonal employees" means an employee who works on a temporary basis but annually; for example, recreational employees who only work during fair weather months at the golf course or pool. Generally, work does not exceed five calendar months in a year.

These aforementioned employment categories do not guarantee employment with City of Delaware for any specific period. Any employee may voluntarily leave the employment of the City of Delaware upon proper notice or may be terminated at any time and for any reason as long as there is no violation of federal, state or local law.

Employees are also classified as either non-exempt or exempt from federal (FLSA) and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. An employees' non-exempt or exempt classification may be changed only with written notification by City of Delaware.

Employee Organizations

Any full-time employee of the City of Delaware may join, organize or maintain membership in an employee organization, association or union. The City neither encourages nor discourages these activities, nor does membership or non-membership in an employee organization, association or union affect the employees' standing or rights as a City employee.

The right to join an employee organization, association or union also includes the right not to join. Any employee desiring to join, remain a member or become independent of an employee organization, association or union shall be free to exercise that right without undue influence, coercion, intimidation or pressure of any kind by any person.

Membership or participation in an employee organization, association or union shall in no way exempt an employee or group of employees from any of the policies, procedures, rules or regulations as set forth in this manual or as hereafter amended unless specifically mentioned within a bargaining contract or letter of understanding.

Introductory / Probationary Period

All full-time positions within the City of Delaware have a minimum six (6) month introductory/probationary period. During this time employees will be evaluated by their supervisor(s) on the basis of (1) overall job performance, (2) personal traits; including professionalism and attitude and (3) overall general fitness and competency for the job.

There are no exclusions for introductory/probationary employees with respect to benefits provided to other full-time employees who have completed their introductory/probationary period.

Following completion of an employee's introductory/probationary period, continued employment will be determined by job performance and adherence to the City's policies, department policies and standard operating procedures (SOP), work rules and general code of conduct. In addition, completion of an employee's introductory/probationary period does not constitute a guarantee of continued employment, either expressed or implied.

Job Descriptions

The City of Delaware strives to maintain accurate and up-to-date job descriptions for all positions within the City. In general, a job description includes the following information: nature of work; essential functions; illustrative examples of work; knowledge, skills and abilities for acceptable job performance; supervisory responsibilities; required training, experience and qualifications; physical requirements and working conditions.

Job descriptions are used to identify the requirements of a job, establish hiring criteria, develop standards for employee performance evaluations, and establish a basis for making reasonable accommodations for individuals with disabilities.

The Department of Administrative Services will prepare a job description when a new position is created. Existing job descriptions are updated when a position changes with respect to areas defined above. Job descriptions are not intended to be all-inclusive or to describe all of the duties which may be required of an employee holding the position; they are intended, however, to illustrate the kinds of duties that may be assigned to the position.

Job Postings & Internal Transfers

The following serves to offer current City of Delaware employees information on opportunities for development and career advancement through transfer/promotional opportunities. In addition, the

intent of this policy is to provide management staff with the qualified personnel necessary to perform the functions of their department/division.

This policy is applicable to City of Delaware regular full-time positions (both non-exempt and exempt). All positions are posted at the discretion of the City Manager.

The Department of Administrative Services is responsible for staffing vacancies with the most qualified and best suited candidate(s) without regard to sex, age, race, color, religion, national origin, citizenship status, ancestry, physical or mental disability, familial or veteran status. It is the responsibility of the Department of Administrative Services to post and advertise available positions, in accordance with contract guidelines, and to utilize recruitment methods that attract qualified applicants with diverse backgrounds.

Information on available positions will be disseminated to current employees through electronic mail; will be posted internally on each department's bulletin board and should be distributed via hard-copy and/or otherwise communicated to employees without email access. The employment posting will contain the required qualifications and experience as well as instructions on how to apply. Employees who meet the job criteria are encouraged to apply or may refer external candidates who are qualified.

A. External Opportunities

All positions being advertised externally will be posted for a minimum of two (2) weeks, unless otherwise directed by the City Manager or his/her designee. Applicants must meet the minimum experience, education and certification requirements as outlined in the job posting announcement. Please note; however, that meeting minimum requirements does not necessarily guarantee an interview.

B. Internal Transfer Process

Positions available to internal personnel only will be advertised for a minimum of one (1) week, unless otherwise directed by the City Manager or his/her designee. Only present permanent part-time and full-time employees may apply during an internal application period. Applicants must meet the minimum experience, education and certification requirements as outlined in the job posting announcement. Meeting minimum requirements; however, does not necessarily guarantee an interview. The City of Delaware reserves the right to grant individual exceptions to this policy based on business necessity.

Employees may only apply for an internal position if they (1) have completed their introductory period, (2) have been in their present position for no less than 12 consecutive months (unless available position is within the same department), (3) have demonstrated acceptable job performance and (4) are currently not subject to a performance-improvement-plan or the like.

Travel / Training and Auto Allowance

The following policy is intended to assist employees with the proper procedures pertaining to business related travel while managing costs and maintaining efficient business processes. This policy

is not intended to be unduly restrictive. Only expenses that meet the following criteria and are accompanied by appropriate detailed receipts will be reimbursed. It is the responsibility of the employee to understand this policy and apply it to all business related travel requests. The City expects all employees to exercise good judgment and requires moderation in incurring all expenses.

A. Mileage Reimbursement

The City will reimburse employees for travel in personally owned vehicles at the federally accepted reimbursement rate. The travel must be documented on a daily basis and state the reason for each trip. Combining several trips over a period of time is not acceptable.

If an employee takes one or more non-City business related travelers on a City business trip, the employee will not be permitted to use a City vehicle. In this instance, the City will only reimburse the employee at ½ of the allowable mileage rate for the mileage to and from the destination. At no time will the City reimburse any expenses related to the non-City traveler. If an employee decides to drive instead of fly, the City will only reimburse the least expensive method of transportation. Proof of the flight cost must accompany the original request.

B. Use of Personal Vehicle

The use of a privately owned vehicle for travel and training shall be permitted only when a city-owned vehicle is not available or is not appropriate. Mileage reimbursement received is intended to cover wear and tear, depreciation, fuel, repairs and insurance.

C. Food Allowance

The City provides a \$45.00 per day food allowance (for a minimum of two meals per day) if an employee is on an overnight stay. No same day meal reimbursement will be approved. Meal expenses are subject to review and modified approval by the City Manager or his/her designee.

- Alcohol expenses are never payable by the City.
- Gratuities are reimbursable up to 15%.
- Itemized detailed receipts are required. Credit card receipts and meal stubs **are not acceptable.**

D. Travel - Overnight Stay

- 1) Overnight stays are only permitted when the destination is a multiple day event and outside of the Columbus Metropolitan area. The City will only reimburse costs for the City employee, i.e. a single person rate.
- 2) Airline flights should be booked to arrive the night prior to the engagement and for departure on the last day of the engagement. If an employee decides to drive instead of fly, the City will only reimburse the least expensive method of transportation.
- 3) Rental cars should be booked for compact cars with the renter responsible for making the reimbursable fuel purchase prior to drop off as opposed to leaving that task to the leasing agency.
- 4) Employees will be reimbursed for the actual costs of taxis, transfers (bus, train, subway, etc...) assuming that the appropriate receipts are submitted.

5) Overnight parking fees at Port Columbus International Airport should be from remote long-term parking areas.

E. Travel - Same Day

Mileage is payable.

F. Telephone Expenses

The City will only reimburse for local and long distance business calls and reasonable phone calls home provided that calls are substantiated by a listing, hotel bills, telephone bill etc. and that are accompanied on the expense report.

G. Unique Requests

Unique requests will be authorized by the City Manager or his/her designee, **only**. It is expected, that the requesting party supply information, in writing, with reasons of justification for not following the prescribed guidelines. Reviews and approvals for these requests and justifications may take additional time.

H. Travel Requests and Obtaining Reimbursement

Requests must be in writing and initially approved through the employee's Department Director. Requests are then forwarded to the City Manager for final approval. Travel/Training Request and Reimbursement Forms are available on the City's internal shared network and are the proper means to seek reimbursement. On the form, points of origin and destination shall be indicated for each trip in sufficient detail to account for the mileage being claimed. Allowable expenses submitted for reimbursement must be accompanied by an original itemized receipt and applicable authorizations.

Hiring of Relatives

Hiring of personnel shall be predicated strictly on merit. Having a relative in the employ of the City shall not be cause to approve or deny employment.

Efforts shall be made by the Department of Administrative Services in cooperation with management staff to insure that no employee is placed under the direct supervision of a relative. The City shall have the option of transferring an employee to a comparable job of equal classification in order to avoid supervision by a relative. Such efforts shall not be at the expense of any employee or any candidate for employment.

For purposes of this section, relative includes spouse, parent, child, step-child, brother/sister or any relative residing with the employee. An employee or applicant who intentionally chooses to not disclose relationship status, as it applies to this policy, will be subject to transfer or removal from their position.

Resignation / Termination

Employees shall provide the City of Delaware with proper notification when resigning from their current position. Proper notification shall consist of a written notice of resignation to be submitted to the employee's immediate supervisor, Department Director or designee. Such notification shall include the reason for and effective date of the employee's resignation.

- Such notification is to be provided at least two (2) full work-weeks before its effective date. However, the Department Director or designee may agree to a shorter notice as a result of extenuating circumstances.
- Department Directors shall provide notice of their resignation at least one (1) month prior to its effective date. However, the City Manager or designee may agree to a shorter notice as a result of extenuating circumstances.

Failure of an employee to provide the required notification to the City of Delaware concerning their pending resignation may result in such resignation being recorded as abandonment. As a result of which, the employee may not be considered in good standing at the time of their resignation and may be precluded from reemployment by the City of Delaware at a future date.

A. Information Technology (IT) Department Notification:

An employee's supervisor, Department Director or designee shall contact the Information Technology Department and provide department staff with a request to purge the exiting employee's City provided email account prior to the effective date of the employee's resignation. It is the responsibility of the exiting employee's supervisor, Department Director or designee to begin the process of obtaining public records including critical operating information, specific to the exiting employee, immediately upon notification of resignation.

B. Rescinded Resignation:

The City Manager has the right to allow an employee to rescind their resignation for good cause. However, a resignation is effective upon receipt and confirmation by the City Manager or his/her designee.

C. Return of office equipment:

Prior to the effective date of an employee's resignation, the exiting employee is required to return all property in their possession including: keys, ID badge, parking pass and any other additional property of the City of Delaware. Failure of an employee to return all City of Delaware property, in their possession, prior to the effective date of their resignation will result in legal action.

D. Exit Questionnaire & Interview

Separating employees may be provided with an Exit Questionnaire which they may voluntarily complete and return to the Department of Administrative Services. On the Exit Questionnaire, an employee may request a meeting with the Department of Administrative Services staff, prior to their departure, to provide clarification of information provided on the Exit Questionnaire.

Employment References

All requests from sources outside the City for personnel information concerning applicants for employment, current employees, and former employees shall be directed to the Department of Administrative Services. The Department will provide information concerning length of employment, salary data and positions held.

Employees may serve as a personal reference for current and/or former employees. In doing so; however, an employee hereby acknowledges that they are not acting as an agent of the City in their given capacity.

Section III - Hours of Work and Pay

Hours of Work

The City of Delaware will maintain work hours for its employees in accordance with federal and state regulations and the maintenance of efficient and effective work schedules. The observed regular business day for the City begins at 8:00 a.m. and concludes at 5:00 p.m.

The Fair Labor Standards Act requires employers to maintain an accurate record of hours worked and to pay one and one-half times the regular hourly rate of pay to every non-exempt employee who works overtime. Overtime is defined as all hours worked in excess of forty hours in a workweek. "Hours worked" refers to actual hours worked during the workweek, excluding vacation, holiday and sick leave in which the City requires, suffers or permits a non-exempt employee to be on duty.

The Fair Labor Standards Act (FLSA) permits exemption of certain professional, administrative, and executive positions and certain sales positions, as defined in the statute, from compliance with the act. An employee is not permitted to work overtime, either before or after his or her regularly scheduled work hours, unless authorized to do so by his or her immediate supervisor.

Interim Pay

An interim assignment is the act of assigning an employee to a job classification different than his/her primary classification for a temporary period of time. Such assignments normally occur due to an extended illness of four weeks or more, other emergency, position vacancy or other special circumstances.

An employee temporarily assigned to a classification with a lower rate of pay will not be reduced in pay. An employee temporarily assigned to perform the duties of an additional position should be granted a minimum of five percent (5%), but no more than ten percent (10%), temporary increase. The exact amount will be determined by the City Manager and will be based upon the position, the duties to be performed and the duration of such assignment.

Department Directors are ineligible for interim pay for assignments within their own department. If interim duties are assigned from another department, interim pay may be granted by the City Manager, or his/her designee.

In order to receive interim pay for performance of additional duties outside of an employee's primary classification, the employee must be temporarily assigned the full duties and responsibilities of the position. Temporary assignment of partial duties and responsibilities of a higher level classification position may qualify an employee for an interim increase of one to four (1%-4%) percent. An employee who is temporarily assigned partial duties and responsibilities of a lower level classification position will not be eligible for additional compensation. In this instance, an employee is expected to perform the full duties of their position as well as the partial duties of the interim assignment.

Severe Weather Emergencies

Severe weather emergencies have the potential to impact and/or disrupt City operations. During such weather-related emergencies, it is important to identify which employees are critical to the continuity of the City's operations. As such, employees may be classified as one of the following: *Essential* or *Non-essential*.

