

Resolution 2023 -11

A RESOLUTION APPROVING THE 2022-2023 VILLAGE OF SWANTON
PERSONNEL MANUAL AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Swanton desires to Approve the necessary changes to the Village of Swanton Personnel Manual

BE IT ORDAINED, by the Council of the Village of Swanton, Ohio, two-thirds (2/3) of the members elected thereto concurring and as follows:

Section One. The Council of the Village of Swanton modifies the Personnel Manual as follows: (see attached)

Section Two. That it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Village Council, and that all deliberations of this Village Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section Three. That this resolution shall be declared an emergency measure necessary for the immediate preservation of public health, safety and welfare of the Village of Swanton and be effective at the earliest time all allowed.

Vote on Passage

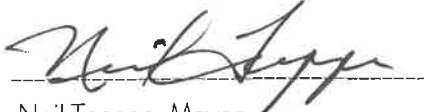
Moved: M. Disbrow

Second: Kania

YEAS: 5

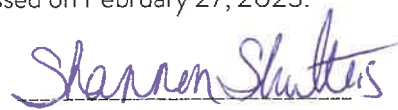
NAYS: 0

Date of Passage: February 27, 2023


Neil Toeppe, Mayor

Attest:

I, Shannon Shulters, Village Administrator of the Village of Swanton, do hereby certify that this is a true and accurate copy of Resolution 2023-11 passed on February 27, 2023.


Shannon Shulters, Administrator

VILLAGE OF SWANTON

EMPLOYEE HANDBOOK

Revised 12/10/2019

Revised 11/01/2020

Revised 12/01/2021

Previous Revision 12/1/2022

Current Revision 02/27/2023

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EMPLOYEE ACKNOWLEDGEMENT FORM

This handbook is designed to acquaint you with the Village of Swanton and provide you with information regarding working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Village of Swanton to benefit employees. One of our objectives is to provide a positive work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. The Village of Swanton reserves the right to revise, supplement, interpret, rescind, or cancel any policies or portion of the handbook from time to time as it deems appropriate, at its sole and absolute discretion.

The employee handbook describes important information about the Village of Swanton, and I understand that I should consult the Village Administrator regarding any questions not answered in the handbook. I have entered into my employment relationship with the Village of Swanton voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Village of Swanton can terminate the relationship at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Swanton Village Council has authority to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. All signature forms will be returned to the Fiscal Officer for inclusion in the employee's personnel file.

Employee's Signature

Date

Employee's Name (Typed or Printed)

0.0 Authority of Council - Employment

Council shall, by motion, approve the employment of persons receiving compensation from the Village. Likewise, Council shall, by motion, accept and record the date of all Village employee resignations. Council will, at the time of employment, determine whether or not a question of nepotism exists. If nepotism is perceived by Council to become an employment problem, the person recommended for employment, by a Department Supervisor, may be denied employment without prejudice, solely on the basis of nepotism.

1.0 Definitions

- (A) **Active Pay Status:** Means conditions under which an employee is eligible to receive pay, and includes vacation leave, sick leave, bereavement leave, paid administrative leave, and holidays.
- (B) **Anniversary Date:** The date the employee first reports to work as a full time employee eligible for payment for the performance of the employee's job duties. Anniversary date is used for purposes of calculating entitlement to vacation. For vacation calculation, the Village will also honor any previous service in a recognized State of Ohio retirement system. Employees must be able to produce a service credit letter from any recognized State of Ohio retirement system in order for the Village to honor said years.
- (C) **Seniority Date:** The actual hire date, as recorded in Village Council Meeting Minutes, of the employee.
- (D) **Continuous Service -** The uninterrupted service of an employee with the Village.
- (E) **Day -** Means a calendar day unless specified otherwise.

1.1 Employees Defined

- (A) **Appointed Employee:** This is an employee who is appointed to their position by the Mayor and whose employment status is at the discretion of the Mayor.
- (B) **Employee, Exempt:** An employee who is exempt from the overtime provisions of the Federal Fair Labor Standards Act and is not eligible to receive overtime pay.
- (C) **Employee, Non-Exempt:** An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act and is eligible to receive overtime pay.
- (D) **Full Time:** A position, which is authorized for at least 2080 hours over 52 weeks per year based on an 8-hour work day. For employees in fire protection activities, it is a position which is authorized to work at least 2600 hours over 52 weeks per year

based on an 24-hour work day. These employees may be paid an hourly wage or a salary and their employment is at will. These employees are required to participate in the Ohio Public Employees Retirement System (PERS) or Police and Fire Pension Fund (OPFPF).

- (E) "Employee in fire protection activities" means an employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who—
- (1) is trained in fire suppression, has the legal authority and responsibility to engage in fire suppression, and is employed by a fire department of a municipality, county, fire district, or State; and
 - (2) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk. (29 USC § 203(y))
- (F) Part Time: An employee, either part time, seasonal or temporary, who is normally scheduled to work less than described in 1.1(D) and whose employment is at will
- (G) Permanent Part-time: An employee engaged in fire protection activities who is regularly scheduled shifts of 12-hours or less, up to 72 hours per 14-consecutive day period.
- (H) Salaried: Salaried Employees are those persons whose salaries have been established on an annual basis.
- (I) Hourly: Hourly Employees are those persons whose wages have been established on an hourly basis.
- (J) Temporary: Those persons hired to work for a period not to exceed five (5) months. It is recognized that Temporary Employees may sometimes be hired for special projects, such as performing extra clerical work. In such instances, these Temporary Employees are not intended as permanent additions to the work force.
- (K) Introductory: Introductory Employees are those persons hired to work permanently, but who have been employed less than one year or in the case of police officers and firefighters less than six months.
- (L) Elected: Elected Officials are those persons elected to their office.

2.00 General Employment Policies

2.1 Equal Employment Opportunity

The Village of Swanton is committed to promoting and assuring equal employment opportunity for all current and prospective employees. It is the Village's policy not to discriminate against any employee or applicant based on his or her race, color, age, sex,

national origin, religion, marital status, sexual orientation, disability, genetic information, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws in any of the following:

- All matters related to recruitment and advertising;
- All matters related to hiring and initial selection for employment; and
- All aspects of employment, including, but not limited to, compensation, promotion, demotion, transfer, lay-offs, corrective action, termination, leaves of absence, training opportunities and other terms and conditions of employment.

Village employees, including, but not limited to, Department Heads, managers and supervisors do not have authority to engage in any conduct or activity which would constitute discrimination.

2.2 Sexual and Other unlawful harassment

The Village of Swanton is committed to providing a work environment based on mutual respect and teamwork. That means a work environment free of harassment of all types and welcoming to all people.

The Village defines harassment as behavior or comments that create a hostile work environment for another person because of race, color, creed, religion, ancestry, national origin, age, disability, sex, sexual orientation, marital or parental status, pregnancy, military or veteran status, or any other status or condition protected by applicable federal, state, or local fair employment laws. Verbal, physical, sexual or any other form of harassment that belittles or demeans any individual on the basis of the above-listed factors is strictly prohibited.

The conduct forbidden by this policy specifically includes, but is not limited to:

- Epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status;
- Written or graphic material circulated, available on the Village's computer system, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.
- Inappropriate jokes or comments.

Even where the conduct is not sufficiently severe or pervasive to constitute actionable harassment, the Village discourages any such conduct in the workplace, and such conduct may cause the perpetrator to be subject to disciplinary action.

Sexual harassment deserves special mention. The Village defines sexual harassment as behavior or comments that create a hostile work environment for another person because of his or her gender, including sexual orientation. This includes male-to-female, female-to-male, male-to-male and female-to-female harassment. Harassing conduct based on gender often is sexual in nature but sometimes is not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature.

Sexual advances, requests or demands for sexual favors, physical conduct of a sexual nature, sexual jokes, sexual slurs and other harassing language or conduct that is meant to intimidate or that negatively impacts an employee's work environment is strictly prohibited.

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is 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 as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment is illegal. This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation.

2.3 Americans with Disabilities Act

The Village of Swanton is committed to complying with all applicable provisions of the Americans with Disabilities Act as amended ("ADA"). It is the Village's policy not to discriminate against any qualified individual on the basis of disability in regard to recruitment, hiring, advancement, termination or any terms or conditions of employment. Consistent with this policy of non-discrimination, the Village will provide reasonable accommodations to an employee with a disability who is a qualified individual, as defined in the ADA, who has made the Village aware of his or her disability, provided such accommodation does not constitute an undue hardship to the Village. Any employee with a disability who believes that he or she needs a reasonable accommodation to perform the essential functions of the job should contact the Village Administrator. Any employee who feels that he or she has not been treated in accordance with this policy should contact the Village Administrator. The Village prohibits and will not tolerate retaliation against any employee who requests a reasonable accommodation or makes a good faith complaint under this policy.

