

Ordinance 112-2021

Presented by:  
Mayor David G. Kline  
Director of Finance Mollie Gilbride  
Director of Law Megan E. Raber  
Director of Administration Donald Cooper

CLARIFYING AND DEFINING PERSONNEL BENEFITS AND POLICIES FOR NON-COLLECTIVE BARGAINING EMPLOYEES AND PROVIDING FOR IMMEDIATE ENACTMENT

WHEREAS, the City periodically reviews benefits for its non-collective bargaining employees and clarifies them under one ordinance; and

WHEREAS, benefits were last summarized in Ordinance 95-2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TALLMADGE, COUNTIES OF SUMMIT AND PORTAGE, STATE OF OHIO:

SECTION 1. That this Council hereby adopts the "PERSONNEL BENEFITS AND POLICIES FOR NON-COLLECTIVE BARGAINING EMPLOYEES", Exhibit "A", attached hereto and fully incorporated herein.

SECTION 2. That the Director of Administration shall review the benefits for non-collective bargaining personnel at least every three years. He/she shall make recommendations to Council. The intent is to maintain a comparable level of benefits among City employees without requiring non-collective bargaining employees to lag behind union employees without review and consideration.

SECTION 3. That the City of Tallmadge is an Equal Opportunity Employer and this ordinance shall be interpreted consistently with law and the City's Equal Opportunity Policy.

SECTION 4. That effective January 1, 2022, all prior ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 5. That the Director of Administration shall distribute a copy of "PERSONNEL BENEFITS AND POLICIES FOR NON-COLLECTIVE BARGAINING EMPLOYEES" to all non-collective bargaining employees upon enactment.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after November 28, 1975 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 7. That this ordinance is necessary to provide for and to accomplish the purposes herein set forth, which are conducive to the health, safety, and welfare of the citizens of Tallmadge. For that reason, provided this ordinance shall receive the affirmative vote of three-fourths of the members of Council and approval by the Mayor, it shall be enacted immediately and shall be of immediate effect.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Susan E. Burton, Clerk of Council  
MER/jt  
10/19/21  
Filed with the Mayor \_\_\_\_\_

\_\_\_\_\_  
Carol A. Kilway, President of Council

Approved:

\_\_\_\_\_  
David G. Kline, Mayor

This \_\_\_\_\_ day of \_\_\_\_\_, 2021

Committee Assignment: \_\_\_\_\_

Readings: 1st \_\_\_\_\_ 2d \_\_\_\_\_ 3d \_\_\_\_\_

For: \_\_\_\_\_ Against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Note: \_\_\_\_\_

Note: \_\_\_\_\_

112-2021  
Exhibit A

**PERSONNEL BENEFITS AND POLICIES FOR  
NON-COLLECTIVE BARGAINING EMPLOYEES**

**ARTICLE I GENERAL PROVISIONS**

**1.01 DEFINITIONS**

**1.02 HOURS AND SCHEDULE**

**1.03 PERSONNEL**

**Section 1.01 DEFINITIONS**

The following are definitions of terms used herein regarding the non-collective bargaining personnel of the City of Tallmadge, Ohio:

- A. Active Pay Status: Means conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, funeral leave, administrative leave, compensatory time, holidays, and personal days.
- B. Appointing Authority: As defined in Ohio R.C. 124.01(D); means the officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution.
- C. Elected Officials: Includes all positions generally filled by a vote of the electorate excluding Council members. All elected officials are entitled to those benefits expressly designated herein. All council members shall serve as a part-time employee and are expressly excluded from this policy. Elected officials and council members are exempt employees under the Fair Labor Standards Act.
- D. Full-time Employee: All salaried and hourly employees normally scheduled to work 33 hours or more per week and that are not part-time, seasonal, casual, or intermittent.
- E. Hourly Employee/Position: Those other positions for which compensation is paid on an hourly basis, or otherwise known as non-exempt employees under the Fair Labor Standards Act.
- F. Immediate Family: An employee's spouse, parents, step-parents, children, step children, grandparents, grandparents of spouse, siblings, step-siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, or dependent for whom you are a legal guardian.
- G. Intermittent Employee: Those employees not on a regular work schedule, who work periodically throughout the year as needed. The irregular schedule is set by the fluctuating demands of the work, is not predictable, and is generally characterized as requiring less than one thousand hours per year.