- A. Essential Employees – Those employees who perform a service-critical activity and must be onsite to perform the work. This includes employees who work in departments/divisions that respond to emergency safety and care of the public.
- 1) Administrative Personnel
 - a. All Department Directors, unless notified as non-essential by the City Manager or his/her designee.
 - b. All Superintendents and Division Supervisors, unless notified as non-essential by their respective Department Director.
 - c. Department support staff, **only** at the direction of their respective Department Director or designee.
 - 2) Emergency/Public Safety Services Personnel
 - a. All operational personnel with the exception of the support personnel, unless notified otherwise by their respective Department Director.
 - 3) Environmental Services Personnel
 - a. All scheduled Public Utilities operators and technicians (inclusive of all divisions), unless notified as non-essential by their respective Department Director or designee.
 - b. All scheduled Public Works technicians (inclusive of all divisions), unless notified as non-essential by their respective Department Director or designee.
 - c. All scheduled Parks & Recreation technicians, unless notified as non-essential by their respective Department Director or designee.
- B. Non-Essential Employees – Those employees who are not critical to maintain basic services to the public during a weather related or emergency event.
- C. Notification
In the event that a severe weather emergency is declared by the Delaware County Sheriff's office or the Delaware County EMA and the City Manager, or his/her designee, chooses to close City offices for non-essential employees, each Department Director, or their designee, shall be responsible for determining which employees should report to work or be sent home, dependent upon an employee's status of being considered essential or non-essential to City/Department operations during such a severe weather emergency event. Department Directors, or their designee, will be required to communicate this information to all affected staff. It is the sole discretion of the City Manager and respective Department Directors to determine which staff are considered essential in responding in a severe weather emergency situation.

In the event that a severe weather emergency is declared after normal business hours, or on the eve of a regular work week, the Community Affairs Coordinator or the City Manager's Office will notify area print and media outlets regarding closure of City offices. Additionally, employees may contact the City's **Employee Information Line at (740) 203-1020** for information regarding office closures.

D. Compensation

With respect to compensation for such severe weather emergencies in which City offices are closed, all non-essential employees, including full-time and permanent part-time personnel, will be compensated for the number of hours they were scheduled to work during the emergency period. Employees not scheduled to work because of scheduled vacation, personal or sick leave will be charged for leave regardless of the declared emergency. If vacation, personal or sick leave ends prior to the end of the declared emergency, no leave time will be charged for the remainder of the emergency.

In the event that the decision is made to not close City facilities during a severe weather emergency, employees who are not able to report to work at their regularly scheduled start time due to inclement weather should contact their respective supervisor and request the use of available vacation, compensatory time or personal leave (in accordance with their collective bargaining agreement) to cover the period not worked. The supervisor will determine whether the leave is justified and will approve of such leave accordingly. If the leave is determined to be unjustified and the employee does not report to work at the scheduled time, the employee will be considered absent without excused leave and may be subject to disciplinary action. Inclement weather is not a valid excuse for the use of sick leave.

During weather emergencies, those departments/divisions required to maintain twenty-four hour or emergency service operations may continue to use available personnel beyond regularly scheduled hours to ensure appropriate service coverage and to cover for non-available staff. Eligible employees required to work beyond their regular shift shall be paid overtime, as appropriate.

Pay Days

City employees are paid every other Tuesday for the two week period which ends the preceding Tuesday. If a holiday falls on a regular scheduled pay day, the pay day for that period will occur on or before the last business day prior to the holiday.

Direct Deposit

The City of Delaware requires that all employees participate in the City's direct deposit program for all payroll related compensation. Upon hiring, each employee will complete a [direct deposit](#) form. Each employee will receive a summary of their payroll compensation via email using a City assigned

email address. Those employees without access to the internet will be provided the opportunity to view and/or download their information on a regular basis in their respective departments.

Payroll Deductions

The City of Delaware is required by law to deduct Federal and State Withholding Tax (where applicable) from your paycheck. The amount of tax is determined by your earnings and the number of dependents you claim. Employees will receive a W-2 form showing their total earnings and the amount of taxes withheld by January 31st for the preceding calendar year, per IRS regulations.

Under Social Security law, as a local government employee, Social Security taxes are not withheld from your paycheck. Employees complete a statement to this effect at the time of initial employment. The Windfall Elimination Provision can affect the amount of an employee's Social Security retirement or disability benefit. In addition, the Government Pension Offset Provision can affect a Social Security benefit received as a spouse or an ex-spouse.

Child Support

If an employee is subject to a child support order, monies will be withheld from their paycheck in accordance with State of Ohio regulations. Child support is the court-ordered payment by the non-custodial parent to the custodial parent for the care and welfare of the child.

Garnishments

A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt and served by the constituted legal authority is called a garnishment, and it must be recognized and executed by the City of Delaware. When a garnishment is received by the City, we will advise the employee that garnishment orders have been served.

Final Paycheck

The City of Delaware follows the state regulations regarding deadlines for employees to receive their final paycheck. The final paycheck distribution is no different than that of a regular payday. All employees must be paid by the 1st day of the month for work done in the first half of the preceding month and by the 15th of the month for work done in the last half of the preceding month.

Final paychecks are deposited to an employee's established account(s) via direct deposit, unless the employee requests otherwise.

Section IV - Employee Benefits

Employment Not Covered by Social Security

Under Social Security law, as a local government employee, Social Security taxes are not withheld from your paycheck. Employees complete a statement to this effect at the time of initial employment. The Windfall Elimination Provision can affect the amount of an employee's Social Security retirement or disability benefit. In addition, the Government Pension Offset Provision can affect a Social Security benefit received as a spouse or an ex-spouse.

Unemployment Insurance

The City of Delaware provides unemployment compensation coverage for its employees. This insurance provides a weekly income for those who have been laid off or who may have lost their job through no fault of their own. The amount of this income varies depending on the individual and state in which he/she resides because it based on average earnings. Eligibility requirements and the amount of benefits that you may receive are specified by state law. For further information, contact the Ohio Department of Job and Family Services.

Workers' Compensation Insurance

Employees are provided Workers' Compensation coverage beginning on their first day of employment. The City of Delaware pays the entire cost of this coverage. Employees are covered by Workers' Compensation if they are incapacitated by injury or illness arising out of their employment. Employees must report all accidents to their supervisor immediately, regardless of how minor. All work-related injuries, illnesses and communicable disease exposures resulting from the performance of employment duties are to be reported immediately to the Workers' Compensation Coordinator within the Administrative Services Department.

For each work-related injury, illness and/or communicable disease exposure resulting from the performance of employment duties, the City requires that the affected employee complete an *Initial Report of Injury* form. This form captures specifics related to the incident for reporting to the Bureau of Workers' Compensation. This form is to be completed for both incidents resulting in medical attention and for those that do not.

- **When Medical Attention is **Not** Necessary**
If medical attention is not necessary, the employee need only report the injury/illness to their supervisor (immediately) and to complete the *Initial Report of Injury* form and forward to the Department of Administrative Services within twenty-four (24) hours.
- **When Medical Attention is Necessary**
Employees requiring medical attention are to report to Grady Memorial Hospital's Occupational Health Department or the Emergency Room, as appropriate. Assuming an employee is conscious upon arrival, it is the injured worker's responsibility to notify the

treating facility that they are a City of Delaware employee and that they are seeking treatment for a work-related injury or illness.

A. Employee Responsibilities

Once medical attention has been sought and the employee has been discharged from care, they are responsible for contacting the Workers' Compensation Coordinator at (740) 203-1025. Prior to returning to work following care and/or treatment, employees are to report to the Department of Administrative Services to complete all necessary paperwork related to the injury or illness and to present a valid return-to-work authorization from the treating physician.

Employees who are unable to return-to-work following evaluation and treatment are required to contact the Workers' Compensation Coordinator every Wednesday by 11:00 a.m. to report the status of their condition. If an employee is able to return-to-work but requires on-going evaluation or treatment, they are required to notify the Workers' Compensation Coordinator of all appointments and will be required to provide a return-to-work authorization from the treating physician, following every appointment, in order to be allowed to return-to-work.

In situations where an employee is released after normal business hours (Monday thru Friday, 8:00 a.m. – 5:00 p.m.), or over a weekend/holiday, only an employee's Department Director or his/her designee can clear an employee to return to work, in the absence of the Workers' Compensation Coordinator. The Department Director and/or their designee reserve the right to refuse an employee's return-to-work if the authorization release is not clear regarding restricted work activity.

B. Compensation

All regular full-time City employees may be eligible for paid injury leave (stipulated by collective bargaining agreement), less any Workers' Compensation weekly salary benefits which he/she may be awarded by the Ohio Industrial Commission (OIC). Temporary, part-time and seasonal employees are not entitled to paid injury leave under this policy. In the absence of paid leave, employees may apply for compensation through the Ohio Bureau of Workers' Compensation.

C. Violations / Fraud

Any person who obtains compensation from BWC or self-insuring employers by knowingly misrepresenting or concealing facts, making false statements or accepting compensation to which he or she is not entitled, is subject to felony criminal prosecution for fraud. (R.C. 2913.48)

Military Leave

Per Chapter 155; Sec. 155.19 of the Employment Provisions contained within the City's Codified Ordinances, all full-time permanent employees of the City of Delaware shall be eligible for the same military leave benefits as provided in Section 5923.05 of the Ohio Revised Code. ([See addendum "B"](#))

Any eligible employee whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms and conditions of that collective bargaining agreement with respect to the performance of that service, except that no collective bargaining agreement may afford fewer rights and benefits than are conferred under this section.

It is the responsibility of the employee to provide the City Finance Director a copy of the current years pay chart that reflects active duty basic pay.

When an employee returns from military leave (depending on the length of military service in accordance with USERRA), they will be placed either in the position they would have attained if they had stayed continuously employed or in a comparable position. For the purpose of determining benefits that are based on length of service, employees will be treated as if they had been continuously employed.

Benefit Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) was enacted to ensure that employees and their dependents can continue their health insurance once they are no longer eligible under an employer's health plan. Health coverage includes medical, prescription drug and dental benefits as provided under the City's health plan.

There are strict rules about when a separated employee is eligible for COBRA benefits. COBRA allows an eligible employee and/or dependents to choose to continue their health insurance for a specified period when a "qualifying event" occurs. Qualifying events include the employee's resignation, termination (other than termination for gross misconduct), leave of absence, reduced work hours, divorce, legal separation, or death. Another qualifying event is when a dependent child becomes ineligible for coverage under your health insurance.

If an employee chooses to continue their insurance under COBRA, they will be responsible for the full cost of insurance at the City's established rates plus an administration fee. Employees eligible for coverage under the City's health insurance plan will receive a written notice describing their COBRA rights. This notice contains important information concerning an employee's rights and responsibilities in electing COBRA coverage. It is imperative that employees carefully read this information and maintain it for future reference.

COBRA eligibility notices are sent by the City's third-party administrator within 14 days of the termination of coverage and will include premium rate information along with an enrollment form to be completed by the previously enrolled member. Individuals have 60 days from the date of the COBRA notification letter to elect COBRA coverage, and an additional 45 days (for a total of 105 days) from the date of election to pay all currently due premiums. Each person who is described in the eligibility notice and was covered under the plan on the day before the qualifying event has the right to elect continuation of coverage on an individual basis, regardless of family enrollment. Enrollment will not be processed until the election form and required payments are received. Coverage will then be retroactive to the date of the qualifying event.

If you have any questions regarding COBRA coverage, please contact the Department of Administrative Services.

Jury Duty

The City of Delaware encourages all employees to fulfill their civic responsibilities by serving jury duty when required. Each full-time employee shall be granted leave of absence to serve on any duly constituted jury before a county, state or federal court that convenes during his or her working hours. Prior notice, of at least one week or as early as practicable, concerning the need for a jury leave of absence, shall be given to an employee's immediate supervisor so that arrangements can be made to accommodate their possible absence from work. If time off would create a special hardship for the City, the City will assist the employee in providing the court with the information necessary to request a release from jury duty.

Full-time employees of the City will be paid at their regular rate of pay for serving on a jury provided that satisfactory evidence of such jury service is provided to the City and sufficient advance notice is provided to the employee's immediate supervisor. In return, employees shall surrender any jury fees, less documented expenses (e.g., mileage and meals), to the City Finance Director. Jury duty shall not count as hours worked towards overtime.

In cases where jury duty exceeds thirty (30) working days in any calendar year, the City Manager or designee may, in his or her sole discretion, grant additional paid time off in an amount and for a period of time that he or she deems appropriate.

While serving on jury duty, an employee will be required to work such hours of his/her usual work shift as his/her presence in court is not required. When an employee has been released from jury duty, the employee shall report back to work for the remainder of their work day.

Section V - Employee Conduct / Responsibilities

Employment Regulations

Every City of Delaware employee shall continually strive to promote good public relations for their department and the entire municipal organization. Virtually everything a City employee does has either a direct or indirect affect on public relations. The following guidelines have been established to assist employees in presenting a positive public image.

- A. Visitors at any municipal building or area of work shall be made to feel welcome and shall be treated in a friendly and courteous manner. All inquiries, complaints, or requests for assistance shall be given prompt attention.
- B. Public statements or the release of information on all matters related to municipal policy, administration, personnel management or the operation of any department shall be limited to the City Manager's Office, Department Directors and other personnel specifically authorized by Department Directors to disseminate such information. All information must be authorized by the City Manager prior to release. Employees should also use the Public Information Officer as a resource in release of information.
- C. Public records requests shall be responded to in a reasonable time frame and in accordance with the City's established Records Management Policy.
- D. The chain of command is the organizational structure established for the operation and supervision of all departments. All communications, orders, requests, and recommendations must be channeled through this chain, in both directions, in order to avoid confusion, misunderstanding and oversight. Supervisors and administrators at every level cannot carry out their responsibilities and perform effectively without an appreciation for and observation of these practices.
- E. Unless specifically authorized by the City Manager, no employee shall contact members of the City Council for the purpose of promoting or opposing department regulations, programs, projects or other administrative matters. The previous statement does not apply to employees involved in carrying out their assigned responsibilities with appointed boards or commissions that include members of the City Council.
- F. Employees have the right to contact and confer or correspond with members of the City Council on any subject so long as it is not in conflict with the above prohibitions. There is a chain of command within each department, headed by the director and followed by various levels of supervisory employees.

Standard of Conduct / Workplace Etiquette

The following standards apply to all employees of the City of Delaware and have been established to ensure:

- Employees conduct themselves in a mature, responsible and professional manner during work hours or while on City premises;
- Employees work in an efficient, conscientious and diligent manner;
- Employees work in a safe environment, without risk to their health or safety, or the health and safety of others;
- That the rights of all employees are protected and honored.