2.4 Conflict of Interest

No employee shall engage in any employment activity or enterprise that is incompatible or in conflict with his or her duties as a Village employee, or with the duties, functions and responsibilities of the department in which he or she is employed or that is contrary to applicable state law.

2.5 Fraternalization

In order to avoid the appearance of impropriety of management fraternization with a subordinate employee in the workplace, and to avoid even the appearance of improper conduct, including favoritism, improper use of authority, and sexual harassment, it is the Village's policy that managers, supervisors, or any other employee who has the authority to directly or indirectly affect the terms and conditions of another's employment shall not fraternize with that employee.

The fraternization prohibited by this policy includes dating, romantic involvement, or other personal relationships that could lead to a conflict of interest in the workplace. A conflict of

interest can arise when one party to the relationship has the ability to influence the terms and conditions of the other employee in the relationship.

The Village does not intend this fraternization policy to otherwise discourage friendship or social activities among employees outside of the work environment. Should a personal relationship prohibited by this policy develop, the supervisor or manager involved is required to notify his or her supervisor immediately. Where a personal relationship prohibited by this policy exists, the Village shall take whatever action it believes is necessary to eliminate any potential or actual conflict of interest.

The Village recognizes that the question of whether a relationship is prohibited by this policy may be a sensitive question. However, because of the potential impact of such relationships in the workplace, employees are encouraged to bring any questions regarding fraternization to the attention of the employee's Supervisor, Department Head, or Village Administrator. Any employee, supervisory or non-supervisory may be subject to discipline for failure to report a relationship under this policy.

2.6 Lactation Policy

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

- **Milk Expression Breaks.** Breastfeeding employees are allowed to express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal time or may make up the time as negotiated with their supervisors.
- **A Place to Express Milk.** A private room (not a restroom) shall be available for employees to breastfeed or express milk. There are sinks available for washing hands and rinsing out breast pump parts. All rooms have an electrical outlet for pumps. If employees prefer, they may also express milk in their own private office, or other comfortable location as agreed upon with their supervisor. Expressed milk can be stored in the refrigerator in the staff break room.
- **Breastfeeding Equipment.** Most insurance plans permit their members to secure an electric breast pump as a covered expense. Employees will be expected to secure their own personal breast pump.
- **Required Travel of Breastfeeding Employees.** In the event a breastfeeding employee must attend a mandatory overnight training to maintain certifications or meet grant deliverables during the first year of the baby's life, the employee may be permitted to take the infant with her to the training as negotiated with the supervisor. Per travel procedures, each employee is permitted a separate room for sleep; the infant, mother, and any care providers for the infant will be permitted to stay in the room secured for the employee. The infant will not be permitted to accompany the employee during any training session or other job-related duties for which the employee is travelling. Expenses for the caregiver will be the employee's responsibility (food, childcare costs, etc.).
- **Staff Support.** The leadership team and all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

2.7 Confidential Information

In the course of their employment, employees may acquire or be granted otherwise-prohibited access to confidential information. The Village prohibits employees from directly or indirectly divulging, using or permitting the use of any such confidential information, except as required in the course of their employment with the Village. Any employee who violates this policy will be subject to disciplinary action, up to and including discharge, as well as possible legal action.

Upon termination of employment for any reason, the employee immediately must turn over to the Village all confidential information (including copies and duplicates) which is in the employee's possession or otherwise subject to his or her control. Employees may not retain any copy, duplicate or note memorializing any confidential information of the Village.

2.8 Computer, Internet, Social Media

(A) Electronic mail, Internet and telecommunication access are resources made available to Village employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the Village.

(B) The Village of Swanton Electronic Mail System (e-mail) is designed to facilitate Village business communication among employees and other business associates. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal conversation. The e-mail system is Village property and intended for Village business. The system is not to be used for employee personal gain or to support or advocate for non-Village related business or purposes. All data and other electronic messages within this system are the property of the Village of Swanton. E-mail messages have been found to be public records and may be subject to the right-to-know laws, depending on their content. In addition, the Village, through its managers and supervisors, reserves the right to review the contents of employees' e-mail communications when necessary for Village business purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages, without proper authorization.

The Village of Swanton, purchases, owns and administers the necessary software and licenses to provide access to e-mail and Internet services. Employees may not rent, copy or loan the software, or its documentation. The Village has invested much time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software viruses they introduce into the Village system. Department heads are responsible for the implementation and adherence of this policy within their departments.

(D) Procedures, General Information on Passwords: While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, or suggest that e-mail is the property of the employee. The use of the e-mail system is the Village's business. Users should not share their passwords with anyone else, other than as his or her managers may require.

(E) Internet: The Internet provides the Village with significant access and dissemination of information to individuals outside of the city. The use of the Internet system for access and dissemination is intended to serve Village business. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. E-mail messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the city, and must comply with all state and federal laws.

(F) Prohibited Uses: When sending e-mail messages, appropriateness and good judgment should be used. Examples of e-mail uses that are prohibited include, but are not limited to the following:

- (1) Communications that in any way may be construed by others as disruptive, offensive, abusive, or threatening;
- (2) Communications of sexually explicit images or messages;
- (3) Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs;
- (4) Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations; and
- (5) Any other use that may compromise the integrity of the Village and its business in any way.

(G) Retention of E-mail: Generally, e-mail messages are intended to be temporary communications that are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedules. As such, these e-mail messages are similar to printed communication and should be written with the same care. Each department head is responsible for establishing and maintaining department retention schedules for the information communicated through the e-mail system. However, employees should be aware that when they have deleted a message from their workstation mailbox it might not

have been deleted from the central e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period.

(H) **Applicability to Employees, Part-Time Employees, Contractors, and Other Users:** This e-mail policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the Village's e-mail system. Third parties should only be provided access to the e-mail system as necessary for their business purpose with the Village and only if they abide by all applicable rules.

(I) **Employee Termination, Leave of Absence, Vacation, and Other:** Employees who leave employment with the Village have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Supervisors or management may access an employee's e-mail if employees are on leave of absence, vacation, or are transferred from one department to another department and it is necessary for the Village's business purposes.

(J) **Penalties:** The misuse of the internet or e-mail privileges or telecommunications may be considered sufficient cause for discipline in accordance with the Human Resource Personnel Policies and Procedures, and/or other applicable rules or laws. In addition, violations of this policy or misuse of the e-mail system or Village internet access or telecommunication system or devices may be referred for criminal prosecution.

(L) All employees will adhere to the Village of Swanton's electronic mail, internet, and telecommunication access policies, which include the following specifics.

- (1) That my use of the e-mail system is for the furthering of the business of this municipality;
- (2) That I may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization;
- (3) That I may not use the e-mail system for solicitation of funds, political or religious messages, or harassing messages;
- (4) That my e-mail messages and data are the property of the Village of Swanton and may be accessed for review by supervisors; and
- (5) That my e-mail will be retained according to the Village's retention of e-mail policy.

(M) **Social Media Usage**

- (1) Employees may not use Village-provided computers, smartphones or other devices to access social media except when doing so is part of the employee's job duties and the access is to conduct Village business (for example to post or monitor a Facebook page or Twitter account maintained by the Village).
- (2) Employees may not comment or post on behalf of the Village unless that is specified as part of the employee's job duties.
- (3) Employees may not disclose any confidential information via social media.
- (4) Employees may not disclose any records except through the Village's public records policy and procedures.
- (5) Employees are to utilize the Village's anti-discrimination or anti-harassment policy and procedures for reporting alleged misconduct.
- (6) Employees may not post on their personal social media accounts photos of themselves or a fellow employee wearing a uniform or other insignia that identifies the pictured person as a Village employee without prior approval.

2.9 Cell Phones/Personal electronic devices

Although the Village realizes that there are times when an employee may need to use the telephone for personal reasons, it is expected that good judgment will be used in limiting the length and frequency of such calls (i.e., not to exceed 2-5 minutes), and in making such calls only during breaks. Additionally, no long distance personal calls, other than toll free calls, may be made on Village phones without prior approval from the employee's supervisor. During work time and while in the office, employees should limit the use of their personal cell phones (including smart phones and tablets) for calls and text messages in the same way they must limit personal use of their office telephone.

Employees that have excessive telephone or cell usage for personal calls or text messages will be subject to corrective action, up to and including termination.