- H. Part-time Employee: Part-time hourly employees are those scheduled to work an average of 29 hours or less during the measurement period as defined for purposes of the Patient Protection and Affordable Care Act policy. Part-time salaried employees are those having job duties which are professional or executive in nature as defined by the Fair Labor Standards Act and scheduled to work less than 1,508 hours per year. Part-time salaried employees shall be paid on the basis of scheduled hours with actual hours worked maintained by the appointing authority.
- I. Permanent Employee: Any person holding a position in City employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. “Permanent employee” does not include intermittent, seasonal or individuals covered by personal services contracts.
- J. Retired: An employee who by reason of age and service receives retirement benefits from the Ohio Public Employees’ Retirement System or the Police and Fire Pension Fund. NOTE: The right to retire and receive retirement benefits is governed by the appropriate state pension fund rules.
- K. Retirement Age: The earliest age at which the employee has the right to retire and receive retirement benefits from the Ohio Public Employees’ Retirement System or the Police and Fire Pension Fund. NOTE: The right to retire and receive retirement benefits is governed by the appropriate state pension fund rules.
- L. Salaried Employee/Position: Those positions which receive compensation on an annual salary basis, known as exempt employees, as authorized by Council. These positions have been determined to be exempt from overtime under the Fair Labor Standards Act.
- M. Seasonal Employee: Those employees who work a certain regular season or period of the year performing some work or activity limited to that season or period of the year. The work is not continuous throughout the year but recurs in each successive calendar year. A seasonal employee is terminated from employment at the end of the season. For these purposes, a season shall not exceed 120 working days and no seasonal employee shall work more than one season or more than 800 hours per year.
- N. Special Position: Those positions as authorized by council, whose employment relationships are on a basis other than those outlined above (e.g., school crossing guards, auxiliary police, civil service commissioners, etc.).

## **Section 1.02 HOURS AND SCHEDULE**

- A. The standard working hours for full-time employees shall be forty hours per week. The hours worked shall be at the discretion of the appointing authority, or the department supervisor.
- B. Nothing contained herein shall be construed in any way to limit or restrict the authority of the Mayor, Director of Public Service, Director of Finance, Director of Law, Director of Administration, Council, or the various department supervisors to, with notice, change or alter the regular work schedule of their respective employees.
- C. Intermittent employees may be utilized whenever a regular employee is unavailable for work, whether the regular employee is in a paid status or not. Additionally, intermittent clerks may be used infrequently, when it is determined that the normal work in an office cannot be completed in a timely fashion without requiring the regular employee in that office to work overtime.
- D. Whenever a regular employee is being temporarily or permanently replaced, that employee's replacement may be employed for a time period not to exceed twenty (20) work days as determined necessary by the position's supervisor for training by the employee he/she is replacing. Council may authorize an additional training period upon request of the appointing authority.
- E. It is the express policy that no employee shall serve in more than one position in the City at any given time. This shall include but is not limited to any clerk to any Board or Commission of the City of Tallmadge.
- F. Meal Breaks
  - 1. All full-time hourly employees working more than six hours a day are required to take an unpaid meal break. The scheduling of meal breaks and their length shall be determined by the department supervisor. For these purposes, a meal break is (1) thirty minutes in length; (2) the employee is completely relieved of all duties; and (3) the employee is free to leave his/her post of duty. Meal breaks for all other employees shall be determined by the appointing authority or department supervisor based upon scheduling and the safety of the employee and the public.
  - 2. All employees less than 18 years of age working more than 5 consecutive hours shall take an unpaid meal break of at least 30 minutes.

**Section 1.03 PERSONNEL**

- A. The benefits and employee provisions enumerated herein shall apply to non-collective bargaining employees.
- B. The benefits and employee provisions enumerated herein shall not apply to those employees covered by a collective bargaining agreement unless expressly provided for in this ordinance or unless expressly provided for in the collective bargaining agreement.

**ARTICLE II BENEFITS**

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## **Section 2.01 SICK LEAVE**

### **A. ELIGIBLE EMPLOYEES FOR ACCRUAL OF SICK LEAVE**

1. All employees except elected public officials, seasonal personnel, and special personnel (excluding school crossing guards) shall be entitled to sick leave accrual.
2. Sick leave for part-time employees shall only be used for hours already scheduled.
3. Sick leave use for intermittent clerks shall be applied only to previously scheduled hours of work.

### **B. ACCUMULATION OF SICK LEAVE**

1. All eligible employees shall accumulate sick leave at a rate of 4.6 hours for each completed 80 hours of paid service. Paid service includes holidays, vacation, funeral leave, personal holiday time, compensatory time, PTO and sick leave. Overtime hours shall not be used in the calculation of sick leave benefits.
2. Sick leave shall be calculated using the greater of actual regular hours worked or compensated scheduled hours.
3. Eligible employees shall be entitled to accumulate sick leave without limitation.