The following work rules serve to outline the expectations of all employees of the City with respect to appropriate behavior and conduct. In addition to these rules, employees are also required to follow any work rules, policies or procedures established by their respective departments or divisions. An employee in violation of any of these work rules may be subject to disciplinary action, including suspension or termination, dependent upon the seriousness of the offense, the employee's disciplinary history and any other relevant factors.

A. Commitment to Service

Employees are expected to act in a professional and courteous manner when representing the City. Conduct that is abusive, discourteous, neglectful, purposefully performed incorrectly and against policy or standard procedure, or not performed when required will not be tolerated. Further, speech that is disparaging of the City, its officers, management or fellow employees and is not constitutionally protected shall not be tolerated. To be constitutionally protected, speech must a) address a matter of public concern, and b) outweigh any governmental interests. Speech that is purely job related or of purely personal interest is not a matter of public concern.

B. Activities Outside of Work

While the City recognizes that it cannot regulate, nor does it wish to regulate, the actions of employees while away from work, misconduct while not on duty that discredits the employee's or the City's reputation, interferes with the City's ability to provide services to the public, or otherwise violates any established policy, procedure or agreement will not be tolerated. An employee who is arrested of any criminal offense must report such arrest immediately to his/her supervisor. The City will evaluate the impact that the arrest and/or subsequent conviction has on its operations and consider any applicable employment decisions based on that impact.

C. Unacceptable Violations – these infractions are deemed unacceptable and may result in termination upon the first offense.

- 1) Theft of City property or personal property of another employee;
- 2) Falsification of an employee's official record of time worked;
- 3) Falsification of an application for employment or other official record;
- 4) Sleeping while on duty, with the exception of fire-service personnel during their scheduled rest periods.

- 5) Unauthorized disclosure of confidential information; including the careless or negligent handling of such information;
- 6) Serious violation of anti-harassment policy;
- 7) Fighting, threatening or attempting bodily injury to another person on City property.
- 8) Deliberately and purposefully damaging City property, property belonging to a co-worker or to a vendor or contractor working for the City;
- 9) Performing job duties in a careless or negligent manner.
- 10) Failure to wear safety equipment when required;
- 11) Violation of safety rules which could result in serious injury to self or others;
- 12) Unauthorized use of City time, materials, tools, etc. for personal gain;
- 13) Unauthorized alteration of City equipment, tools, machinery etc.;
- 14) Reporting to work under the influence of drugs and/or alcohol;
- 15) Testing positive for drugs and/or alcohol on a post-accident, random, reasonable suspicion, return-to-duty or follow-up test;
- 16) Refusal to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up drug and/or alcohol test;
- 17) Possession of guns, knives, weapons, explosives, etc. on City property;
- 18) Refusal to cooperate with the investigation of a work-related matter;
- 19) Insubordination;
- 20) Neglect of duty;
- 21) Repeated failure to meet work standards;
- 22) Failure to maintain any license or certification required to perform the essential functions of a position;
- 23) Failure to comply with a performance improvement plan;
- 24) Indecent or immoral behavior on City property; and
- 25) Conviction of a felony which affects the ability of an employee to effectively carry out the essential functions of their position or which causes an employee to lose their driver's license or other certification necessary for performing the essential functions of their position.

D. General Violations – these violations do not generally pose a major threat to the general operations of the City or to the safety and well-being of the individual or other employees.

- 1) Horseplay;
- 2) Contributing to unsanitary or unsafe working conditions;
- 3) Smoking in restricted areas to include City vehicles;
- 4) Unauthorized solicitations or posting/distribution of unacceptable materials by any means;
- 5) Improper operation of a City vehicle, equipment, machinery or tools;
- 6) Repeated tardiness or absence; failure to report work without satisfactory reason;
- 7) Failure to provide an acceptable quality of work;
- 8) Leaving work without permission;
- 9) Motor vehicle violations while operating a City vehicle.

The above lists should not be considered all-inclusive. The City reserves the right to take corrective action for any behavior it deems inappropriate and/or that has the potential to impact the City's operations.

Dress Code & Personal Hygiene

The following standards apply to all City of Delaware employees who are otherwise not required by contract to wear City provided uniforms and/or other attire which identifies that person as a City employee. The following dress and grooming standards are required and expected of all employees. Management personnel are responsible for enforcing the dress and grooming codes within their areas of responsibility. This includes counseling employees who are inappropriately dressed. Employees who violate any portion of this policy will be sent home, without pay, until the violation has been remedied. Repeated disregard for the dress policy may result in disciplinary action up to and including termination.

A. Dress Code:

It is the policy of the City of Delaware that all employees maintain a professional, businesslike appearance when dealing with other City staff, vendors and the general public. Employees should take into account their schedule and work-day to ensure appropriateness of their attire. The City requires that an employee's clothing and overall appearance be appropriate, in good taste, and present a favorable public image. Clothing shall be conducive to the safe and effective performance of required job duties. The City reserves the right to prescribe appropriate dress and grooming standards and to set standards which are in the best interest of each department.

B. Suggestions for Professional Business Attire:

Professional business attire may include: suits, khakis, "Dockers," slacks or other dress pants with simple shirts or blouses (polo and cotton shirts, oxfords, sweaters, turtlenecks or other), and skirts or dresses (appropriate in length), as appropriate. Appropriate dress includes dress shoes (this may include more casual boat shoes, loafers, work boots etc.) as appropriate.

Inappropriate attire may include; however, is not limited to: shorts, t-shirts with advertising, flip-flops, jeans or other clothing with rips, tears, or holes, or ill-fitting, distracting, offensive or revealing clothing.

C. Grooming and Hygiene:

In addition to proper dress, employees are expected to present a clean, neat and business-like appearance. For example, employees are expected to have neatly combed hair and male employees need to be clean shaven or to have neatly trimmed moustaches and/or beards. All employees are prohibited from wearing extreme or eccentric hairstyles, clothing or jewelry that does not present a professional appearance.

Body piercing jewelry will only be worn on the earlobe. No other visible piercings (lip, tongue, eyebrow, etc) or visible tattoos are permitted.

Use of City Property, Equipment & Supplies

Deliberate and purposeful damaging of City property will not be tolerated by any employee. During the course of employment, employees may be provided property, materials or written information intended to aide in the performance of an employee's duties. Employees are responsible for

controlling and protecting any property loaned to them in accordance with their duties. Employees must also return any property loaned to them upon termination of employment or at the request of the City Manager or his/her designee. Failure to return loaned property may result in legal action.

Misuse, Abuse or Destruction of City Resources

Employees shall treat all property of the City, including buildings, furnishings, vehicles, equipment, tools and any other items, with care and respect. Employees shall not intentionally or negligently abuse, misuse, damage, or destroy City property, or the property of co-workers and members of the public. Disciplinary action, up to and including termination, may be taken for incidences of misuse in accordance with the City's established progressive disciplinary procedures.

The following acts are specifically prohibited:

- A. Using without authorization, sabotaging, abusing or deliberately damaging City resources, including, but not limited to motor vehicles, tools, computer hardware, software and data, equipment or other City resources, including damage done through carelessness or inattention.
- B. Abusing, misusing or destroying, whether willfully, recklessly or negligently, any City property including, but not limited to clothing/uniforms, tools, equipment or the property of other City employees or members of the public.
- C. Misusing or removing any City records or confidential information of any nature, including records without proper authorization.
- D. Unauthorized posting, removal or defacing of notices, signs or writing in any form on City bulletin boards, or on city e-mail systems, including use of e-mail to conduct personal business.
- E. Loading unauthorized software on City computers or connecting unauthorized hardware to City computers or network.
- F. Abusing, misusing or destroying City property in any other way not specifically described herein.

Use of City Credit Card

City credit cards shall solely be used for official City business. Personal use of a City credit card is strictly forbidden. City credit cards shall not be used to obtain cash advances or cash equivalents such as bank checks, traveler's checks and electronic transfers. Use of a city credit card to make a purchase does not waive City purchasing procedures. For additional information, terms of use and employee responsibilities, please refer to the Finance Department's established *Procurement Card Policy*.

Cell Phone Usage

Certain employees, as deemed appropriate and necessary by the City Manager or his/her designee, may be provided a cell phone allowance for usage of their personal cell phone for official business-related matters. Use of personal cell phones, in this manner, is permissible. The use of personal cell

phones for personal-related matters; however, while at work, can be disruptive to the workflow of the office. The City of Delaware expects all employees to limit their use of personal cell phones, in this manner, on an “*as necessary*” basis. For additional information, please refer to the City’s established *Cell Phone Allowance Policy* ([See Addendum “D”](#)).

Use of City Vehicles

In an effort to ensure the safety of those employees who drive city-owned vehicles and to provide guidance on the proper use of city-owned vehicles, the following guidelines have been established with respect to such use as well as the pre-approved use of an employee’s personal vehicle for the purpose of conducting official City of Delaware business.

A. General Guidelines

The following guidelines apply to all employees who occasionally/regularly drive city-owned vehicles or possess a Commercial Driver’s License (CDL). Additionally, the City Manager may designate additional employees who, based upon review of their position and responsibilities, may occasionally/regularly drive a city-owned vehicle.

- 1) City-owned vehicles are not intended nor approved for personal use.
- 2) All employees who drive a city-owned vehicle, regardless of frequency, must possess the appropriate driver’s license for operation of such vehicle and must carry such license at all times while operating a City-owned vehicle.
- 3) All employees who drive a city-owned vehicle, regardless of frequency, are required to operate such vehicles in a safe manner in an effort to prevent injuries and property damage.
- 4) The following defensive driving guidelines are provided to ensure the safety of employees while driving city-owned vehicles or utilizing their personal vehicle for pre-approved, official City business:
 - a. Employees must maintain a safe following distance at all times;
 - b. Employees must yield the right of way at all traffic control signals and signs requiring them to do so;
 - c. Employees must honor posted speed limits;
 - i. During adverse driving conditions, reduce speed to a safe operating speed that is consistent with the conditions of the road, weather, lighting and volume of traffic.
 - d. Employees must use turn signals when entering traffic and before every turn or lane change; and
 - e. Employees must be aware of other vehicles, pedestrians and bicyclists when approaching intersections.
- 5) Employees who drive a city-owned vehicle must be at least 18 years of age and possess a valid State of Ohio driver’s license.
- 6) All employees and passengers operating or riding in a city-owned vehicle or utilizing their personal vehicle for pre-approved official City business **must** wear seat belts, even if air bags are available.
- 7) All employees are responsible for the security of city-owned vehicles assigned to them. The vehicles’ engine must be shut off, ignition keys removed and vehicle doors shut

and locked whenever the vehicle is left unattended. For additional information, please refer to the City's established *Anti-Idling Policy* ([See Addendum "F"](#)).

- 8) All employees are responsible for the cleanliness of city-owned vehicles assigned to them. Waste should be removed from the vehicle on a regular basis.
- 9) An employee's personal belongings should not be kept in a city-owned vehicle.
- 10) No unauthorized personnel or members of the general public are allowed to ride in city-owned vehicles without the prior approval of the City Manager and an executed waiver.
- 11) An employee who drives a city-owned vehicle **must** comply with the Ohio Department of Transportation guidelines with respect to types of licenses required to operate certain vehicles.
- 12) Employees who utilize their personal vehicle for pre-approved official City of Delaware business must have on file with the Department of Administrative Services, proof of liability insurance coverage. This information will be verified on an annual basis by the Risk Manager.
- 13) Cell phone use while driving should be kept to a minimum. Drivers need to be aware when use of the cell phone is creating a distraction from safe driving and adjust their usage accordingly, including pulling off the road to continue/finish the conversation if necessary. While driving, attention to the road and safety should always take precedence over conducting business over the phone.
- 14) Drivers' Insurability - A Driver's License Abstract Report will be requested for each candidate under consideration for employment who must operate a City-owned or personal vehicle, as a regular function of the job.
 - a. A current employee who drives as a regular function of the job may have his/her motor vehicle driving record periodically screened for an acceptable driving record. The record check will include both personal and professional violations.
 - b. The Driver's License Abstract Report will be reviewed against the following criteria to determine if the individual can be permitted to operate a motor vehicle on City business. The City will make the determination of an "unacceptable driver". An unacceptable driver is defined as one who, during the previous three (3) year period, has received:
 - i. A conviction for one (1) of the following:
 - Drag racing,
 - Driving while under the influence of alcohol or drugs,
 - Vehicular homicide,
 - Leaving the scene of an accident,
 - Willfully eluding or fleeing a police officer after a traffic violation or
 - Reckless Operation.
 - ii. Two (2) or more chargeable or "at fault" accidents with the nature and severity of the accident to be taken into account.
 - iii. Three (3) moving violations for which a total of more than six (6) points were received.

- iv. Any combination of one (1) chargeable or "at fault" accident and two (2) moving violations.
- v. A designation of an "unacceptable driver" is grounds for corrective action up to and including removal from employment of a current employee or disqualification of a candidate under consideration for hire.
- vi. It is every employee's responsibility to notify the City of any of the infractions noted above. An employee is also responsible for notifying the City of a restriction or suspension of their Ohio Motor Vehicle Operator's License. Such notification must be provided on the first working day immediately following the restriction or suspension, even if a court has issued driving privileges.

Texting While Driving

The City of Delaware recognizes the growing risk of "distracted driving" and specifically prohibits the use of any electronic media to send, read or compose text messages while driving. Electronic media, for the purposes of this policy, shall be defined as cell phones, iPhones, iPads, PDA's, personal computers and the like for purposes of texting or internet browsing.

This policy is applicable to all persons employed by the City of Delaware (regardless of capacity) in situations where an employee is operating a City-owned vehicle or operating their personal vehicle on official City business. Any form of electronic communications while driving is considered dangerous and puts employees and the general public at risk. When behind the wheel of a vehicle while on official City business, all employees are reminded that safe driving is their responsibility and should be considered their first priority. Employees in violation of this policy are subject to disciplinary action, up to and including termination.