The Village requires the safe use of cell phones by employees while conducting business; this applies whether or not the cell phone is Village-issued. Employees should not use their cell phones while driving for Village-related business or operating a Village-issued vehicle because of safety concerns, but should instead pull over to a safe location and fully stop prior to making or receiving telephone calls, reading or sending any text or email messages, or conducting any internet search. The Village does not permit employees who are conducting business to drive while using a cell phone. Additionally, the use of the camera and video or sound recording functions on a cell phone, smart phone or tablet on Village premises or while conducting Village business is prohibited without the express prior permission of the employee's supervisor or Department Head.

Replacement of damaged or lost cell phones which are Village-issued will be made at the discretion of the Village Administrator and/or Fiscal Officer.

2.10 Dress code

All employees are required to attire themselves in a professional manner that reflects the highest level of service and professionalism that citizens receiving Village services expect. Uniforms shall be required as and where specified. Departments may set and enforce standards related to uniforms and appearance which are related to appropriate departmental operations and employee safety.

The Village permits non-uniform employees to wear "business casual" attire as appropriate to their work duties. The Village may require formal business attire at any time. Employees must exercise appropriate judgment when performing work duties outside of Village premises, holding meetings with outside parties, interviewing candidates for hire, etc.-- there may be times when it is more appropriate to wear formal business attire (e.g., a suit, jacket, tie, dress).

2.11 Mandatory Notifications

Employees must notify the Village within thirty (30) days of any change in:

- Home address or telephone number.
- Change in marital status or Addition of dependent(s)
- Deletion of dependent(s)
- Name, address and telephone number of the person to be notified in case of an emergency.
- Email address
- Banking information for direct deposit

The Village may deny benefits to a new dependent if the employee does not notify them within thirty (30) days of the change.

Employees must notify their Division Head and Village Administrator within twenty-four (24) hours of any loss of driving privileges.

Employees must notify the Village Administrator of any criminal convictions (including pleas of guilty or no contest) for anything other than a minor traffic violation within twenty-four (24) hours of the conviction.

2.12 Workers' Compensation

The Village provides a comprehensive workers' compensation program at no cost to employees. This program provides protection for employees in the event of lost work time or medical expenses due to an injury or illness sustained in the course of employment.

Employees who sustain a work-related injury or illness must inform their supervisor immediately. No matter how minor an on-the-job accident may appear, it is important to report all accidents during work hours immediately (i.e., not more than one hour after the accident). This will enable the employee to secure necessary medical treatment and to qualify for workers' compensation benefits as quickly as possible.

3.0 Establishment of Positions

(A) Salaried or Management Positions (Exempt Positions).

- Village Administrator
- Finance Director
- Police Chief
- Police Lieutenant
- Fire Chief
- Assistant Fire Chief
- Superintendent of Water Resource Recovery Facility
- Superintendent of Water Treatment and Distribution
- Superintendent of Public Service Operations

(B) Hourly Positions (Non-exempt Positions)

- Administrative Assistant I
- Administrative Assistant II
- Police Sergeant
- Police Secretary/Dispatcher
- Police Patrolman
- Public Works & Utilities Laborer
- Public Service Administrative Assistant
- Firefighter – EMT
- Firefighter – Paramedic
- Firefighter - Captain
- Firefighter - Lieutenant
- Water Operator
- Waste Water Operator
- Utility Billing Clerk

(C) Part-time Positions (Non-exempt Positions)

- Code Enforcement Official
- Community Development Assistant
- Firefighter EMT
- Firefighter Paramedic
- Permanent Part-Time Member of the SFRD
- Public Service - Assistant
- Public Service - Seasonal
- Police Officer – Part-time
- Crossing Guard – Part-time

3.1 Job Descriptions for Village Employees

Village Job Descriptions are on file in the office of the Village Administrator.

3.2 Introductory Period

(A) All new employees, shall serve a minimum introductory period of one (1) year. At the end of that period, the employee will be eligible for continuing employment status with the final approval of Council. No introductory period may be extended beyond a period of one (1) year.

(B) Employees may be removed, demoted, or disciplined at any time during the introductory period by written notice being presented to the employee by the Village Administrator indicating that the employee's performance level is below expectations. Copies of all such notices will be presented to the Mayor and all Council members. Action to dismiss an employee must be approved by the Village Council. Employees will be evaluated during their introductory period based on an evaluation system adopted from time to time by Council.

(C) When an employee is promoted, transferred to another job, or reclassified, he/she will begin a new introductory period. Employees transferring to a new position will retain their seniority for purposes of payroll but will not be given a guarantee of returning to their former position.

(D) During the 90-day introductory period, for new employees not currently on the Village roster, leave will be accrued but not available for use. Exceptions apply if approved. Leave will be available for use after a successful 90 day evaluation performed by the new employee's supervisor.

(E) **For Public Safety Department employees:** If a full time employee, in the Public Safety Department, who is required to have an Ohio Police and Fire physical, voluntarily leaves full-time employment with either the Swanton Police Division or Swanton Fire/EMS Division during the first 12 months of full time employment with the Village, said employee will be required to reimburse the Village for 100% the cost of the required Ohio Police and Fire physical as well as drug screen and background check. If a full time employee, in the Public Safety Department, voluntarily leaves full-time employment with either the Swanton Police Division or Swanton Fire/EMS Division between 13 and 24 months after full time employment with the Village, said employee will be required to reimburse the Village for 50% of the cost of the required Ohio Police and Fire physical as well as drug screen and background check. The cost will be deducted from the employee's final pay or if the total of the final pay is less than the reimbursement amount, a bill will be sent to the employee to cover the balance of the reimbursement. Full time employees in the Public Safety Division will be required to sign the Hiring Cost Reimbursement agreement upon onboarding.

4.00 Pay Periods

(A) Hourly employees shall be paid bi-weekly, usually on the Thursday following the end of the pay period. Pay will include all regular, and overtime worked in the pay period. Salaried employees shall be paid bi-weekly. At the end of each week,

all hourly employees must sign their name on their time card, under their printed name, along with the date of their signature. By signing the time card, employees are attesting the hours reported on the time card are a true and accurate reporting of hours worked for that week. Unsigned time cards will not be processed for payroll until the employee has signed the card.

5.00 Overtime

(A) Overtime pay for non Public Safety employees

(1) Hours worked by most non-exempt employees in excess of 40 in a standard work week shall be paid at a rate of one and one-half times the employee's regular rate of pay. All overtime shall have the prior approval of the Division Head.

(2) For purposes of determining an employee's eligibility for overtime, all hours in active pay status by the employee will be included. Other absences from work, paid or unpaid shall not be considered active pay status. There shall be no pyramiding of overtime compensation or premium pay. For purposes of calculating overtime, the work week begins at 12:00 AM on Sunday and ends at 11:59pm on Saturday.

(B) Full-time hourly employees in fire protection activities are eligible for overtime pay when their work hours exceed 106 hours in a 14 consecutive-day period. Part-time employees in fire protection activities are eligible for overtime pay if their hours worked exceed 106 hours in a 14-consecutive day period. (29 CFR 553.230) FLSA Section 7(k) effective beginning with pay period beginning 12/27/2020.

(C) An "employee in law enforcement activities" is eligible for overtime pay when the employee's hours worked during a standard 8-hour shift per day/5 days per work week exceed 40 hours. Overtime shall be calculated according to (29 CFR 553.230) FLSA Section 7(k) only during emergency situations as determined by Council.

An "employee in law enforcement activities" is an employee

(1) who is a uniformed or plain clothed member of a body of officers and subordinates who are empowered by State statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes,

(2) who has the power to arrest, and

(3) who is presently undergoing or has undergone or will undergo on-the-job training and/or a course of instruction and study which typically includes

physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics. (29 CFR § 553.211)

6.00 Holidays

(A) All full-time employees shall be entitled to the following paid holidays, to wit:

January 1
Martin Luther King Jr. Day
Presidents' Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Friday after Thanksgiving
December 24
December 25
December 31
Birthday

(B) Public Safety Department:

(1) Police and Fire personnel shall observe the holiday on the actual day of the week on which it falls in any given year.

(2) Full-time Police and Fire personnel are paid eight hours of straight time for the Holiday. If they are required to work the Holiday, they will also be paid time and one half up to eight hours.

(3) Part-time Personnel are paid time and one half up to eight hours if they are required to work the Holiday.

(C) Non Public Safety Department personnel

(1) When an established holiday falls on a Saturday or Sunday, the holiday will be observed on a Friday or Monday. Observance of Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day will be observed as determined by Village Council on an annual basis.