### **C. USE OF SICK LEAVE**

With the approval of the appropriate departmental authority, sick leave may be used for absence due to any of the following reasons:

1. Illness, injury, or pregnancy-related condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
3. Examination of the employee, for health related purposes including but not limited to medical, psychological, dental or optical examination, by an appropriate licensed practitioner.
4. Death of a member of the employee's immediate family. Such usage shall be limited to a reasonably necessary time beyond any bereavement leave benefit.

5. Illness, injury, or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
6. Examination, including medical, psychological, dental, or optical examination, of a member of the employee's immediate family by an appropriate licensed practitioner where the employee's presence is reasonably necessary.
7. Other reasons expressly provided for in this Ordinance.

An employee may use sick leave upon giving notification to his/her supervisor. Each appointing authority may require an employee to furnish a satisfactory written signed statement to justify the use of sick leave. When making such notification, the employee shall indicate and verify the reason for the purpose for which sick leave is utilized to his/her supervisor.

When permission is granted for the use of sick leave, it shall be deducted from the employee's accumulated balance on the basis of one hour of sick leave for every hour of absence from scheduled work. As sick leave is used, it shall be charged against those hours most recently earned.

Any employee utilizing three (3) or more continuous days of sick leave shall, upon the request of the appropriate departmental authority, be required to present the necessary documentation to verify his/her use of sick leave, including doctor's statements. An employee's supervisor may also request documentation for use of sick leave for less than three (3) consecutive days where that supervisor determines the documentation to be reasonably necessary.

Whenever possible, the employee utilizing sick leave shall give as much advance notice to his/her supervisor of that use of sick leave as is reasonably possible.

D. TRANSFER OF ACCUMULATED SICK LEAVE AFTER EMPLOYMENT IN ANOTHER POLITICAL SUBDIVISION

1. The following policy shall apply to all individuals on the payroll of the City, excluding bargaining employees, as of December 31, 1998:
  - a. Any employee who transfers from another political subdivision or public agency to the City of Tallmadge shall be credited with the unused balance of his/her previously accumulated sick leave up to the maximum of the sick leave accumulation permitted by the City of Tallmadge provided that the employee did not receive a cash payout for sick leave upon termination or retirement from the previous public employer.

b. The employee shall obtain from the previous public employer and provide to the City of Tallmadge a satisfactory written, signed statement to substantiate the transferred sick leave amount.

2. The following policy shall apply to all individuals placed on the payroll of the City for the first time as of January 1, 1999 and thereafter:

a. The previously accumulated sick leave of an employee who has been separated from public service, including that service from a public agency other than the City of Tallmadge, shall be placed to his/her credit upon re-employment in the public service, provided that such re-employment takes place within ten (10) years of the date on which the employee was last terminated from public service.

b. Sick leave transferred on and after January 1, 1999 pursuant to Section D.2 may be used only for those purposes set forth in Section 2.01 C, paragraphs 1 through 6.

c. Use of transferred sick leave shall be applied on a last in – first out basis.

E. PAYMENT OF ACCRUED SICK LEAVE UPON RETIREMENT OR DISABILITY

1. For employees on the payroll records prior to January 1, 2014, an employee who by reason of age and service receives retirement benefits or is determined disabled from the City of Tallmadge shall be entitled to a payment in cash for unused sick leave.

a. The employee must elect in writing to receive this payment, acknowledging the elimination of all sick leave credits accrued to date.

b. The payment shall be calculated using the employee's current base rate of pay.

c. The total payment shall not exceed the value of 1200 hours, including any hours paid out as banked sick leave paid after January 1, 2010.

d. The payment shall be calculated at one-half the value of eligible sick leave.

2. For all other employees not covered by Section 1 above, who by reason of age and service receives retirement benefits or is determined disabled from

the City of Tallmadge, shall be entitled to a payment in cash for unused sick leave.

- a. The employee must elect in writing to receive this payment, acknowledging the elimination of all sick leave credits accrued to date.
- b. The payment shall be calculated using the employee's current base rate of pay.
- c. The total payment shall not exceed the value of 900 hours.
- d. The payment shall be calculated at one-quarter of the value of the hours of eligible sick leave.

F. PAYMENT OF ACCRUED SICK LEAVE UPON TERMINATION OF EMPLOYMENT OTHER THAN RETIREMENT OR DISABILITY

1. An employee, terminating employment for any reason other than retirement, disability, death, or downsizing/abolition of a position shall not receive sick leave benefits.

2. Death of an Employee:

An employee who has completed 7 or more years of service with the City of Tallmadge may designate a beneficiary to receive his/her unused sick leave entitlement in accordance with section E, as if retired. If no designation is made, the payment shall be made to the employee's estate.

3. Downsizing/Abolition of Position:

An employee who has completed 7 or more years of service with the City of Tallmadge may receive a payout for his/her unused sick leave balance in accordance with section E, as if retired if the employee's position was eliminated due only to downsizing/abolition of a position.