Additionally, employees are reminded that sending, reading or composing of text messages while driving is in strict violation of City Ordinance 331.44 ([see Addendum "A"](#)). Those found in violation of this ordinance will be guilty of a minor misdemeanor.

Ethics Statement & Policy

The City of Delaware conducts business fairly, impartially, in an ethical and proper manner, and in compliance with all applicable laws and regulations. The City is committed to conducting business with integrity underlying all relationships, including those with citizens, vendors, contractors and amongst employees. The highest standards of ethical business conduct are required of all employees in performance of their responsibilities. Employees are to not engage in any conduct or activity that may adversely impact the City and its operations. Employees will avoid any action, whether or not specifically prohibited, which may result in or reasonably be expected to create an appearance of:

- Use of position for private gain;
- Giving preferential treatment to any person or entity; and/or
- Any action which adversely affects the confidence of the public in the integrity of the City and its operations.

The following policies are provided to specifically address ethical issues in which the City has a set policy. In the absence of such a policy, employees are expected to follow the general standards as outlined above. An employee found in violation of any of the following policies may be subject to disciplinary action, up to and including termination.

Every employee has the responsibility to ask questions, seek guidance, to report suspected violations and express concerns regarding compliance with these policies. Retaliation against employees who use these reporting mechanisms to report an ethics violation will not be tolerated.

The City Attorney is responsible for providing policy guidance and issuing procedures to assist employees in complying with the City's expectations of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees, regardless of employment status.

A. Anti-Solicitation Policy

While the City of Delaware encourages employee participation in community activities and organizations outside of work, it recognizes that time spent at work is more productive and pleasant when not interrupted by solicitations and distribution of materials by employees and non-employees. In order to maintain an orderly working atmosphere and to avoid unnecessary interruptions and preserve security as to funds, records and confidential information throughout the City, the following shall be the solicitation policy of the City of Delaware. Any employee found to be soliciting or distributing literature in violation of this policy will be subject to progressive discipline, up to and including discharge.

For the purposes of this policy, "work time" is defined as time when an employee is scheduled and expected to be properly engaged in performing his/her work activities. For the purposes of this policy, work time does not include meal or break times. "Work areas" include all areas of any City facility, with the exception of break rooms and other areas designated for non-work use.

- 1) Persons not employed by the City are not permitted to solicit any municipal employee at any time during the workday.
- 2) Employees are not to engage in solicitation on behalf of any cause or organization during work time.
- 3) Employees may not solicit other employees during work times (when either the staff member or the person being solicited is on work time).
- 4) No Department of the City, under any circumstances, not specifically authorized by the City Manager's Office shall supply lists of municipal employees, their addresses, phone numbers, or any other personal data or information to another municipal employee or a member of the public.

- 5) City sponsored events/activities including promotion of the annual United Way campaign and charitable seasonal solicitations by the Employee Recognition Board are examples of appropriate and allowable activities.
- 6) Examples of **prohibited activities** by City employees during work time or in work areas includes, but are not limited to, activities involving:
 - a. Raffles
 - b. Charity drives
 - c. Trips
 - d. Sports pools
 - e. Cosmetic or jewelry sales
 - f. Bake sales
 - g. Sales of items to raise funds for non-City related organizations or entities
 - h. Food vending
 - i. Proposing and/or procuring membership in any organization
 - j. E-mail solicitations
 - k. Commercial or personal business sales

B. Favors, Gifts, Gratuities, Rewards

No employee shall seek, receive or give any gratuity (in the form of compensation, entertainment, trips, gifts, favors or otherwise) of “significant value” from or to those who have or seek business dealings or exchange services with the City of Delaware. It is expressly prohibited for any employee, in any way, to use their position or influence for private gain for themselves or others.

C. Outside Employment

No employee of the City of Delaware shall be permitted to engage in any outside employment, where such employment conflicts or interferes with the performance of City duties. Further, no employee shall conduct, or in any way engage in, another occupation or field of endeavor while on duty with the City. Full-time employees should inform their outside employer that their City position take precedence when scheduling conflicts occur, including overtime and callback.

D. Political Activity

It is every employee’s right to register and vote. Employees shall not use their positions with the City to influence the vote or political activity of any person.

No public funds may be expended or use of City equipment or premises be granted for political purposes. The City and its employees cannot sponsor or conduct candidates’ meetings, engage in voter registration activity or voter transportation or carry out other partisan political activities, other than those specifically authorized by law.

Employees are not permitted to solicit, sell or handle political contributions or to wear or display political badges, buttons or signs on city property during on-duty hours. City employees are neither appointed to nor retained in service to the City on the basis of their political activities. An employee’s appointment and retention is based on merit and fitness only.

E. Behavior and Conduct

Employees shall maintain a constructive, businesslike behavior that strives to promote harmony among coworkers and respect for positions of authority at all times. Conduct and behavior should be appropriate to the position of public servant.

F. Use of City Resources

It is expressly prohibited for any employee to use their position or influence for private gain for themselves or others. City employees and officials may not use, or permit others to use, any City facility, property or official work time for profit, personal convenience or benefit, unless the use is:

- 1) available to the public generally,
- 2) permitted by policies approved by the City Manager, or
- 3) when, in the conduct of official business, used in a minor way for personal convenience and has been pre-approved by an employee's immediate supervisor.

Conflict of Interest

It is the duty and responsibility of every employee of the City of Delaware to adhere to the following guidelines in an effort to avoid real or potential conflicts of interest with respect to the business dealings of the City.

When conducting business with a vendor, employees must work within the guidelines established and controlled by City administration. Business dealings with vendors should not result in unusual gains for those vendors. "Unusual gains" are defined as bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls that will benefit the outside vendor or an employee of the vendor.

What is a considered a conflict of interest? An actual or potential conflict of interest is when an employee is in a position to influence a decision or have business dealings on behalf of City that might result in a personal gain for the employee, an employee's relative(s), or business associate(s).

The City of Delaware does not automatically assume that there is a conflict of interest if an employee has a relationship with a vendor. However, if an employee has any influence on transactions involving purchases, contracts, or leases, they must disclose the extent of the relationship with the City Manager's Office. By informing City administration that there is the possibility of an actual or potential conflict of interest, safeguards can be established to protect everyone involved.

The potential for personal gain is not limited to situations where an employee or an employee's relative has a significant ownership in a vendor with which City of Delaware conducts business. Personal gains can also result from situations where an employee, an employee's relative(s), or business associate(s) receives a kickback, bribe, substantial gift, or special consideration because of a transaction or business dealing involving City of Delaware.

Personal Data Changes

City employees are to notify the Department of Administrative Services whenever they experience a change in the following:

- Emergency contact information
- Mailing address
- Telephone number(s)
- Marital status
- Newborn / newly acquired dependent
- Divorce, legal separation or annulment
- Change in an employment status of the employee, their spouse or their dependent(s) that may affect health insurance eligibility
- When a spouse, who is a dependent under the City's health insurance, is provided group health insurance through their employer
- When a dependent no longer meets eligibility criteria or becomes ineligible for other coverage, such as dropping out of college or gaining coverage under their own policy
- Court order resulting in an employee gaining or losing custody of a dependent
- Change in an employee's Medicare status
- Death of spouse or dependent.

An employee may change their personal information or may inquire as to what information is required to make such changes, by contacting the Department of Administrative Services.

Drug Free Workplace

The City of Delaware is proud to be a drug-free workplace and is committed to providing a safe, healthy, lawful and productive work environment for its employees. City employees must be physically and mentally fit to perform their duties in a safe and efficient manner. Therefore, no employee shall work or report to work while under the influence of alcohol, illegal drugs, or controlled substances that would affect his/her ability to perform their job in a safe and efficient manner.

Per the Drug-Free Workplace Act of 1988, the City prohibits the use, possession, manufacturing, distribution, sale (or attempted similar conduct) of alcohol, illegal drugs or controlled substances in the workplace. For the purposes of this policy, "workplace" is defined as any City facility, including the area in or around these facilities, any location to which an employee is sent in the course of performing their duties and also includes buildings or vehicles owned, rented or leased by the City.

A. Employee Responsibilities

No employee shall consume, display, or have in his/her possession, including the workplace or in company vehicles, alcoholic beverages or illegal drugs at any time during the workday, including during lunch, breaks, and on-call hours. To do so could jeopardize the safety of other

employees, equipment, and the City's relations with the public, and is a prime cause for disciplinary action, up to and including termination.

B. Notice to Employees

All employees of the City, regardless of status, are subject to testing under this policy at any time during their employment which may include post-accident, reasonable suspicion and random testing. Any employee, who in the City's sole judgment, is determined to have violated this policy will immediately be relieved of their duties, instructed to report for testing and remain off-duty until the results of such drug/alcohol testing have been reported to the City. In this instance, employees will be required to use their accrued leave, in accordance with established parameters for such leave, for their absence. At the City's discretion, an employee will be subject to discipline, up to and including termination for the first offense under this policy. Refusal to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up drug and/or alcohol test may result in immediate termination.

When employees are required to take any kind of prescription or nonprescription medication that may potentially affect their job performance, they are required to report this to their immediate supervisor, who will determine if it is necessary to temporarily place them on another assignment or take other appropriate action.

C. Criminal Drug Violations and Convictions

Employees convicted of violating a criminal drug statute with regard to an offense **occurring in the workplace** must notify the City, in writing, within five (5) calendar days of such conviction, including pleas of guilty or nolo contendere. Upon receiving notification of an employee's conviction, the City will determine, within thirty (30) calendar days, what action will be taken against the employee. At the discretion of the City, this action may include discipline, and/or requiring the employee's satisfactory participation in a drug-abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement or other appropriate agency, or termination.

Employees convicted of violating a criminal drug statute with regard to an offense **occurring outside of the workplace** but which affects their ability to perform the essential functions of their job must notify the City, in writing, within five (5) calendar days of such conviction, including pleas of guilty or nolo contendere. Upon receiving notification of an employee's conviction, the City will determine, within thirty (30) calendar days, what action will be taken against the employee. At the discretion of the City, this action may include discipline, and/or requiring the employee's satisfactory participation in a drug-abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement or other appropriate agency, or termination.

In addition, the City is obligated to notify any U.S. government agency with which it has a contract or grant within ten (10) days after receiving notice of such conviction. Any employee who fails to report such a conviction will be subject to immediate termination.

D. Substance Abuse Support

Employees experiencing problems with alcohol or other drugs are urged to voluntarily seek assistance through the City's Employee Assistance Program (EAP) to resolve such problems before they become serious enough to require management referral or disciplinary action. If an employee has questions regarding this policy or issues related to drug or alcohol use at work, they may raise their concerns with their immediate supervisor or the Department of Administrative Services without fear of reprisal, provided that a violation has not already occurred.

E. Rebuttable Presumption

An employee who tests positive for alcohol or a controlled substance may be disqualified for compensation and benefits under the Workers' Compensation Act. Under Section 4123.54 of the Ohio Revised Code, the results of, or the employee's refusal to submit to, a test for alcohol or a controlled substance results in a rebuttable presumption that the employee is intoxicated or under the influence of a controlled substance not prescribed by the employee's physician and that the intoxication or influence of the controlled substance was the proximate cause of a work-related injury. This means the burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the cause of the injury.

Tobacco Policy

Through the promotion of various wellness initiatives that focus on the health of its employees, the City of Delaware strives to be a tobacco-free workplace. In order to maintain the highest possible health and safety conditions for employees, citizens and our community, the following policy serves to regulate the use of tobacco products (including smokeless tobacco, or "snuff") by City employees while on-duty and on City premises, to include any City facility (including the area in or around these facilities), buildings or vehicles owned, rented or leased by the City.

A. Employee Responsibilities

Specifically, the following conditions apply to all employees of the City of Delaware and to those who volunteer their services to the City:

- 1) Smoking is prohibited inside any municipal facility owned or operated by the City of Delaware.
- 2) Smoking is prohibited within direct proximity to locations of ingress and egress to any municipal facility owned and operated by the City of Delaware. Employees must be at least 20 feet from areas of ingress or egress when smoking.
- 3) Smoking is prohibited inside any City of Delaware vehicle, at all times.

This policy conforms to the provisions of O.R.C. Chapter 3794, and entitled Ohio's Smoking Ban, which specifically prohibits smoking in public places and places of employment (effective 12/7/2006).

B. Responsibility for Reporting Violations

In enforcing this policy, it is the responsibility of all City employees to report violations without fear of reprisal. Specifically, Division Supervisors and Department Directors are to

monitor compliance of their personnel on a daily basis. Violations of this policy will be considered a work rule violation and employees will be subject to disciplinary action.

Complaints and violations may also be reported to the Ohio Department of Health via the *Smoking Ban Enforcement Line* at 1-866-559-OHIO (6446).

Reporting Work-related Injuries

Employees are provided Workers' Compensation coverage beginning on their first day of employment. The City of Delaware pays the entire cost of this coverage. Employees are covered by Workers' Compensation if they are incapacitated by injury or illness arising out of their employment. Employees must report all accidents to their supervisor **immediately**, regardless of how minor. All work-related injuries, illnesses and communicable disease exposures resulting from the performance of employment duties are to be reported immediately to the Workers' Compensation Coordinator within the Administrative Services Department.

A. Employee Responsibilities

For each work-related injury, illness and/or communicable disease exposure resulting from the performance of employment duties, the City requires that the affected employee complete an *Initial Report of Injury* form. This form captures specifics related to the incident for reporting to the Bureau of Workers' Compensation. This form is to be completed for both incidents resulting in medical attention and for those that do not.

Failure to promptly report and document a work-related injury/illness may result in non-certification of the injury/illness by the Department of Administrative Services and will be reported to the Bureau of Workers' Compensation for consideration in determining claim allowance.

For additional information regarding medical attention, compensation and violations/fraud, as they pertain to work-related injuries, please refer to [Section IV – Employee Benefits: Workers' Compensation Insurance](#).