(2) Full-time non Public Safety personnel are paid eight hours of straight time for the Holiday. If they are required to work the Holiday, they will also be paid time and one half up to eight hours.

(3) Part-time non Public Safety personnel are paid time and one half up to eight hours if they are required to work the Holiday.

(D) Employees must actually work the scheduled day before and the scheduled day after the holiday to be eligible for holiday pay. If an employee, on a holiday they are scheduled to work, requests vacation, personal leave, or call off sick, time will be paid as vacation, personal, or sick time only, no holiday pay.

(E) The “birthday” holiday is meant to be a floating day off, to be used at the employee’s discretion. An employee that chooses to work their birthday is not paid holiday pay for the day, nor is the day paid out if it is not used in the course of a year.

7.00 Employee Benefits

7.1 Medical Insurance: Eligible employees will be offered a medical plan that has been adopted by action of the Village Council. Eligible employees choosing to be a part of the plan will pay 10% of the annual medical/health insurance premium. The 10% employee contribution will be deducted from employee payroll checks.

(A) Eligibility for health insurance benefits is determined by the provider.

(1) Lookback period to determine eligibility for employees not defined as full-time under §1.1 (D) will be the first nine (9) months of current plan year. Effective for eligibility determination on plan renewal 01/01/2022.

(2) Continued eligibility will be reviewed at the end of each month.

- a. If any employee fails to meet eligibility for 60 days, or two calendar months whichever is longer, medical benefits will be terminated.
 - i. Notification of termination of medical benefits will take place by the first day of the month with benefits ending on the last day of the month
- b. Employee will be ineligible to reapply until the following open-window enrollment period.

(B) Beginning January 1, 2020, if an employee’s spouse is eligible for group health insurance through his or her employer, then he or she will not be eligible to obtain coverage under the Village of Swanton’s group health plan. Said spouse must enroll in their employer’s plan as primary coverage at the next open enrollment after January 1, 2020 and remain enrolled until a qualifying event occurs.

7.2 Life Insurance: All full-time employees will be provided with a \$50,000.00 term life insurance policy.

7.3 Disability Insurance: All full-time employees will be provided with a disability insurance policy which pays a maximum benefit of \$200.00 per week for up to 26 weeks. Full time employees must use all remaining unpaid vacation, sick or

personal time before they can qualify for any Village disability benefits (See Section 7.4 Disability Benefits).

7.4 Disability Benefits

(A) Disability benefits are limited to the period an employee is actually disabled and unable to perform the “material and substantial duties” of the position. Disability benefits shall be granted only after application through the Village Administrator, and upon such terms and conditions as approved by Village Council. Certification by a physician shall be required. Recertification shall be required every six (6) weeks.

(B) All full-time employees shall be enrolled in a group disability insurance policy which shall provide benefits after all remaining unused vacation, sick, or personal time is used by the employee. Disability insurance payments will commence 30 days after the final payment by the Village of any remaining accrued sick, personnel or vacation leave for a maximum term of 26 weeks.

7.5 Dental/Optical Insurance

(A) As of January 1, 2018, the Village offers dental and optical insurance as a 100% voluntary benefit. The Village will not contribute any percentage towards the premiums for either dental or optical insurance.

7.6 Health Benefit Reimbursement

(A) Details regarding any reimbursement or health savings account contributions are referenced in a separated document, reviewed annually by Council.

7.8 Training, Education, Travel, and Tuition Reimbursement

(A) Mileage: Unless a Village vehicle is available for use, Village officials and employees of the Village will be reimbursed for mileage, when using their personal vehicles for Village business at the rate established by the Internal Revenue Service.

(B) State Licenses

1. State Licenses eligible for reimbursement
 - a. Certified Water Supply Class I, II, III, or IV
 - b. Certified Water Distribution Class I, II, III, or IV
 - c. Certified Wastewater Treatment Class, I, II, III, or IV
 - d. Certified Wastewater Collection Class, I, II, III, or IV
 - e. State of Ohio Firefighter I or II
 - f. State of Ohio Emergency Medical Technician
 - g. State of Ohio Paramedic

2. Tuition: The Village will provide full payment of tuition for employees taking noncredit courses leading to State licensure within their field of

employment listed above. Tuition will only be paid once. Course work leading to an academic degree will be considered non-reimbursable.

- a. The Village agrees to cover expenses toward study material and exam (herein referred to as “investment”) and employee must sign a Reimbursement Agreement form
- b. Employee must present proof of successful completion of exam (i.e. official score report from the Ohio EPA).
- c. Should the Employee not successfully complete a certification exam after 3 attempts, Any further attempts will be conducted at the cost of the employee, and not be reimbursed by the village.
- d. Employee must reimburse the Village for 100% of Village’s investment if employee leaves the Village prior to 18 months after successful completion of the certification exam. Reimbursement will be deducted from employee’s last payroll check.
- e. Employee must reimburse the Village for 50% of Village’s investment if employee leaves the Village between 19 months - 36 months after successful completion of the certification exam. Reimbursement will be deducted from employee’s last payroll check.
- f. Employees will not be reimbursed for travel related to taking an exam.

3. Work Schedule: Council will determine if Employees will be paid for classroom time on a case by case basis. Employees may, however, use personal or vacation leave for purpose of formal classroom instruction.

(C) Certifications

1. Certifications eligible for reimbursement
 - a. State of Ohio Fire Safety Inspector
 - b. State of Ohio Fire Instructor
 - c. Fire Officer 1, 2, 3 or 4
 - d. State of Ohio EMS Instructor

2. Certifications not listed above may also be eligible for reimbursement but require written permission by the Village Administrator. Employees must submit a letter outlining how the certification is applicable to their current position and submit to the Village Administrator. If approved, the same reimbursement criteria will apply.
3. Tuition: The Village will provide full payment of tuition for employees taking noncredit courses leading to certifications within their field of employment listed above. Tuition will only be paid once. Course work leading to an academic degree will be considered non-reimbursable.
 - a. The Village agrees to cover expenses toward study material and exam (herein referred to as “investment”) and employee must sign a Reimbursement Agreement form
 - b. Employee must present proof of successful completion of exam (i.e. official score report from the Ohio EPA).
 - c. Should the Employee not successfully complete a certification exam after 3 attempts, the Employee would reimburse the Village for 100% of the Village’s investment. The Employee must notify the Village of failed attempts by providing official score report. Reimbursement payment would be deducted from the following payroll check after notification.
 - d. Employee must reimburse the Village for 100% of Village’s investment if employee leaves the Village prior to 12 months after successful completion of the certification exam. Reimbursement will be deducted from employee’s last payroll check.
 - e. Employee must reimburse the Village for 50% of Village’s investment if employee leaves the Village between 13 months - 24 months after successful completion of the certification exam. Reimbursement will be deducted from employee’s last payroll check.
 - f. Employees will not be reimbursed for travel related to taking an exam.

(D) Service Club Dues

Dues for one Swanton service club or professional organization will be paid for the following Village positions: Mayor, Fire Chief, Village Administrator, Fiscal Officer, Police Chief, Superintendent of Public Service Operations, Superintendent of Water Treatment, and Superintendent of Water Resource Recovery Facility, or any licensed employee.

(E) Reimbursements as a Taxable Employee Fringe Benefit

Certain reimbursements provided to employees by the Village of Swanton are considered to be taxable employee fringe benefits by the U.S. Internal Revenue Service (IRS) (See Section 12.00 Taxable Fringe Benefits Policy)

8.00 Leaves of Absence

8.1 Sick Leave:

(A) All full-time employees (in active pay status) shall receive 4.6 hours of sick leave per 80 hours of work. Sick leave credit is not granted for overtime hours worked. Full time employees shall accrue no more than 1600 hours.

(B) Sick leave may be used for the following purposes: personal illness or injury, exposure to contagious disease, illness or injury in an employee's immediate family, or for medical, dental, and vision appointments which cannot be scheduled for other than working hours. In the event of illness for greater than three (3) consecutive days or in the event of frequent nonconsecutive illness, the Village Administrator will require a statement from a licensed physician before the sick leave is paid. Employees claiming sick leave for personal illness, injury, or illness or injury in an employee's immediate family will remain at home during their normal shift hours unless they are in a hospital, emergency care center, or a physician's office.

(C) Sick leave must be requested on the Village sick leave form. In the event of illness, the employee shall notify the immediate supervisor no later than one-half hour before the scheduled starting time. Failure to properly notify the supervisor may result in the loss of sick pay. A maximum of 960 hours may be transferred in from other state public employment positions previously held by the employee within 10 years before becoming employed by the Village. There shall be no advancement of sick leave benefits. Sick leave days must be earned prior to their use. All sick leave shall be used in increments of not less than 1/2 hour.