Information Technology Policy

The City of Delaware provides its employees (“users”) with Internet access and electronic communications services (which may include, but are not limited to, computers, e-mail, cell phones, iPhones, iPads, PDAs, personal computers and the like) as required for the performance and fulfillment of job responsibilities. All City of Delaware users are obligated to make effective, safe and responsible use of this technology. This policy applies to all City of Delaware employees, including regular full-time, permanent part-time, temporary, and seasonal employees who are provided access to the City's technology systems.

The City of Delaware offers this access to technology for the purpose of increasing productivity and not for non-City activities. Specifically, this technology is meant to enhance operations by enabling users to, among other things: locate and retrieve information; communicate more effectively with

other departments, employees, and organizations; and more easily publish information of interest to the community and the general public. Users must understand that any connection to the Internet offers an opportunity for non-authorized users to view or access City information. Therefore, it is important that all connections be secured, controlled and monitored.

Electronic equipment and communications systems provided by the City of Delaware are considered to be City property to be used for valid City of Delaware business purposes only. All communications and/or information created, stored, received, sent or otherwise transmitted on or through City-provided technology, including without limitation the Internet, intranet, email, servers, personal computers, iPads, associated hardware and software, online services and other electronic communications services, are considered City property.

There shall be no expected right of privacy for any matter related to using City-provided equipment, including no personal privacy right in any matter passing through, viewed, downloaded, printed, created, stored, received, sent or otherwise transmitted from City-provided technology and equipment. All City of Delaware users should understand that the City reserves and intends to exercise the right to monitor, review, intercept, access and disclose all Internet usage, email communications sent or received, and all cell phone, iPhone, iPad and PDA usage, if necessary, to ensure that the system is being used for business purposes in compliance with this policy, to ensure that all other City policies (including without limitation those related to harassment and discrimination) are being followed, and to be able to access information in an employee's email or other electronic communications system in the event that the employee is unavailable to do so. Electronic audits of Internet activity and other electronic communications by City users will be implemented to identify and properly deal with unauthorized activity.

The Information Technology Department reserves the right to restrict access, of all users, to certain unapproved Internet sites and capabilities (ex: YouTube and instant messenger capabilities).

A. Permitted Use

The Internet and electronic communications services are intended for the purposes of conducting City business. Valid City of Delaware business purposes include, but are not limited to:

- 1) Locating, retrieving, collecting and/or disseminating information in connection with City of Delaware business;
- 2) Communicating with other City departments and employees, as well as with outside contractors, businesses, individuals or organizations currently or potentially doing business with or assisting with the business of the City of Delaware;
- 3) Conducting research to obtain information and material related to City issues; and
- 4) Limited personal use that does not result in the disruption of network operation or interfere with personal productivity at work.

B. Prohibited Use

Internet and electronic communications services should not be used for any prohibited purpose. Prohibited usage may result in the cancellation or loss of privileges. Prohibited usage includes, but is not limited to:

- 1) Conducting personal business activities or seeking personal financial gain;
- 2) Playing games during working hours;
- 3) Bringing actual or potential embarrassment or harm to the City of Delaware;

- 4) Conducting illegal activities or otherwise violating federal, state, or local laws;
- 5) Receiving, transmitting, downloading, viewing, or printing offensive materials of any kind, including any obscene or pornographic materials;
- 6) Receiving, transmitting, downloading, viewing, or printing any materials of a derogatory, inflammatory, discriminatory, harassing, violent or threatening in nature, including any content regarding an individual's or group's race, national origin, gender, age, marital status, sexual orientation, religion or disability;
- 7) Downloading and/or installing software, games or any files or programs which could potentially change system configuration without the consent of authorized Information Technology personnel;
- 8) Removing and/or copying software, shared files or programs without the consent of authorized Information Technology personnel;
- 9) Distributing or printing copyrighted materials, which include articles, software or intellectual property, in violation of the copyright laws;
- 10) Copying programs from City owned systems for personal use;
- 11) Spamming email accounts or forwarding chain letters;
- 12) Disclosing confidential information or otherwise violating the privacy rights of the City of Delaware or its employees, citizens or business associates;
- 13) Using the Internet or electronic communications systems of another employee without authorization;
- 14) Vandalizing data of another user, including uploading or creating of computer viruses; and
- 15) Purchasing goods, materials, or services via the Internet using a City of Delaware credit card or other credit means without having proper authorization from the Director of Finance.

C. User Responsibilities

- 1) Ensuring the security of their accounts and related passwords. Passwords should never be shared between users or be in plain sight. If the integrity of a password has been compromised, it should be changed and/or the Information Technology Department should be notified.
- 2) Abiding by existing federal, state and local telecommunications and networking laws and regulations;
- 3) Minimizing unnecessary network traffic that may interfere with the ability of others to make effective use of City network resources and to conduct normal business activities;
- 4) Avoiding the overload of networks with excessive data, or wasting other City technical resources;
- 5) Exercising good judgment and generally accepted rules of network etiquette when using the Internet or other electronic communications services to avoid offense to others;
- 6) Maintaining the integrity and confidentiality of all City information;
- 7) Exercising good judgment when providing information to other individuals and using all reasonable safeguards to avoid the mistaken distribution of another's information. The transmission of confidential, sensitive or personal information shall only be in accord with current procedures and regulations. Employees should disclose such

information or messages from the electronic communications system only to authorized individuals with a need to know.

D. Violations

If it is determined that a user has violated any of the above policy guidelines, the user will be considered to have misused City property and will be subject to disciplinary action, up to and including termination, as well as the loss of electronic communications privileges. If an employee belongs to a union, any violation by the employee will be subject to the disciplinary process of the applicable collective bargaining agreement. If necessary, the City will advise appropriate legal authorities of any illegal activities.

E. User Set-up and Access Request

The Information Technology Department shall determine configuration of equipment. Installation or removal of any equipment or software must be approved by the Information Technology Department. Requests for initial set-up and any user access changes will be submitted to the Information Technology Department allowing for reasonable amount of time to process such requests. This form may be found by clicking [here](#).

Email Etiquette and Use Policy

This policy provides the City of Delaware (“City”) employees with effective, consistent standards in regards to the use of the electronic mail systems (email) provided by the City. This policy applies to all the employees of the City of Delaware at all facilities. Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary the City will advise appropriate legal officials of any illegal violations. This policy will be administered through the Department of Administrative Services.

A. Employee Responsibilities

All electronic communications and stored information transmitted, received, or archived in the City’s information system are the property of the City. The City reserves the right to access and disclose all messages sent by email. Employees should have no expectation of privacy with respect to any email coming into or going out of City resources, particularly those which come into, or go out of, a City email account. City email accounts are provided in order to carry out communications for City or City-related business only.

B. System Guidelines

- 1) Email to a vendor, client, or the public should follow the same formality as a business letter. It should be treated as a formal document with proper business standards being followed. Spelling, grammar and punctuation should be checked.
- 2) Follow the chain of command. Do not copy or jump management levels unless absolutely appropriate.
- 3) Use professional language. Never send abusive, harassing, threatening or ethical oriented messages, even in jest.
- 4) Use common sense about what you say or send. You cannot control who will ultimately read it. Confidentiality is a misnomer and privacy does not exist. A good rule of thumb is “never write anything to email that you would not want to become

- public knowledge.”
- 5) Review your message before you send it. A sentence that might be clear to someone talking to you face to face might come across quite differently without the tone of your voice or the facial expressions.
 - 6) Think before you send email to more than one person. Respect other employees’ time. Do the additional people really need or want to see the message? Often an obligation is felt to respond or we want to express our own opinion. This then turns into a “chat” session.
 - 7) The signature of all emails is to contain the sender’s full name, title, department, address, phone and fax numbers and any other City related information. **Any personal taglines or personal statements of any kind are not permitted.**
 - 8) Limit the size of your message where possible.
 - a. For internal email, make use of hyperlinks to files on the shared network drives rather than attaching the file to the email. This practice commonly ends up creating multiple copies of the same file, sometimes at several layers. This is not necessary. Create a hyperlink to the file—the user will still be able to access the file.
 - b. For external email, it may be necessary to compress the file prior to sending it.
 - 9) Broadcast email. Use Broadcast email features appropriately:
 - a. Use Broadcast email for City business only. This means that you should not be selling anything, soliciting contributions on behalf of charities, nor any other non-City-related activity.
 - b. Only Department Directors or employees given specific permission by their Director may send Broadcast emails in accordance with the policy practices contained in this document.
 - 10) When not available, use the proper resources for notifications. For example, if you are going to be out of the office, use the “Out of Office Assistant” in Outlook, and voicemail options to let people know you are going to be out of the office. There is no need to send a broadcast email to everyone in the City when you are going to be out of the office.
 - 11) Practice good housekeeping rules. Storage space on the computer is critical:
 - a. Create folders for received and sent messages. Use folders to save important information but make it a regular habit to review all folders and delete old or out-dated material. Delete unimportant messages as you read them.
 - b. Keep your “Inbox,” “Deleted Items,” and “Sent Items” boxes clean. We recommend that all employees purge their files every 60 days. Refer to your records retention schedule when purging documents. Only one copy needs to be retained, whether electronic or paper.
 - c. Do not save multiple copies of threads. When you send a message and get a response with your original message attached, you begin to have several layers. You only need to save the last one. Do not reply with attachments or use “reply all” unless the response requires it.
 - 12) Use professional courtesy and business etiquette:
 - a. Always use a short informative subject line. This gives the receiver some indication of the importance of the message.
 - b. Be careful when using sarcasm and humor. Without the personal interaction,

- your joke could be viewed as criticism.
- c. Do not type in all caps and keep paragraphs short and concise.
 - d. Sign your messages.
 - e. Generally focus on one subject per message.

Personal Records and Access

The official personnel files of all employees shall be maintained in the Department of Administrative Services. All employee personnel records shall include applications, performance evaluations, promotions, acts of reward and recognition, disciplinary actions and any other pertinent information pertaining to the job performance of the individual employee. Copies therein shall be available to the employee.

The Department of Administrative Services shall be responsible for the care and maintenance of all personnel files and records. Department Directors shall be responsible for promptly forwarding all pertinent personnel information and documentation to the Department of Administrative Services. Employees may, during normal office hours, review their official personnel files or, if available, electronically can view them at will.

Most of employees' records are public record. The Department of Administrative Services will abide by normal processes to comply with all public records requests, unless other action is needed via the applicable collective bargaining agreement.

Personal Relationships

When employees involved in a dating relationship work within the same department or division of an organization, it has the potential to cause unnecessary problems at work. In addition to claims of favoritism and morale issues, personal conflicts (outside of work) can sometimes carry over into the working environment, regardless of precautionary measures. For the purpose of this policy, the City defines a relative as being any person who is related to an employee by blood or marriage, or whose relationship to an employee is similar to that of a relative. A dating relationship is defined as a relationship that might reasonably be expected to lead to a consensual "romantic" or sexual relationship.

This policy applies to all persons employed by the City of Delaware, regardless of capacity, gender or sexual orientation. An employee who intentionally chooses to not disclose relationship status, as it applies to this policy, will be subject to transfer or removal from their position. This policy will be administered through the Department of Administrative Services.

An employee may not directly work for a relative or supervise a relative. The City does not permit employees engaged in a dating relationship to supervise the work of the other. The City reserves the right to take swift action if an actual or potential conflict of interest arises involving relatives or persons involved in a dating relationship who are in positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If two employees become relatives, or start a dating relationship and one of them supervises the other, the one who is the supervisor is required to tell management about the relationship. We will then ask the two employees to decide which one of them is to be transferred to another available position. If they do not make that decision within 30 calendar days, City of Delaware, Ohio will decide which one will be transferred or, if necessary, terminated from employment.

There may also be situations when there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct reporting relationship or authority involved. In that case, the City may separate the employees by reassignment or termination of employment. If you are in a close personal relationship with another employee, we ask that you avoid displays of affection or excessive personal conversation, while at work, to avoid disruption of work activities.

Workplace Violence

The City of Delaware is committed to providing, as reasonably as it can and given available resources, a safe environment for working and conducting business. In order to ensure a safe workplace and to reduce the risk of violence, the following policy is provided to address situations of intimidation, harassment, or actual violence that may occur in the workplace.

This policy applies to all persons employed by the City of Delaware, regardless of capacity. Threats, threatening conduct or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees of the City of Delaware, engaged in violent acts on city premises, will be reported to the proper authorities and fully prosecuted. This policy will be administered through the Department of Administrative Services.

The City of Delaware will not tolerate any type of workplace violence committed by or against City employees, or members of the public while on City of Delaware property or while performing City of Delaware business at other locations.

Work violence, in this policy, shall mean any act or behavior that:

- Is physically assaultive;
- A reasonable person would perceive as obsessively directed; e.g., intensely focused on a grudge, grievance or romantic interest in another person and reasonably likely to result in harm or threats of harm to people or property;
- Consists of a communicated, reasonably perceived or actual threat to harm another individual or in any way endanger the safety of an individual;
- Would be interpreted by a reasonable person as carrying potential of physical harm to the individual;
- A reasonable person would perceive as menacing;
- May involve carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or
- Consists of a communicated, reasonably perceived or actual threat to destroy City of Delaware property, the property of another employee or the property of a member of the public.

Violent actions committed on city property, in city facilities or while on city business will not be tolerated nor ignored. Any unlawful violent actions committed by employees or members of the public while on city property or while using city facilities will be prosecuted as appropriate. The City intends to use reasonable legal, managerial, administrative and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

A. Possession and Use of Dangerous Weapons by Employees

In the interest of maintaining a workplace that is safe and free of violence, possession or use of a dangerous weapon is prohibited on City property and in City vehicles. For the purposes of this policy, a “dangerous weapon” is defined as any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person.

B. Exceptions to Dangerous Weapons Prohibition

Employees of the City of Delaware may possess a firearm on city property if they are actively engaged in military or law enforcement activities.

C. Responsibility and Reporting Procedures

Any potentially dangerous situation must be reported immediately to an employee’s supervisor, Department Director and/or Department of Administrative Services personnel. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of the investigation will be discussed with them. The City of Delaware will actively intervene at any indication of a possible hostile or violent situation.

All employees are responsible for:

- Refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace; and
- Reporting to their immediate supervisor, Department Director and/or Department of Administrative Services personnel, any threatening situations that occur in the workplace.

While the city does not expect employees to be skilled in identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor, Department Director and/or Department of Administrative Services personnel if any employee exhibits behavior which could be perceived as a potentially dangerous situation. Such behavior includes, but is not limited to:

- Discussing weapons or bringing them into the workplace;
- Displaying overt signs of extreme stress, resentment, hostility or anger;
- Making threatening remarks;
- Sudden or significant deterioration in performance; and
- Displaying irrational or inappropriate behavior.

D. Procedures for Dealing with Acts of Workplace Violence

Employees who encounter an armed and/or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual.

Additionally, if a violent act occurs:

- If the act or altercation constitutes an emergency, immediately call 911 and notify an immediate supervisor. In non-emergency situations, contact your immediate supervisor, Department Director and/or Department of Administrative Services personnel.
- With incidents that do not necessitate involvement of emergency personnel, the Department of Administrative Services or the City Manager will evaluate the incident and make a recommendation for investigation. If a recommendation to conduct an investigation is made, Department of Administrative Services personnel or the City Manager will coordinate the investigation process.

Emergency Evacuation

The following guidelines have been established to maintain the safety and security of all employees during an emergency requiring evacuation of personnel. In the event of an emergency, employees should immediately stop whatever they are doing, remain calm and leave their work area/facility. If possible, employees are to turn off all electrical equipment before leaving their work area and secure any personal valuables. Under any and all circumstances, employees are to remember that their personal safety should always come first.

Each work area will be responsible for designating a warden whose responsibility it will be to see that all employees leave the work area promptly and safely.

All employees should exit their work area/facility by way of the nearest exit or stairwell and should quickly proceed away from the building. **In an emergency situation, elevators are not to be used.** It is the responsibility of all able staff to assist any persons with disabilities in exiting the work area/facility by means of the nearest exit or stairwell.

Once away from the building, employees are to position themselves far enough away from the building to enable everyone to stand clear of emergency vehicles. The street must remain clear at all times as to not hinder the movement of emergency vehicles into the area. Additionally, once outside, employees are not permitted to re-enter the building until it is declared safe by the appropriate personnel.

Identity Theft Prevention Program and Policy

Under the Fair Credit Reporting Act, as amended by the Fair and Accurate Credit Transactions Act amendments of 2003, municipal utilities and other departments of the City are required to implement an Identity Theft Prevention Program and Policy to detect, prevent, and mitigate identity theft in connection with the opening of certain accounts or certain existing accounts.

Per City Resolution No. 09-37, *A Resolution Adopting an Identity Theft Policy* ([see Addendum "E"](#)), certain measures have been adopted in an effort to protect existing customers, to reduce the risk from identity fraud and to minimize potential damage to the City from fraudulent new accounts. Therefore, it is the responsibility of all City employees to utilize common sense judgment in securing sensitive information to the proper extent.

It is the responsibility of each employee to familiarize themselves with the requirements of the City's Identity Theft Policy. The City will provide training for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the City or its customers. The City Attorney is responsible for ensuring annual identity theft training for requisite employees and contractors. Questions pertaining to which may be addressed to the City Attorney.

Any potential breach of sensitive information including social security numbers, bank account numbers, as well as other sensitive data should be reported immediately to an employee's immediate supervisor. It is the responsibility of the supervisor to notify the City Attorney that a possible breach of sensitive information has occurred.

Section VI - Miscellaneous

Employee Assistance Program

The City of Delaware recognizes that the health of its employees serves as the foundation for providing quality service. In recognizing that many employees may experience problems that could affect the quality of their job performance; the City of Delaware is committed to providing employee assistance services as a way to support employees and their family in resolving difficulties. This policy encourages all City employees to seek confidential, professional counseling and guidance when faced with personal and work-related problems or challenges which have the potential ability to affect job performance.

Services provided by the City's Employee Assistance Program are available to all employees, their household members, dependents in and away from the home, and parents/parents-in-law. Services provided by the City EAP are available twenty-four hours a day; seven days a week; year round. All services, with the exception of a formal management referral, are confidential and governed by federal and state privacy laws. Information will not be shared without the consent of an employee or as mandated by law. Use of the Employee Assistance Program has no bearing on an employee's continued employment or advancement.

The City's Employee Assistance Program offers a variety of services which may include information and referrals, crisis intervention and counseling. Participation in the City's Employee Assistance Program is voluntary and the relationship between an employee and the counselors is completely confidential. No information about an employee or an employee's family member will be released without an employee's written consent.

Employees experiencing a problem that may affect their job performance are encouraged to voluntarily seek assistance through the Employee Assistance Program. Supervisors and managers are encouraged to inform and educate employee about the availability of services under this program, in order to promote self-referral of employees to the Employee Assistance Program. Supervisors and managers are encouraged to make supervisory referrals for those employees whose personal problems are affecting overall job performance. If a supervisory referral is necessary, it should be done under the guidance of the Department of Administrative Services.

Supervisors and managers are strongly urged to refer discussions regarding an employee's personal problems to the Employee Assistance Program. Involvement in the program does not preclude an employee from normal discipline when a work rule/violation has occurred.

Committees

The City of Delaware encourages its employees' participation in committees that are established for health, safety and employee recognition purposes. Participation in a City-sponsored committee is voluntary. No additional compensation is awarded for time spent participating in a City-sponsored committee. Events related to such committees, such as the annual Employee Recognition Breakfast,

are also voluntary. If an employee chooses to not participate in such an event and they are scheduled to work that day, they are to report to work, per usual.

Employees who desire to participate in a City-sponsored committee should notify their immediate supervisor. With respect to meetings related to City-sponsored committees, if a conflict were to exist between an employee's duties and a scheduled meeting, it is the responsibility of an employee's immediate supervisor to determine if participation in the meeting would adversely impact the operations of the division/department during that time. If this is the case, the supervisor may deny an employee from participation. In all instances; however, supervisors are encouraged to work with their employees to ensure that they have the opportunity to participate in a City-sponsored committee.

Section VII – Addenda

[A. Texting While Driving – City Ordinance 331.44](#)

Click here to return to p. 32 - Texting While Driving

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B. Paid Military Leave for Permanent Public Employees (ORC 5923.05)

(Effective 9/17/2010)

(A) (1) Permanent public employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each calendar year in which they are performing service in the uniformed services.

(2) As used in this section:

(a) "Calendar year" means the year beginning on the first day of January and ending on the last day of December.

(b) "Month" means twenty-two eight-hour work days or one hundred seventy-six hours, or for a public safety employee, seventeen twenty-four-hour days or four hundred eight hours, within one calendar year.

(c) "Permanent public employee" means any person holding a position in public employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Permanent public employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

(d) "State agency" means any department, bureau, board, commission, office, or other organized body established by the constitution or laws of this state for the exercise of any function of state government, the general assembly, all legislative agencies, the supreme court, the court of claims, and the state-supported institutions of higher education.

(e) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(f) “Uniformed services” means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(g) “Public safety employee” means a permanent public employee who is employed as a fire fighter or emergency medical technician.

(B) Except as otherwise provided in division (D) of this section, any permanent public employee who is employed by a political subdivision, who is entitled to the leave provided under division (A) of this section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section [5919.29](#) of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

(1) The difference between the permanent public employee’s gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee’s gross uniformed pay and allowances received that month;

(2) Five hundred dollars.

(C) Except as otherwise provided in division (D) of this section, any permanent public employee who is employed by a state agency, who is entitled to the leave provided under division (A) of this section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section [5919.29](#) or [5923.21](#) of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the difference between the permanent public employee’s gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee’s gross uniformed pay and allowances received that month.

(D) No permanent public employee shall receive payments under division (B) or (C) of this section if the sum of the permanent public employee’s gross uniformed pay and allowances received in a pay period exceeds the employee’s gross wage or salary as a permanent public employee for that period or if the permanent public employee is receiving pay under division (A) of this section.

(E) Any political subdivision of the state, as defined in section [2744.01](#) of the Revised Code, may elect to pay any of its permanent public employees who are entitled to the leave provided under division (A) of this section and who are called or ordered to the uniformed services for longer than one month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the president or an act of congress, such payments, in addition to those payments required by division (B) of this section, as may be authorized by the legislative authority of the political subdivision.

(F) Each permanent public employee who is entitled to leave provided under division (A) of this section shall submit to the permanent public employee's appointing authority the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing that service, prior to being credited with that leave.

(G) Any permanent public employee of a political subdivision whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to the performance of that service, except that no collective bargaining agreement may afford fewer rights and benefits than are conferred under this section.

C. Family and Medical Leave (FMLA) Policy

Section I - Purpose

FMLA was designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. The purpose of this section is to set forth the City of Delaware policy for providing leaves of absence for eligible employees in accordance with the federal Family and Medical Leave Act (FMLA) of 1993, as amended, and applicable state leave laws, as well as for employees ineligible for FMLA.

Section II - Scope

This policy applies to all eligible employees of the City of Delaware.

Section III - Responsibility

The interpretation and administration of this policy shall be the responsibility of the Director of Administrative Services.

Section IV - Policy

In accordance with the Family and Medical Leave Act (FMLA) of 1993, as amended by the National Defense Authorization Act, it is the policy of the City of Delaware to grant eligible employees up to twelve (12) weeks of unpaid family and medical leave during any “rolling” twelve (12) month period, measured backward from the date an employee uses any FMLA leave.

Section V - Eligibility

To be eligible to take family and medical leave under this policy, an employee must meet all of the following conditions:

- A. Have been employed by the City for a total of at least twelve (12) months (or 52 weeks). The twelve (12) months (or 52 weeks) need not have been consecutive, but typically periods of employment preceding a seven-year gap in employment will not be counted.
- B. Have worked at least 1,250 hours during the twelve (12) month period immediately preceding the date when the requested leave would begin.

Section VI – FMLA Covered Events

- A. Covered Family and Medical Leave Entitlements for Eligible Employees
 1. Birth of an employee’s child and to care for that child or for the placement for adoption or foster care of a child. Such leave must be taken within twelve (12) months of the date of birth or placement. Employees requesting leave under this category are eligible for up to twelve (12) total workweeks of unpaid leave.
 - a. At the discretion of the City, leave for these purposes may also be permitted to be taken by the employee on either an “intermittent basis” or on a “reduced leave” schedule (i.e., a reduced workweek or reduced workdays).
 - b. Male employees may elect to use up to one week of sick leave accruals for the initial request; any time above and beyond this initial period will require a statement from their doctor stating that it is medically necessary for the male not to work, in order to continue utilizing sick leave for the absence.

- c. Female employees may use sick leave as long as they have a doctor's certification that it is medically necessary.
 - 2. In order to care for a *qualifying member* with a *serious health condition* (see FMLA definitions below). Employees requesting leave under this category are eligible for up to twelve (12) total workweeks of unpaid leave.
 - 3. Inability of an employee to perform the essential functions of the employee's job due to his/her own *serious health condition* (see FMLA definitions below). Employees requesting leave under this category are eligible for up to twelve (12) total workweeks of unpaid leave.
- B. Military Family Leave Entitlements for Eligible Employees
 - 1. Qualifying exigency leave¹ arising out of the eligible employee's spouse, son, daughter or parent being a covered military member on active duty (or has been notified of any impending call or order to active duty) in support of a contingency operation as either a member of the National Guard or Reserves or a retired member of the Regular Armed Forces or Reserves. Employees requesting leave under this category are eligible for up to twelve (12) total workweeks of unpaid leave.
 - 2. Military caregiver leave¹ in order to care for a covered service member with a *serious injury or illness* if the eligible employee is the spouse, son, daughter, parent, or next of kin of the service member.
 - a. If the eligible employee's leave is to care for a covered service member with a serious injury or illness, the eligible employee shall be entitled to a total of twenty-six (26) weeks of unpaid FMLA leave. Any leave taken under any of the foregoing instances shall be included in calculating the twenty-six (26) weeks of unpaid FMLA leave.
 - b. In instances where leave qualifies under both military caregiver leave to care for a covered service member with a serious injury or illness and that of a family member with a serious health condition, the employee shall be entitled to a total of twenty-six (26) weeks of unpaid FMLA leave.

Section VII - FMLA Definitions

For the purposes of this policy, all definitions will be interpreted consistent with their meaning per 29 C.F.R. Chapter § 825.

A. **Qualifying family members** are:

- 1. An employee's spouse, as defined and recognized under Ohio law for purposes of marriage. This definition does not include unmarried domestic partners.
- 2. An employee's children under eighteen (18) years of age or children of any age who are incapable of self-care due to a physical or mental disability at the time that leave is to commence; or, for purposes of qualifying exigency and military caregiver leaves only, children who are of any age. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes biological, adopted

¹ On January 28, 2008 the National Defense Authorization Act (NDAA) was signed into law. Section 585 of the NDAA amends the Family and Medical Leave Act of 1993 (FMLA) to provide two new leave entitlements. The Department of Labor's Wage and Hour Division published a Final Rule under the Family and Medical Leave Act which became effective on January 16, 2009 and updates the regulations to implement the NDAA. Under the final regulations, two new military family leaves are outlined and include Qualifying Exigency Leave and Military Caregiver Leave.

or foster children, stepchildren, legal wards or children for whom the employee stands “in loco parentis”.

3. An employee’s parents, including a biological parent or an individual who stands or stood “in loco parentis” to the employee when the employee was a child. This term does not include parents “in law.”