8.2 Bereavement Leave: A full-time employee who suffers a death in his or her immediate family may receive up to 24 hours off with pay. For purposes of this section, immediate family is defined as: father, mother, sister, brother, child, spouse, grandparent, mother-in-law, father-in-law, or such other person the equal of the above, as determined by the supervisor.

8.3 Personal Leave: All full-time employees (actively working, on vacation, or sick leave) shall be credited in the amount of 24 hours, during each calendar year. Persons employed after January 1 will receive personal leave on a prorated basis for the remainder of the calendar year. There shall be no accumulation of personal leave. Personal leave must be requested on Village forms at least 24 hours prior to the requested date of use. Supervisors may waive the 24 hours' advance notice requirement in cases of emergency. All personal leave shall be used in increments of not less than 1/2 hour.

Please refer to Section 3.2 regarding leave time during Introductory Period

8.4 Vacations

(A) Effective January 1, 2023, all full-time employees, not including full-time hourly Firefighter E.M.T.s, Paramedics, or E.M.S. Operations Officers, Police Department Members shall receive paid vacation in accordance with the following schedule:

- 40 hours' vacation - Less than 1 year accumulated service credit
- 80 hours' vacation - 1- 2 years accumulated service credit
- 120 hours' vacation - 3 to 8 years accumulated service credit
- 160 hours' vacation - 9 to 14 years accumulated service credit
- 200 hours' vacation - 15 or more years accumulated service credit

(B) Effective January 1, 2023, all full-time hourly Firefighter E.M.T.s, and Paramedics, shall receive paid vacation in accordance with the following schedule:

- 48 hours' vacation - Less than 1 year accumulated service credit
- 96 hours' vacation - 1-2 years accumulated service credit
- 144 hours' vacation - 3 to 8 years accumulated service credit
- 240 hours' vacation - 9 to 14 years accumulated service credit
- 240 hours' vacation - 15 or more years accumulated service credit

(C) Effective January 1, 2023, all full-time Members of the Swanton Police Department, shall receive paid vacation in accordance with the following schedule:

- 40 hours' vacation- Less than 1 year accumulated service credit
- 80 hours' vacation- 1-5 years accumulated service credit
- 120 hours' vacation- 5 to 10 years accumulated service credit
- 160 hours' vacation- 10 to 19 years accumulated service credit
- 200 hours' vacation- Over 19 years or more years accumulated service credit

(1) Vacation shall be credited to each employee on the first day of the first full pay in the calendar year. Persons employed before July 1 will receive one (1) year of service credit for vacation leave. Persons

employed on, or after, July 1 will receive vacation leave on a prorated basis for the remainder of the calendar year. Each employee shall use the vacation in the year in which it was credited, except as noted below. Should an employee be refused time off for vacation, such refusal shall be approved by the Village Administrator and the Mayor. Vacation leave shall be used in increments of not less than 1 hour. Vacation leave must be submitted on Village forms at least 7 days prior to the requested date of use for Public Safety Departments and 48 hours' notice for non-Public Safety Departments. In any case, approval must be received prior to use.

- (2) Prior service credit with the State of Ohio, Ohio counties, municipalities, boards of education, libraries, townships, universities or any political subdivision of the State of Ohio shall be used in determining service credit for purposes of vacation accumulation. No prior service shall be given to any employee who has retired in accordance with the provision of any retirement plan offered by the State of Ohio for the purpose of computing vacation leave. Any employee claiming prior service from a political subdivision of the State of Ohio, shall provide a service credit statement.
- (3) Any employee that is unable to utilize all vacation time allotted within a year may carry over forty (40) hours of vacation time to be used in the next year. This vacation time must be used prior to the employee's actual anniversary date (month and day of hire), or July 1, whichever is earlier. Firefighters are permitted to carry over 48 hours under this section.
- (4) Any Employee that is in the fourth tier, having worked more than 9 years with the Village, is entitled to carry over eighty (80) hours of vacation time into the next year. This vacation time must be used prior to the employee's actual anniversary date (month and day of hire), or July 1, whichever is earlier. Firefighters are permitted to carry over 96 hours under this section.

8.5 Military Leave: The Village will comply with all applicable state and federal laws regarding employees who are off work for purposes of training, reserve, active duty and other duty in the uniformed military services including the National Guard.

8.6 Conversion of Sick Leave, Personal Leave and Vacation Leave

(A) Sick Leave Hours: All full-time employees may elect to be paid for one-half of all unused sick leave accumulated during any one calendar year. If an employee chooses payment in lieu of accumulation, there will be no accumulation of sick leave for the payment year. A calendar year is defined

as that period of time between January 1, and December 31. Employees may elect, in lieu of reimbursement, to retain unused sick leave into their personal accumulation account. All full time employees will receive a benefit election form. This form must be signed, regardless if electing or waiving said benefit, by the employee and their direct supervisor and returned to the Finance Director no later than November 30.

Payout for 2021 will be calculated based on sick leave hours accumulated December 27, 2020-November 27, 2021. Thereinafter, the calculation will be based on the first pay period ending in December, through the last pay period ending in November. Signed election form must be returned to Finance Director no later than November 30. Must be an full time employee in active pay status on November 30 to receive annual payment.

(B) Personal Leave Days: All full-time employees, in active pay status on December 31, shall be paid for all unused personal leave days accumulated during any one calendar year. A calendar year is defined as that period of time between January 1 and December 31. This payout will occur within the first month of the new fiscal year.

(C) Full-time employees, employed a minimum of ten consecutive years as a full-time employee, shall be paid their unused vacation leave accumulated during any one calendar year. Not to exceed 80 hours as described in §8.5 (A) or 96 hours as described in §8.5 (B). A calendar year is defined as that period of time between January 1 and December 31. Effective 1/1/2021. This payout will occur within the first month of the new fiscal year.

(D) Rate of Payment: Hourly rated employees will be paid in accordance with their hourly rate of pay. The hourly rate for supervisors will be determined by dividing the supervisor's yearly pay by 2080 hours.

8.7 Maternity/Paternity Leave

(A) Maternity or paternity leave may be granted for employees temporarily unable to work due to pregnancy, childbirth, adoption, or any impairment thereof, and miscarriage for a period not to exceed three calendar months. An additional period may be granted if required by a physician.

(B) The employee may use any accrued sick leave, accrued vacation leave and personal leave, and the remaining period will be time off without pay.

8.8 Family Medical Leave:

(A) Eligible employees are those who have been employed for at least one (1) year *and* for at least 1,250 hours during the preceding 12-month period are eligible for family and medical leave pursuant to the Family Medical

Leave Act. For employees not eligible for family and medical leave, the Village of Swanton will review business considerations and the individual circumstances involved.

(B) REASONS FOR LEAVE: All eligible employees may be granted a total of twelve (12) weeks of unpaid family leave and paid sick, vacation, and personal leave combined (during any rolling 12-month period) for the following reasons:

- (1) the birth of the employee's child and in order to care for the child;
- (2) the placement of a child with the employee for adoption or foster care;
- (3) to care for a spouse, child or parent who has a serious health condition; or
- (4) a serious health condition that renders the employee incapable of performing the functions of his or her job.
- (5) military family leave entitlements.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement and shall be taken consecutively unless there is prior approval by the Village Administrator for intermittent leave during the first six (6) weeks of leave

An eligible employee with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Family Medical Leave also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered military service member during a single 12-month period. A covered military service member is a current member of the Armed Forces, including a member of the 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 their duties 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. An employee may also have a special entitlement to leave to care for a covered veteran

who was discharged under other than dishonorable conditions within 5 years prior to the first date that the employee takes Family and Medical Leave to care for that person.

(C) SUBSTITUTING OTHER LEAVE

An employee who requests Family and Medical Leave will be required to use any paid vacation leave, sick leave, or personal leave that has accrued to the employee under Village policies concurrently with Family and Medical Leave.

Unpaid disability leave under the Village policies will be considered Family and Medical Leave for a serious health condition and counted in the leave entitlement permitted under FMLA.

(D) NOTICE OF LEAVE: An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor and to the Village Administrator as soon as the necessity for the leave arises.

(E) MEDICAL CERTIFICATION OF LEAVE: An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a " WH380-E or WH380-F completed by the applicable health care provider. All medical certification of leave forms may be obtained from the Village Administrator.