- a) Persons who are “in loco parentis” include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

- B. A **serious health condition** means an illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacity or treatment connected with in-patient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, and any period of incapacity or subsequent treatment in connection with in-patient care; or
2. Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) calendar days and that also involves an in-person treatment visit to a health care provider within seven (7) days of the first day of incapacity, combined with either (a) one or more additional times of in-person treatment by a health care provider, typically within thirty (30) days of the first day of incapacity, or (b) a regimen of continuing treatment under the supervision of a health care provider; or
3. Any period of incapacity due to a chronic serious health condition that requires periodic visits (at least twice a year) for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, or epilepsy); or
4. Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., severe stroke or terminal illness), so long as the employee or qualifying family member is under the continuing supervision of a health care provider; or
5. Any period of absence to receive multiple treatments by a health care provider either for (1) restorative surgery after accident or surgery, or (2) for a condition that would likely result in a period of incapacity of more than three (3) days in the absence of medical intervention, e.g., cancer (chemotherapy, radiation), severe arthritis (physical therapy) or kidney disease (dialysis); or
6. Any period of incapacity due to pregnancy or for prenatal care by a health care provider.

- C. If an employee takes leave for a condition that progresses into a serious health condition, and the employee then requests leave as provided under this policy, the City may designate all or some portion of the prior related leave as leave taken under this policy, to the extent that the earlier leave meets the definitions of this policy.

- D. A **covered service member with a serious injury or illness** is a current member of the Regular Armed Forces, National Guard or Reserves who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

- E. A **serious injury or illness**, as it pertains to military caregiver leave, 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 even if the service member is no longer on active duty status, so long as the injury manifests itself within five (5) years of the service member leaving active duty status.²
- F. **Next of kin of a covered service member (for purposes of military caregiver leave only)** used with respect to an individual refers to the nearest blood relative of that individual.
- G. **Qualifying Exigency** refers to qualifying exigencies, which generally include short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities and additional activities. A Qualifying Exigency as used herein is specifically defined by 29 C.F.R § 825.126.

Section VIII – Calculation of Available Leave

- A. An eligible employee may take up to twelve (12) weeks (480 hours) of leave under this policy for any one or more FMLA covered events (other than military caregiver leave) during any twelve (12) month period. The City measures this twelve (12) month period as a “rolling” twelve (12) month period that is measured backward from the date an employee uses leave under this policy. To be eligible to take an FMLA leave, an employee must meet all of the following criteria:
 - 1. The employee must have been employed by the City for at least twelve (12) months. Any portion of a week that the employee is on the payroll counts as a full week for FMLA eligibility. Employment does not have to be continuous.
 - 2. For the 12 months immediately preceding the first day an FMLA leave is to commence, the employee must have worked at least 1,250 hours. These hours must be actual work hours, not compensated hours. Hours using any type of paid time off benefits or holiday time do not count toward this minimum requirement.
 - 3. The employee must not have already received twelve (12) weeks of FMLA leave in the current calendar year.
- B. Time in the military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA) will count towards fulfilling the length of employment and hours of work requirements to be eligible for an FMLA leave.
- C. A husband and wife who are eligible for FMLA leave and are both employed by the City are limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken for birth or care of a newborn child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition **or** an aggregate of twenty-six (26) weeks if taken to care for a covered service member with a serious injury or illness.

Section IX – Leave Usage

- A. An employee may take FMLA leave in twelve (12) consecutive workweeks, may use the leave intermittently or may use the leave to reduce the work week or work day, resulting in a reduced schedule. In all cases, the FMLA leave may not exceed a rolling total of twelve (12)

² On October 28, 2009, President Obama signed the National Defense Authorization Act (NDAA) for Fiscal Year 2010 which expands Family and Medical Leave Act (FMLA) eligibility for certain military-related situations.

weeks over a twelve (12) month period or, where military caregiver leave is involved, a total of twenty-six (26) weeks in a single 12 (twelve) month period.

- B. Employees may use intermittent or reduced schedule leave only when medically necessary for the employee's own serious health condition, to provide care for a qualifying family member with a serious health condition, or to care for a covered service member with a serious injury or illness. Employees may also use intermittent or reduced schedule leave when necessary due to a qualifying exigency. These leaves need to be scheduled in a way that causes as minimal of a disruption to the City as possible. The City may, at its discretion, temporarily reassign an employee to an available alternative position, with equivalent pay and benefits, if the alternative position would better accommodate the recurring periods of absence or a part-time schedule.
 - 1) Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.
- C. Leave for the birth of a child or placement of a child for adoption or foster care must be taken within one (1) year of the birth or placement of the child. Intermittent or reduced schedule leave generally is not available in these situations.
- D. Where an employee takes a full week of FMLA leave, the fact that a holiday may occur within the week does not affect how much of an employee's FMLA allowance has been used, i.e. the week is still counted as a full week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week (i.e, intermittent leave), the intervening holiday will not count against the employee's FMLA allowance unless the employee was otherwise scheduled and expected to work during the holiday.

Section X – Benefits and Compensation

- A. While an employee is on an FMLA approved leave, the City will maintain the employee's health benefits during the approved leave period (up to the exhaustion of FMLA leave) at the same level and under the same conditions as if the employee had continued to work. If an employee normally pays a portion of their health care premium, the employee must continue to make this payment while on FMLA leave, either through payroll deduction, if applicable, or in person or by mail.
 - 1) The payment must be received by the first day of each month.
 - 2) If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave or,
 - 3) At the City's option, the employee's portion of the premium may be paid by the City and then recovered from the employee upon his/her return to work.
- B. If the employee chooses not to return to work for reasons other than a continued serious health condition, or a serious injury or illness of a covered service member or other circumstances beyond the employee's control, the City may require reimbursement by the employee for the amount it paid for the employee's health insurance premium during the leave.
- C. Employees are required to substitute any and all accrued paid leave benefits and disability benefits (if applicable) for any and all unpaid FMLA leave. If an employee exhausts his/her paid leave prior to the end of the twelve (12) week FMLA entitlement, the remaining leave will be unpaid. **An employee on FMLA leave must first use paid sick leave, personal leave, vacation leave and holiday leave, in that order, before going on unpaid leave.** Injury leave

precedes sick leave, where applicable. The total amount of family leave paid and/or unpaid will not exceed a total of twelve (12) weeks or twenty-six (26) weeks if taken to care for a covered service member with a serious injury or illness.

- D. Benefits that operate on an accrual basis (e.g., vacation, sick leave, personal leave) will not accrue during any period of unpaid leave under this policy.
- E. An employee's eligibility for qualified benefits (e.g., OPERS, Police and Firemen's Disability and Pension Fund) will be governed according to the terms of each respective benefit plan.
- F. All leaves that are granted to an employee, whether paid or unpaid, for purposes which are covered under the FMLA (e.g., workers' compensation), shall be counted as FMLA leave for the employee and subject to the rolling 12-weeks-per-year limitation.
- G. All conditions in this section are governed by an employee's individual labor contract.

Section XI – Notice and Application of Leave

- A. An employee shall provide the City at least thirty (30) days advance notice before FMLA leave is to commence if the need for the leave is foreseeable.
- B. If leave is unforeseeable, and it is not possible to give thirty (30) days' advance notice, the employee must give as much notice as is practical – normally no later than 24-48 hours after the need for leave is taken.
 - 1) If an employee fails to provide 30 days' notice for foreseeable leave, and has no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the City receives notice.
- C. Employees shall provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. The City may inquire further of the employee if it is necessary to have more information about whether FMLA leave is to be taken, or whether a request for leave qualifies as FMLA leave.
 - 1) When an employee seeks leave for an FMLA-qualifying reason for the first time, the employee need not expressly mention the FMLA (although calling in "sick" without additional information is not sufficient).
 - 2) When an employee seeks leave due to an FMLA-qualifying reason for which the City has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for "FMLA" leave.
- D. The City will also request that the employee complete a written request form provided by the Department of Administrative Services. All employees should cooperate with the Department of Administrative Services in this FMLA application process by answering all FMLA inquiries, submitting the request form as soon as possible (within the time frames discussed above), and complying with any other usual and customary notice and procedural requirements for requesting leave (e.g., following established call-in procedures for absences). Failure to cooperate in this process and comply with all procedures, absent unusual circumstances, may result in the denial or delay of FMLA-protected leave.
- E. If an employee takes leave based on the serious health condition of the employee or to care for a qualifying family member, the employee must make a reasonable effort to schedule treatment as to minimize the disruptions to the City's operations, subject to the approval of the health care provider.

Section XII – Required Documentation of Serious Health Conditions

- A. If leave is requested for a serious health condition, qualifying exigency or to care for a covered service member with a serious injury or illness, the City will require that a complete and sufficient certification of the need for leave be submitted to the City on a form provided by the Department of Administrative Services. The employee should respond to such a request within fifteen (15) calendar days of the request, whenever possible.
- 1) Failure to provide timely medical certification, or a reasonable explanation for delay, may result in a denial or delay of leave and/or the leave not qualifying as FMLA leave (and therefore considered unexcused).
 - 2) It is the employee's responsibility to provide the City with a complete and sufficient certification and to clarify the certification if necessary. A certification is considered insufficient if the City receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.
 - 3) The City may deny the taking of FMLA leave if the certification is unclear and the employee does not take action to cure all deficiencies. In the instance, an employee will be notified in writing of the deficiency and given seven (7) days to cure it. If the employee fails to provide the City with a complete and sufficient certification, despite the opportunity to cure the certification or fails to provide any certification, the City may deny the taking of FMLA leave, in accordance with C.F.R. §825.313. In these instances, the leave will not qualify as FMLA leave and may be considered unexcused.
 - 4) The Department of Administrative Services may contact the employee's health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after first allowing the employee an opportunity to cure any deficiencies.
 - 5) If the employee's health care provider is required under HIPAA to obtain the employee's permission before providing properly requested information to the City, and the employee does not give that permission, then the City may deny FMLA leave on the basis that the medical certification is unclear.
 - 6) The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA (Title II) from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we ask that employees not provide any genetic information when responding to requests for medical information. 'Genetic Information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an 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 reproductive services.
- B. Certification of a serious health condition shall include all items as requested on the City's form. Such required items include, but are not limited to: the date when the condition began, its expected duration, a statement of treatment and the medical facts which support the certification, including how the medical facts meet the definition of a serious health condition under the Act.
- 1) For medical leave for the employee's own condition, the certification must also include a statement that the employee is unable to perform the essential functions of the employee's position.

- 2) For medical leave for a qualifying family member's condition, the certification must include a statement that the patient requires assistance with basic needs, which the employee's presence would be beneficial, and an estimate of the amount of time the employee is needed to provide care.
 - 3) If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and duration of treatment and statement of medical necessity for taking such leave. All applicable sections must be completely addressed on the City's form.
- C. The City has the right to ask for additional medical opinions if it has reason to doubt the certification for a serious health condition. Such additional opinions will be at the City's expense. Any second opinions will be completed by a health care provider chosen by the City. If there is a conflict between the original and second opinion, the City, at its own expense, may obtain the binding opinion of a third health care provider, approved jointly by the employee and the City. Employees (or their qualifying family members) are required to authorize the release of all relevant medical records when requested by the health care providers rendering the second or third opinions. An employee's (or qualifying family member's) failure to authorize such release, or to otherwise cooperate fully in the second or third opinion process, may result in the denial of FMLA leave.
- D. The City also may require periodic re-certifications of the serious health condition and/or periodic reports on the employee's status and intent to return to work. Such periodic re-certifications or status reports may be required every 30 days, unless a different (greater or lesser) interval of time is appropriate based on the employee's particular situation. Any requested re-certifications shall be at the employee's expense and shall be subject to the same standards of timeliness, completeness and sufficiency applicable to original certifications.
- E. The City reserves the right to require that an employee's request for military leave be supported by an appropriate certification. The City specifically requests that:
- 1) Leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which the leave is sought, including contact information if the leave involves meeting with a third party; and
 - 2) Leave to care for a covered service member with a serious injury or illness be supported by a certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

Section XIII – Employment While on Leave

Employment while on an authorized leave of absence is prohibited unless required as part of a remedial therapy program under medical direction as recognized by the City.

Section XIV – Periodic Notification While on Leave

Employees will be required, at least once every 30 days while on leave, to contact their supervisor to report on their status and intentions with respect to returning to work at the end of their leave period. If an employee gives unequivocal notice of intent not to return to work, the City's obligations under FMLA to maintain health benefits (subject to COBRA requirements) and to restore the

employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

Section XV – Return to Work

- A. Employees returning from FMLA leave will be restored to the same job, or a job with equivalent status, pay, benefits and other employment terms, unless the employee would not otherwise have been employed at the time reinstatement is requested. Employees have no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.
- B. Employees who are returning to work following FMLA leave due to the employee's own serious health condition will be required to provide medical certification that they are able to return to work. Such employees will not be permitted to return to work until such certification is provided, reviewed and approved by the Department of Administrative Services. This certification shall include whether or not the employee is able to return to work and perform all essential functions of their position(s), with or without reasonable accommodations.
- C. If an employee's circumstances of leave change and the employee is able to return to work earlier than anticipated, the employee must notify the Department of Administrative Services at least two (2) work days prior to the date that the employee intends to return to work. If an employee gives notice, either before or during the leave, of his/her intent not to return to work, the City's obligations under FMLA generally ceases.
- D. Reinstatement may be denied to certain "key" employees (as defined in C.F.R. §825) where restoration to employment will cause substantial and grievous economic injury to the City. Key employees are defined as the most highly compensated ten (10) percent of the employees employed by the City within 75 miles of the facility at which the employee is employed.
 - 1) Determination of whether an employee is among the highest compensated ten (10) percent shall be made at the time the employee gives notice of the need for leave.
 - 2) Upon the City's determination that a key employee will not be restored to his/her job, the City will notify such employee, at which time the employee, if already on leave, the employee will have the option of returning to work within a reasonable time period, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.
- E. An employee's failure to return to work upon the expiration or exhaustion of FMLA leave may be treated as voluntary termination of employment unless one of the following applies:
 - 1) Such failure is due to the continuation or recurrence of a serious health condition, and the employee has been granted additional leave, in writing, under the FMLA policy (if 12 weeks are not already exhausted) or other applicable City leave policy.
 - 2) Applicable law requires otherwise (e.g., workers' compensation).

Section XVI – Leave Designation and Retroactive Designation

- A. The City reserves the right to designate all FMLA qualifying leave as FMLA leave. All leaves that are granted, whether paid or unpaid, for purposes which are covered under the FMLA, may be charged as FMLA leave and shall be subject to the twelve (12) week limitation (or the twenty-six (26) week limitation if taken to care for a covered service member with a serious injury or illness) for any rolling twelve month period.

- B. If the City fails to designate an employee's eligible absence as FMLA, it may retroactively designate the absence as FMLA leave if the employee has been given notice and the retroactive designation does not harm the employee. The City and the employee may also mutually agree to retroactively designate the absence as FMLA. The ability to retroactively designate an employee's absence as FMLA does not apply to absences in which the employee did not give the appropriate amount of notice or did not follow the required call-in procedure.

Section XVII – General Leaves of Absence for Ineligible Employees

Employees who are not eligible for FMLA leave may apply for a general leave of absence for medical illnesses, disabilities (including work-related injuries or illnesses, pregnancy, disability etc.) or for personal reasons.

Medical (including pregnancy) disability leaves of absence may be requested for periods of up to three (3) months (unless applicable law requires longer leave to be granted). Personal leaves may also be requested for periods up to three (3) months.

In general, a leave of absence is considered a privilege. No leaves are granted automatically; leaves must be requested by the employee in writing and approved by the City. In granting a leave of absence the employee's service record and the circumstances necessitating the leave request will be carefully examined.

Section XVIII – Limits of this Policy and Fraudulence

The protections of FMLA leave will not cover situations where the reason for leave no longer exists, where the employee has not provided required notices or certifications, or where the employee has misrepresented the reason for leave. Further, the City shall take disciplinary action, up to and including termination, against any employee using deception or fraud under this policy.

Section XIX - Forms

Forms used to request/initiate the FMLA process for any of the above specified covered absences may be obtained by contacting the Department of Administrative Services. These forms are also available on the Department of Administrative Services shared drive for your convenience.

The City will not pay for completion of any FMLA forms when payment is required by the provider. It is the responsibility of the employee to provide a complete and sufficient medical certification in order to take FMLA-protected leave. Therefore, payment for completion of such forms is the responsibility of the employee.

Section XX - Questions

Any questions concerning this policy should be directed to the Department of Administrative Services.

D. Cell Phone Allowance Policy

This policy is effective as of July 1, 2009 (except for all eligible Public Works Department employees who converted from City Nextel service on January 1, 2009) and supersedes any previous policies and guidelines regarding cell phones.

A. Overview of Tax Issues and Rationale for Policy

The use of cell phones has increased significantly in recent years. The Internal Revenue Service (IRS) has closely scrutinized the treatment of personal use of employer-provided (or employer reimbursed) equipment and service, such as cell phones and automobiles.

The IRS requires that a log be kept by the cell phone holder, which records every call and its business purpose that is made or received on an employer-provided cell phone. Maintaining a log can be time consuming with the cost associated with it likely outweighing the benefit. Consequently, after discussion about how to address these tax issues and following rapidly developing and common best practices in this area, the City of Delaware, OH will no longer: 1) purchase cell phones for individuals or 2) pay vendors directly for monthly service. Rather, for a limited number of approved and authorized individuals, the City of Delaware, OH will provide a taxable monthly allowance, paid bi-weekly, for cell phone usage for business purposes. An employee will be the direct holder of a contract with the cell phone company.

Although the allowance is taxable, it is believed that the benefits to the employee outweigh the costs. The benefits include: 1) a log is not required, 2) no monthly reporting is required, 3) no direct interface with IT department staff is necessary and 4) phones may be used for personal calls and be combined or enhanced with other personal plans, eliminating the need for carrying two phones.

B. Policy

The City of Delaware, OH recognizes the need for certain city personnel to own and use cell phones to complete and enhance their job performance. This policy establishes the procedures for cell phone authorization, reimbursement and use for all Essential Personnel. Criteria used in determining Essential Personnel include:

- This employee is a key staff member needed in the event of an emergency
- This employee is involved in frequent off hours/on-call activity.
- The nature of this employee's work is critical to the operation of the department and immediate response is required.
- The anticipated level of business use is significant.
- The related cost is justified when compared with alternative communication choices.

Once approved for cell phone reimbursement, a full-time employee will receive a monthly allowance, paid bi-weekly, as a taxable benefit. Said allowance shall be based on a Basic Plan unless special circumstances warrant a different plan.

Tier 1 Voice (occasional, but necessary city usage) \$19.38 / month

Tier 2 Voice/Text (necessary business usage) \$29.38 / month

Tier 3 Special Circumstances Pre-arranged terms with City Manager require additional services at a level to be determined.

C. Administration of Allowance

If the Department Director deems it appropriate for an employee to receive a cell phone allowance, the employee needs to complete an authorization request form (following page). Please note that allowances must be covered by a department's budget.

The carrier of choice for the City of Delaware is Verizon, due to the superior coverage that Verizon offers in this region, and so that all employee to employee calls are "in plan" at no additional charge.

Should confidentiality of a personal cell phone number be a concern, all Essential Personnel authorized to carry a cell phone to conduct City business, shall have the option to forward cell phone calls through the City's Shore Tel Phone System.

D. Effective Date

The effective date of the new policy will be July 1, 2009 (except for eligible Department of Public Works employees who switched from City Nextel service on January 1, 2009). Before any stipend payments are issued under this policy, all eligible employees must complete and submit the Cell Phone Authorization Request form with signed Department Director and City Manager approval. Taxable stipend reimbursements as outlined in the policy will then be made bi-weekly on the eligible employee's pay check and continue until the employee either no longer needs their cell phone for work related purposes or terminates employment.

Users will experience major benefits by transitioning to a Verizon Cell Phone plan (if they do not already have one), thus coordinating calls that are necessary for business purposes, and minimizing the risk of going over a standard plan's allowable minutes (Verizon-to-Verizon calls are always 'free').

**City of Delaware
Cell Phone Allowance Policy & Authorization Request Form**

The City of Delaware, OH recognizes the need for certain personnel to own and use cell phones to complete and enhance their job performance. This policy establishes the procedures for cell phone authorization, reimbursement and use.

Once approved for a cell phone allowance, a full-time employee will receive a monthly allowance, paid bi-weekly, added to payroll as a taxable benefit.

The application form below must be completed and signed by the employee, then submitted to their Department Director. The supervisor will submit the application to the City Manager’s Office (CMO) for approval. Please allow adequate time for completion of this process.

A cell phone is justified for these reasons (mark all that apply)

(How the cell phone will support the City’s business and improve the employee’s ability to do his/her job)

- This employee is a key staff member needed in the event of an emergency.
- This employee is frequently away from access to traditional land-based phone services.
- This employee is involved in frequent off hours/on-call activity.
- The nature of this employee’s work is critical to city operations and immediate response is required.
- The anticipated level of business use is significant.
- The related cost is justified when compared with alternative communication choices.
- Other: _____

Print Name:	Do you currently own a cell phone?
Department:	Cell phone number: ()
Date:	Provider of cell phone:
Tier Level	Circle one 1 2 3

I have read the above information regarding the City of Delaware cell phone policy and had the opportunity to discuss any usage questions with my supervisor. I understand that my cell phone

number may be published internally for official use by the City and that the main intent of a cell phone is for business. I also understand that I am financially responsible for any and all charges for this cell phone plan.

Employee signature

Date

Approval signatures

Department Director

Date

City Manager

Date

Frequently Asked Questions – City of Delaware Cell Phone Policy

1. **Does everyone get an allowance for a personally owned cell phone?**

No. You will only receive a cell phone allowance if you meet the criteria established in the policy and have the approval of your Department Director and the City Manager. See the policy for more specific information.

2. **Why does the City of Delaware want me to own my cellular phone?**

The IRS requires that the business and personal use of employer owned or reimbursed cell phones must be documented in a very detailed manner. Currently no employees are documenting and substantiating to the detail required by IRS rules. The IRS can declare that all undocumented use is personal and should be taxed as wages, even if the calls are mostly business calls. Receiving a taxable allowance for an individually owned cell phone removes this detailed documentation requirement.

3. **I have had a City provided cell phone for a long time with no problems. Why the change?**

The Internal Revenue Service considers cell phone use a taxable fringe benefit if the business and personal use cannot be substantiated. Only recently has this emerged as a problem in IRS and other audits. The IRS has already made cellular telephone use an audit issue for businesses and government institutions.

4. **How was the reimbursement amount determined?**

A basic individual voice plan with Verizon Wireless currently (as of Jan. 2009) costs the City \$28.34. The **Tier 2** cell phone reimbursement amount is designed to cover this Basic Plan. The **Tier 1** cell phone reimbursement is designed for new users to the plan or those with limited monthly use. **Tier 3** cell phone reimbursement allows for special circumstances at the discretion of the City Manager.

5. **If I am purchasing a new cell phone plan for myself, does the City of Delaware have any preference on which provider I choose?**

You need to choose a provider and plan that best suits your business and personal service coverage. Verizon Wireless is a leader in the cell phone industry in this area, and many City of Delaware employees already have Verizon phones. One feature of Verizon phone plans is the ability to call other Verizon customers at any time and for any length of time for free (free minutes), which, if most City of Delaware employees are using Verizon, allows for business calls to occur without “cost” to the employee.

6. **Do I get retirement contributions or other benefits if I receive a taxable allowance for my cell phone?**

No. The allowance is not part of your salary; it is a taxable stipend not included when determining benefits.

8. **What happens when an employee’s employment ends?**

As the cell phone is the individual’s plan and not the city’s plan, all stipends for reimbursement cease immediately upon termination of employment. The individual continues to be fully responsible for any provider-initiated cell phone plan requirements (2-yr

agreements, special features, etc.) Special circumstances will be considered on a case by case basis.

9. **How often will the policy and evaluation of an employee's need for a cell-phone be reviewed?**

The reimbursement rate will be reviewed and re-evaluated on an annual basis by the City Manager's office. Supervisors will be expected to regularly review (at least once annually) the employees they oversee with respect to cell phone usage to determine if a new cell-phone reimbursement is necessary, or alternatively, if an existing cell-phone reimbursement arrangement should be cancelled. Cell-phone stipend payments are subject to immediate addition or immediate deletion, depending on the outcomes of that periodic review and determination of necessity by the supervisors.

[E. Resolution No. 09-37, A Resolution Adopting an Identity Theft Policy](#)

Click here to return to p. 47 - Identify Theft Prevention Program and Policy.

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document.**

F. Anti-Idling Policy

In support of the City's sustainability and green initiatives, the following policy is intended to save on fuel costs, to improve air quality for residents, to lower emissions produced by City vehicles and to reduce City operation expenses.

A. Reduce Vehicle Idling

An idling vehicle gets zero miles per gallon. Unnecessary idling wastes fuel and pollutes. Running an engine at low speed (idling) also causes twice the wear on internal parts compared to driving at regular speeds. The break-even point for shutting off and restarting gasoline engines or leaving it to idle is 30 seconds – from the point of view of both emissions and fuel consumption.

Unless exempted in the following section, no City vehicle or piece of equipment is to be idled in a non-emergency situation. The operator of the vehicle/equipment is to turn-off the unit and the keys are to be removed from the ignition.

B. Exceptions

The following situations will allow idling, as needed:

- 1) Emergency vehicles at scenes where lights, PTOs, and/or other accessories are needed to respond to the situation;
- 2) Police Department vehicles working traffic enforcement details;
- 3) Department of Public Works, Department of Parks & Recreation, and Department of Public Utilities vehicles at job sites requiring the use of emergency lights, PTOs, and/or other accessories to accomplish their assignment; and
- 4) Inclement weather situations where use of the vehicle/equipment heater-defroster is necessary to defrost and maintain a clear windshield and/or for the work crew's comfort according to the guidelines listed below;

If the outside temperature is:

- Above 32 degrees F = 5 minute maximum
- Between -10 and 32 degrees F = 15 minute maximum
- Below -10 degrees F = as necessary

C. Emergency Exclusion

Operators of vehicle/equipment and supervisors will be judicious in the idling of units at emergency scenes and job sites. If not all the units at the scene/site need to be idling, those units should be turned-off and the keys removed from the ignition.

D. Enforcement

Each vehicle/equipment operator will be responsible for the idling operation of their unit and will have the unit keys in their possession to ensure that crewmembers do not arbitrarily violate the policy without the operator's knowledge. Supervisors in each department/division will be responsible for the adherence and enforcement of the idling policy. Violations of the policy will be documented as to the vehicle/equipment operator, vehicle code, location, date

and time, weather conditions, and circumstances of the violation. The vehicle/equipment operator will be informed of the violation by the supervisor at the time of the infraction.

The appointing authority of each department/division will be responsible for the discipline of employees found to be violating the policy. Discipline will be per City of Delaware disciplinary procedures, any union contract, and issued in a progressive manner.

G. [Records Management Policy](#)

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Section VIII – Acknowledgement of Receipt

Handbook Acknowledgement of Receipt

This handbook has been prepared to provide our employees with a general understanding of our personnel policies, work rules and an overview of benefits. All employees are responsible for becoming familiar with the policies and procedures contained within this handbook. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member of management for clarification.

The handbook should not be construed as an employment contract or agreement for employment for any specified period of time. The City of Delaware reserves the right to make changes to these policies at any time. When changes are necessary, we will provide you with amended pages for your handbook.

A number of the policies included in this handbook are based on state or federal law. In order to demonstrate compliance, the City of Delaware must provide documentation that each employee has received a copy of the policies implementing the particular requirements. To assist us in this effort, please sign the receipt form on the lower portion of this page and return it to the Department of Administrative Services. This page will be kept in your personnel file.

Thank you for your assistance.

.....

Acknowledgement of Receipt of the City of Delaware Employment Handbook

I, _____, acknowledge receipt of the City of Delaware employment handbook and agree to comply with the provisions contained herein. I understand that it is my responsibility to maintain a copy of this handbook for continued reference throughout my employment. Further, I understand that it is my responsibility to update my copy of this handbook with any amended pages provided to me.

Employee Name (Please Print) _____

Employee Signature _____

Date: _____