(F) BENEFITS COVERAGE DURING LEAVE: During a period of family or medical leave, an employee will be retained on the Village of Swanton health plan under the same conditions that would apply if the employee had been continuously employed during the leave period. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium will result in loss of coverage. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the Village of Swanton for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.

An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

(G) **RESTORATION TO EMPLOYMENT:** An employee eligible for family and medical leave, with the exception of those employees designated as "highly compensated employees", will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The Village of Swanton cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by the Village of Swanton.

(H) **FAILURE TO RETURN FROM LEAVE:** The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee, who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the Village Administrator. This written request should be made as soon as the employee realizes that he or she will not be able to return at the expiration of the leave period.

9.00 Employee Exit Process

9.1 Resignations

(A) The Village requests departing employees to submit a written resignation to their Division Head not less than fourteen (14) calendar days prior to the date of the intended departure. Employees in supervisory or executive positions are encouraged to give longer notice, if possible. However, at-will Village employees may terminate their employment relationship, or be terminated, with or without cause, at any time.

(B) An employee absent without leave authorization for more than three (3) consecutive work days shall be deemed to have voluntarily resigned from his job.

(C) Any employee whether full time or part time, in non-supervisory or executive positions, who voluntarily resign their positions and then request rehire must wait a minimum of 30 days from resignation in order for rehire to be considered.

9.2 Exit Interview

The Village Administrator, or his/her designee, will schedule an exit interview with a separating employee on or near to his last day of employment. The Village Administrator, or his designee, will review the Employee Separation Checklist with the employee.

9.3 Severance

Full time employees, in active pay status, employed for a minimum of ten full years shall be eligible for severance pay upon retirement. Severance pay is not eligible for employees who are terminated or separated employment before retirement.

Village employees shall be reimbursed, in the form of severance pay, for unused sick leave in accordance with the following formula:

(A) Qualifications for payment

(1) The employee must have been employed, full time, by the Village for a minimum of ten full years in order to receive severance pay for unused sick leave.

(2) The employee must sign a waiver eliminating all additional accumulated sick leave from his/her personnel file at the time severance pay is drawn.

(B) An employee may cash out up to 520 hours of accumulated sick leave at the reduced value specified in this section.

(C) The accumulated hours will be cashed out at 32% of the employee's hourly rate of pay. For salaried employees this rate will be calculated by dividing the employee's annual salary by 2080.

Employees shall be paid their unused vacation leave upon separation if the employee was employed, full time, by the Village of Swanton for a minimum of ten full years.

10.00 Other Compensation

(A) Police officers who are required to appear in court during their off-duty time will be compensated, at a rate of 1 ½ times their hourly rate, for a minimum of one (1) hour.

(B) Part-time Auxiliary police officers who are required to appear in court during their off-duty time will be compensated at a rate of \$15.00 per court appearance as full compensation for said appearance.

(C) Police officers must submit the court appearance form designated by the Chief of Police before compensation can be made.

(D) Special Events: Police officers scheduled or requested to be on duty during special events, including but not limited to the Swanton Corn Festival, or Swanton Local Schools events, will be scheduled and paid by the Village of Swanton. The Village of Swanton will then bill the entity requesting the additional services at the special event rates of pay in accordance with Ordinance 2014-31 for police services.

(E) Jury Duty: The Village will provide full-time employees who serve jury duty their regular hourly wage under the following conditions:

1. Generally, this income protection for time spent serving on jury duty will be provided for a maximum of five workdays. Additional income-protected time away from the workplace for this purpose will be considered on a case-by-case basis.

2. Upon receipt of notification from the state or federal courts of an obligation to serve on a jury, the employee should notify his or her supervisor. The employee is required to provide a copy of the jury summons to his or her supervisor and to the payroll department. The supervisor will verify the notification by contacting the office issuing the summons and make scheduling adjustments to accommodate the employee's obligation. The supervisor will also provide court documentation to payroll for processing.

11.0 Uniforms

The Swanton Village Council requires certain employees to wear uniforms as a condition of employment. Required uniforms will be provided to employees and be paid for at Village expense as provided for by the Village Council. An approved list of Village provided uniforms is kept by the Village Administrator and is subject to changes. Employees that utilize the Uniform Service provided by the Village are required to have uniforms present to be turned in for cleaning at the required date, as determined by the Uniform service. Any intentional damage to the uniform requiring remedy will be assessed to the Employee.

12.0 Taxable Fringe Benefits Policy

Certain fringe benefits provided by the Village of Swanton to an employee are taxable unless specifically excluded by U.S. Internal Revenue Service (IRS) Regulations. As a result, the Village of Swanton must tax items considered to be taxable fringe benefits according to the Internal Revenue Service. These items include, but may not be limited to, personal use of cellular phones, and personal use of Village provided uniforms and other equipment. Taxable means that the fair market value of the fringe benefit is included in an employee's wages and is reported on Form W-2, Wage and Tax Statement, and is subject to Federal income tax withholding, Medicare, Social Security, if applicable, as well as state and local taxes.

Due to the taxable nature of certain Village of Swanton provided fringe benefits, the Swanton Village Council has adopted a taxable fringe benefit policy.

(A) Cellular Phones: The Village of Swanton provides certain employees with cellular phones in order to perform their employment duties outside of Village

offices. The following employees are authorized by the Swanton Village Council to be issued a Village cellular phone: Village Administrator; Police Chief; Fire Chief; Superintendent of Water Resource Recovery Facility; Superintendent of Water Treatment and Distribution and Superintendent of Public Service Operations. Additional Village cellular phones may be issued to other Village employees as approved by the Village Council. Since this particular kind of Village property lends itself to personal use, the IRS requires that the Village be able to substantiate calls used for business and personal use. If substantiation requirements are not made on **all** calls, **all** calls are considered to be for personal use by the IRS and are taxable fringe benefits. One of two policy options is available for adoption by employees with village issued cellular phones:

(1) Each employee issued a Village cellular phone is required to substantiate all calls each month on their cell phone bill on a Village cellular phone certification form. The Village of Swanton will be reimbursed by that employee for all calls determined to be for personal use; or

(2) The Village of Swanton will pay an allowance per month for the business use of an employee's personally owned cell phone. Such allowance would be paid upon completion of a monthly village cellular phone certification form. Each certification form must include a copy of the employee's most recent monthly cell phone bill. The allowance payment is considered to be a taxable benefit and would be paid monthly through the employee's payroll check with applicable taxes deducted. Only those employees authorized by the Swanton Village Council to be issued a Village cellular phone (Village Administrator, Police Chief, Fire Chief, Superintendent of Water Resource Recovery Facility, Superintendent of Water Treatment and Distribution and Superintendent of Public Service Operations) are eligible to be reimbursed for the business use of their personally owned cellular phone. Established Village business phone numbers are not to be transferred to any employee's personal cellular phone.

Any cellular phone assigned to any Village owned or operated emergency or public service vehicle shall be considered restricted to business use only.

Failure of any employee to adhere to established Village of Swanton policies governing cellular phone use may result in a loss of Village cellular phone privileges, denial of reimbursement requests for Village business use of employee owned cellular phones, as well as disciplinary action up to and including dismissal.

(B) Meals and Lodging: In an effort to encourage continuing education and required professional training, the Village of Swanton permits employees, with the approval of the Village Administrator, to travel to conventions, conferences, or other off-site training sessions. Meal and lodging costs will be reimbursed by the Village of Swanton if an employee is required to travel from their tax home and stay overnight

on Village business. The meal and lodging costs must be substantiated through original, itemized receipts, be related to Village business and any excess reimbursements must be returned to the Village Administrator within thirty (30) days' time. Any lodging costs deemed to be excessive or unreasonable by the Swanton Village Council are not eligible for reimbursement. Meals reimbursed for approved overnight travel shall not exceed \$40.00 per day. Any meals, if reimbursed for non-overnight travel, will be reported as taxable income paid to the employee. Taxable meals, with verified receipts, will be reimbursed through payroll rather than through the travel reimbursement procedure and all applicable taxes will be deducted. Meals that are excluded from taxation for non-overnight travel are meals officially scheduled at and as a part of a conference, convention or professional association meeting. Mileage, parking and tolls when traveling on official Village business are not taxable.

(C) Uniform Allowance:

Each full-time non-police or fire employee will be given an annual reimbursement allowance of \$250 to be used on steel-toed boots and appropriate outerwear as necessary to facilitate job performance. This reimbursement will be issued on the employee's paycheck.

Each police or fire employee will be reimbursed up to \$250 per calendar year for additional uniform pieces, boots or casual shirts with the "Village of Swanton" embroidered on it. Reimbursement will be made following the employee's submission to his or her supervisor of a receipt identifying the item purchased and the price paid for the item.

The IRS has established that if such clothing is adaptable to general usage as ordinary clothing it is taxable, even if the "Village of Swanton" is plainly visible on the apparel. The taxable amount will be included in the employee wages.

In addition, the employee will be responsible for reimbursing the Village in the event that the employee is inadvertently reimbursed an amount that exceeds the employee's allowed annual maximum amount.

Uniform allowance purchases can be made by the employee and reimbursement can be requested by submitting receipts along with a completed Uniform Allowances Reimbursement Form to their Division Head.

The Village Administrator reserves the right to approve or deny requests for uniform reimbursement.

Please see Section 11.0 for Uniform Provisions.

13.0 Employee Discipline Procedure

Offenses: Every employee in the service of the Village shall be expected to exhibit good behavior, and perform efficient and effective service. Any employee of the Village may be disciplined for any of the following offenses:

Note: this list is provided only as an example and is not exhaustive.

- (A) Conviction of any criminal offense.
- (B) Fighting, threatening or attempting bodily injury to another; stealing, malicious mischief resulting in the injury or destruction of property of other employees or the Village of Swanton.
- (C) Consumption of alcohol while on the job or during the employee's working hours.
- (D) Use, or possession, of habit-forming drugs or hallucinogens.
- (E) Unethical conduct on Village time or violation of ethics laws.
- (F) Insubordination, including but not limited to, refusal or failure to perform work assignments and the use of profane or abusive language to supervisors, employees or officers of the Village, and absence from duty without notice or permission of the supervisor.
- (G) Willful neglect in the care or use of Village property and equipment.
- (H) Failure to satisfactorily perform the duties for which employed.
- (I) Gross or habitual carelessness or recklessness, playing of tricks, jokes or other dangerous pranks upon others. Disregard for safety and comfort of fellow employees.
- (J) Engaging in outside employment without notification and approval of the Employee's Supervisor, in the event such employment will impact the employee's regular employment with the Village.
- (K) Repeated failure to report to work on time and ready for work.
- (L) Incurring costs or obligations in the name of the Village without the authority or prior approval.
- (M) Discourteous and/or unprofessional treatment of the public.
- (N) Failure to comply with the provisions of this document.
- (O) Any violation of Village Work Rules, Regulations or Standard Operation Procedures documents.

Types of Discipline: Disciplinary action shall consist of one or more of the following:

- (A) Verbal warning(s).
- (B) Written warning(s).
- (C) Suspension from duty without pay.
- (D) Demotion in rank and/or salary.
- (E) Dismissal.

Disciplinary Procedure: Except as otherwise provided by the Ohio Revised Code, which shall control in the case of any conflict with the following disciplinary procedure; the Division Heads concerned shall be responsible for the discipline of employees within their departments. Discipline may be, but is not required to be, progressive in nature and shall be applied based upon a combination of factors, including the severity of the offense, past history of the employee and past disciplinary actions against the employee.

Division Head Disciplinary Authority and Responsibility: Division Heads may issue verbal warnings/reprimands and written warnings/reprimands to members of their departments and should document verbal and written reprimands /warnings in the employee's personnel file and provide any documentation requested by Council. The Mayor shall be responsible for the discipline of the Chief of Police or Fire Chief as provided by the Ohio Revised Code.

Council Disciplinary Authority: The Village Council may enforce any of the types of discipline, including termination, where appropriate and in accordance with any applicable statutes or local laws; except as otherwise provided by the Ohio Revised Code which shall control in case of conflict.

Employee Notification

(A) For suspensions of more than three (3) days, the disciplined employee will be informed in writing of the right to appeal the disciplinary action to the Village Council.

(1) Before an unpaid suspension of more than three (3) days is imposed, the employee will be given the opportunity to be informed of the alleged infraction, and an opportunity for a pre-disciplinary meeting with the employee's supervisor or department head.

(B) The written order will be provided to the employee prior to the effective time of the order for all disciplinary actions.

(C) Disciplinary actions need not be deferred pending the possible submission of an appeal.

Employee's Appeal Procedure: Employees, who are eligible to file an appeal pursuant to these provisions, may appeal a suspension of more than three (3) days (24 work hours), in writing, to the Village Council.

(A) The appeal must be filed in writing with the Village Fiscal Officer and Council within five (5) calendar days of the employee's receipt of the written notification of the disciplinary action. If the five (5) calendar day appeal filing time is exceeded, the Council will have no authority to take action in the matter. This appeal:

(1) Must be signed by the individual who is appealing and include both his or her department and grade therein; and

(2) Must have attached thereto a copy of the disciplinary order.

(B) The employee will present the written request for an appeal hearing setting forth the reasons for said appeal. The written request should specify either or both of the following grounds for appeal:

(1) There was a failure on the part of a Village official to observe or correctly apply the provisions of the Personnel Manual or the terms of the subject's appointment; and/or

(2) There was not a complete consideration of the facts regarding the disciplinary action taken against the appellant.

(C) The appeal hearing request should contain all written material truly relevant to the case.

(D) The Village Council will be provided a copy of all material presented in the request for an appeal hearing when it is filed.

(E) Hearings will normally be closed to the public. However, the appellant may request that it be open to the public at the time of the hearing.

Council Responsibility and Authority

(A) The Village Council shall set a time for an appeal hearing promptly and should strive to have the hearing date no later than ten days after receiving the request for appeal hearing.

(B) The Village Council will review all written material submitted to it. If present, the Council shall hear the appellant or his or her counsel, and/or any witnesses. If present, the council shall hear the Division Head, counsel, and/or any witnesses. The Council will examine evidence upon the matter that may be pertinent and relevant.

(C) The Council may affirm, overrule, or modify the disciplinary measure taken against the employee.

Police Officers: Discipline, Termination, and Right of Appeal: Sections 737.171 and 737.19 of the Ohio Revised Code (ORC) govern the discipline and termination of the police chief and police officers. As provided by ORC 737.171 and 737.19, a certified police officer may appeal a decision of the Council for removal to the Court of Common Pleas.

Termination: At the time an employee is terminated, for whatever reason, the following steps must be taken prior to receipt of final pay:

(A) Provide the Village Finance Director with the proper forwarding address in order to receive W-2 forms and any other pertinent information needed to file the current year's income tax returns.

(B) Turn in uniforms, tools, building keys, keys to Village offices and/or any other Village property, including digital log in, passwords, and cell phone passcode, to his or her immediate supervisor. A receipt will be issued to the employee for all property returned.

14.0 Employee Evaluation System

(A) All Supervisors will provide a written evaluation indicating the positive or negative aspects of the job performance of all of their employees on a yearly basis. All evaluations will be conducted according to a format and completed by a date determined by the Village Council. All evaluations will be reviewed by the Mayor and the Village Council.

15.00 Alcohol and Drug Use

(A) Commercial Driver's License Holders (CDL)

(1) It is the policy of the Village of Swanton to establish a program which is designed to prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by employees who are drivers of commercial motor vehicles.

(2) The misuse of alcohol and the use of controlled substances can cause grave harm to not only the person using the substance but also to fellow employees and citizens. The effects of alcohol misuse or drug use are magnified when the individual is responsible for the safety-sensitive functions involved with operating a commercial motor vehicle.

(3) Federal law prohibits any alcohol misuse that could affect the performance of driving a commercial motor vehicle. This includes:

- (a) Use on the job;
 - (b) Use during the four hours before driving a commercial motor vehicle;
 - (c) Having prohibited concentrations of alcohol in the system while driving a commercial motor vehicle;
 - (d) Use during eight hours following an accident;
 - (e) Refusal to take a required test.
- (4) Federal law prohibits any controlled substance use without a licensed physician's written prescription.
- (5) Federal law requires employers to implement certain drug and alcohol testing procedures in accordance with the requirements of 49 C.F.R. part 382. The law mandates that drivers of commercial motor vehicles be subject to pre-employment testing, reasonable suspicion testing, random testing, post-accident testing, return to duty and follow-up testing.
- (6) The testing procedures utilize an evidential breath device for alcohol testing and urine specimen collection for controlled substance testing. The testing procedures shall be implemented in accordance with the federal requirements contained in 49 C.F.R. part 40. Every effort will be made to protect the driver and the integrity of the testing processes, to safeguard the validity of the test results, and to insure that the results are attributed to the correct driver.
- (7) Before performing alcohol or controlled substances test under this policy, the Village will notify a driver that the alcohol or controlled substances test is required under the policy and federal law.
- (8) Any questions regarding the language, implementation, or consequences of this policy shall be brought to the attention of the Village Administrator or the Mayor.

Prohibitions:

- (1) Alcohol concentration. No driver shall report to duty or remain on duty requiring the performance of driving a commercial motor vehicle while having an alcohol blood concentration of 0.02 or greater.
- (2) Alcohol possession. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol.

(3) On-Duty Use. No driver shall use alcohol while driving a commercial motor vehicle.

(4) Pre-Duty Use. No driver shall drive a commercial motor vehicle within four hours after using alcohol.

(5) Use following accident. No driver required to take a post-accident alcohol test under this policy shall use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

(6) Controlled Substance Use. No driver shall report for duty or remain on duty requiring the performance of driving a commercial motor vehicle when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. A commercial motor vehicle driver may be required by the board to inform the board of any therapeutic drug use.

(7) Controlled Substance Testing. No driver shall report for duty, remain on duty or drive a commercial motor vehicle, if the driver tests positive for controlled substances.

(8) Refusal to submit to a required alcohol or controlled substance test. No driver may refuse to submit to a required alcohol or controlled substance test. A driver refusing to undergo such tests will not be permitted to operate a commercial vehicle and will be treated as having failed the prescribed alcohol or drug test.

Tests Required:

(1) Pre-employment. Prior to the first time a driver performs safety sensitive functions for the employer, the driver must undergo testing for alcohol and controlled substances. This requirement pertains to all new hires and existing employees transferred to a commercial driver's position. The Village of Swanton is under no obligation to hire an applicant who fails a drug or alcohol test.

(2) Post accident testing. As soon as practical after an accident involving a commercial motor vehicle, a driver may be tested for alcohol and controlled substances. An accident is deemed as one which involves the loss of human life or the driver received a citation under state or local law for a moving traffic violation arising from the accident.

(3) Random Testing. At a minimum 50% of the average number of

driving positions in the district will undergo annual alcohol testing. The minimum percentage rate for random controlled substance testing is 25% of the average number of driving positions.

(4) Reasonable Suspicion Testing. Drivers are required to submit to testing based on “specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the driver.” Reasonable suspicion testing is authorized by the regulations during, just preceding, or after a period of the work day the driver is required to be drug or alcohol free. The required observation for reasonable suspicion testing will be made by an individual who is trained in accordance with the requirements of the Federal Requirements.

(5) Return to Duty Testing. After a driver fails to pass an alcohol or controlled substance test, the driver will be required to undergo and pass another test before the driver is permitted to operate a commercial motor vehicle.

(6) Follow-up Testing. Drivers who are reinstated after problems associated with alcohol misuse and/or use of controlled substances shall be subject to unannounced follow-up testing as directed by a substance abuse professional.

Consequences for Violating Alcohol and Drug Prohibitions:

(1) Alcohol. Following a determination that the employee has violated the alcohol prohibitions, including having a test result of 0.04 BAC or greater, the driver will be terminated from employment with the Village. In addition, an employee with an alcohol concentration of 0.02 or greater, but less than 0.04, will not be permitted to drive a commercial motor vehicle for a minimum of 24 hours.

(2) Drugs. Following a determination that an employee has misused controlled substances as determined through testing, this policy requires that a driver be terminated from employment with the Village.

(3) Costs. The costs associated with rehabilitation programs shall be paid by the employee.

(B) Drug and Alcohol Free Workplace

The Village of Swanton is committed to providing a safe work place and to establishing programs that promote high standards of employee health and well-being. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks to the employee, other employees, or the general public. Consistent with the spirit and intent of this commitment, the Village has

established this policy regarding the abuse of alcohol, drugs, and controlled substances. Our goal is to establish and maintain a work environment that is free from the effects of alcohol and drug abuse.

(1) The Village of Swanton prohibits the manufacturing, distribution, possession and use of alcohol, drugs, controlled substances, drug paraphernalia or any combination thereof, on any Village premises or work site; including Village of Swanton vehicles or private vehicles parked on the Village of Swanton's property or work sites. A "controlled substance" includes all such substances defined by state and federal law, and any other illegal substance. Work site is defined to mean the site for the performance of work done in connection with employment by the Village of Swanton. Any employee who brings illicit drugs or alcohol on any Village premises or work site, or any employee who knowingly allows someone else to do so, shall be subject to disciplinary action up to and including termination. Employees arrested for possession, use, or sale of any illegal drugs shall be subject to disciplinary action up to and including termination.

The employee must notify the Village Council of any criminal drug or alcohol charge, conviction or suspension of their license no later than 5 days after such charge, conviction, or license suspension. Failure to report such charge or conviction or license suspension may result in disciplinary action up to and including termination.

(2) Employees taking prescribed or over-the-counter medications that may alter their work behavior or ability to perform their duties must report the use of these substances to their supervisors. Any employee taking prescribed medication that leaves him or her unable to perform their job responsibilities satisfactorily should request a leave of absence.

(3) The use, sale, transfer or possession of alcohol on any Village premises or work site is prohibited and is subject to disciplinary action, up to and including termination; except with prior approval by the Swanton Village Council.

(4) Any employee impaired by alcohol, drugs, or controlled substances on any Village premises or work site is strictly prohibited and is subject to disciplinary action, up to and including termination.

(5) The Village reserves the right to require an employee to submit to a urine or blood test, to conduct searches, inspections, or investigations on any Village premises or work site; including Village of Swanton vehicles, whenever an employee's observed behavior raises a reasonable suspicion about the employee's physical condition or fitness to perform their job or that the employee is violating the provisions of this drug and alcohol policy. Any employee who refuses to cooperate in any such drug or alcohol test,

search, inspection, or investigation, is found to be impaired or under the influence or in possession of alcohol (0.08 or above), drugs, or controlled substances is subject to disciplinary action, up to including termination.

(6) A work-related accident normally constitutes a reasonable suspicion of drug or alcohol use. Any employee who refuses to be tested for drugs or alcohol after the occurrence of a work-related accident is subject to disciplinary action, up to and including termination.

The Village has, through its health insurance, an existing Employee Assistance Plan (EAP) to assist employees to find suitable treatment for drug and alcohol abuse. The EAP provides that (1) the EAP does not excuse participating employees from meeting performance standards while on the job, (2) the employer will not immunize a successful employee enrolled from future discipline if their problems recur, and (3) the program itself may be a handicapped "accommodation" and unsuccessful employees may be discharged.

Treatment of drug and alcohol use may be sought by voluntary referral. An employee who feels that he or she may have an alcohol and/or drug problem is encouraged to seek advice and help through the Employee Assistance Program (EAP). This type of referral will be done in a confidential manner. Treatment may also be obtained through mandatory referral. Management may refer any employee to EAP because of deteriorating job performance or excessive absenteeism associated with the use of alcohol or drugs. These provisions are subject to modification depending on the group health insurance plan available to Village employees.

Any employee of the Village of Swanton, whose license is suspended due to a drug or alcohol related charge and/or who is convicted of a drug or alcohol related offense, must report their suspension or conviction to the Village Council with five (5) days of that suspension or conviction. The convicted employee will be required to take part in a rehabilitation program that has been approved by the Council, such as a program offered through the EAP. Failure to follow prescribed medical or psychological treatment and/or to improve work performance to an acceptable level will be justification for termination of employment on the same basis as any other employee whose work performance is unsatisfactory. Failure to report suspension of licenses or conviction may result in discipline up to and including termination.

The Village of Swanton views a violation of this policy as a serious offense that will be investigated. The employee is expected to cooperate with that investigation. Violating this policy or refusing to cooperate in an investigation may result in discipline up to and including termination.

Note: The disciplinary consequences of violating the drug and alcohol prohibitions are a result of the Village's management authority and are independent of the Federal authority under the Omnibus Transportation Acts of 1991.

16.0 Ohio Ethics Law

The Ohio Ethics Law applies to all Village elected officers and employees. The Village will provide a copy of the Ohio Ethics Law to all elected officers and employees within 15 days after they begin service to the Village. No Village elected officer or employee may take any action to purchase or acquire services or property for the Village where they, their family, or their business associates have a financial interest in the service or property. No village elected officer or employee may take any action to employ his or her spouse, parents, grandparents, children, grandchildren, brothers, or sisters and any relatives who live with the elected officer or employee. No Village elected officers or employees may take any official action on matters that will result in a benefit to themselves, their family members, or their business associates.

Full time employees may not engage in employment outside of his/her Village employment if such employment interferes with his/her ability to perform his/her duties for the Village without prior approval of his/her supervisor.