G. PRE-RETIREMENT SICK LEAVE PAYMENT

It is the intent of the City to assist its employees in the transition to retirement by disbursing the payment for accrued sick leave, subject to the provisions of paragraph E., above, over up to a three (3) year period prior to retirement. Eligibility for this pre-retirement benefit is any part-time, intermittent or full-time employee.

1. Any eligible employee may elect in writing to be paid in cash for up to 1/6 of his/her accrued sick leave hours (not to exceed 400 hours annually) each

year during the last three years prior to retirement from City employment. The employee must designate a date certain for termination by retirement. The date may be subsequently amended only with the prior written consent of the appointing authority.

2. Any employee having less than three (3) years until retirement may elect to receive up to 600 hours paid of accrued sick leave in each of two (2) years immediately preceding retirement.
3. The eligible employee must notify his/her appointing authority and the Director of Finance of this election at least thirty (30) days prior to the first distribution.
4. The election is irrevocable and all hours paid under this provision shall be deducted from the payment for accrued sick leave as provided under paragraphs E. and/or F. herein. Once the election for payment of pre-retirement sick leave is made, all sick leave accrued thereafter may be used only for those purposes set forth in Section 2.01 C., paragraphs 1 through 6.
5. Payment shall be made at the current wage rate at the time of payment and is subject to applicable taxes.

## **Section 2.02 FUNERAL LEAVE**

### **A. ELIGIBLE EMPLOYEES**

All permanent full-time employees in an active pay status shall be entitled to three (3) days paid leave for absence due to the death of a member of the immediate family. These three days shall not be charged to the employee's accrued sick leave.

### **B. USE OF FUNERAL LEAVE**

"Immediate family" for funeral leave purposes shall have the same meaning as set forth in Section 1.01.

### **C. ADDITIONAL FUNERAL LEAVE**

Any employee may elect, with the approval of the appropriate appointing authority to take additional funeral leave due to the death of an individual other than a member of his/her immediate family. This time shall be charged to the employee's sick leave.

## **Section 2.03 FAMILY AND MEDICAL LEAVE (FMLA)**

- A. Family and Medical Leave entitlements and conditions shall be in accordance with the federal Family and Medical Leave Act of 1993 (FMLA).

1. This act allows eligible employees to take up to twelve weeks of unpaid leave (i.e., up to 480 hours for employees working 40-hour-weeks, up to 360 hours for employees working 30-hour weeks, or the number of hours normally worked in twelve weeks, etc.) per rolling twelve-month period for the following qualifying events:
  - a. The birth of a child or placement of a child for adoption or foster care;
  - b. To bond with a child (leave must be taken within 1 year of the child's birth or placement);
  - c. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
  - d. For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; or
  - e. For qualifying exigencies related to foreign deployment of a military member who is the employee's spouse, child, or parent.
2. For purposes of this section, "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider. It also includes but is not limited to pregnancy, chronic conditions such as asthma, long-term conditions such as Alzheimer's and serious conditions that would result in incapacitation without multiple treatments, such as cancer requiring chemotherapy or radiation treatments.
3. Eligibility. Employees who have been employed by the City for at least 12 months and have been in active pay status at least 1,250 hours during the past 12 months are entitled to FMLA leave regardless of gender. Previous employment with the City in which the employee was paid by payroll check shall count toward meeting the 12-month employment requirement. The 1,250 hours need not be consecutive.

An eligible employee is entitled to a full 12 weeks of FMLA leave even if the spouse has already exhausted leave for a qualifying event.

4. Requests for FMLA Leave.
  - a. If the need for leave is foreseeable, employee requests must be submitted at least 30 days prior to taking leave or, if this is not possible, as soon as practicable.

- b. Requests must be submitted in writing. In the event that the City provides a specific form for such requests, it will be available on the City's Intranet and in the office of the Director of Administration. Employees who know the requested leave is for a FMLA-qualifying event must specify that the leave is requested pursuant to the FMLA. The City may also designate certain absences by an employee as subject to FMLA and will serve notice on the employee of the determination.
- c. Leave will be counted against the employee's FMLA entitlement.
- d. Leave must be taken in increments of no less than one hour. The leave period is established the first hour leave is taken by the employee.
- e. Requests must include a completed City of Tallmadge Physician or Health Care Provider Certification for the Family & Medical Leave Act; or equivalent documentation in the case of an adoption/foster care. The certification form shall be submitted to the appointing authority for approval and maintained separately by the Director of Administration in a confidential manner. Failure to provide the required medical certification or equivalent documentation may result in denial of the FMLA leave request.
- f. Leave taken for the birth or placement of a child must be taken within one year of the date of birth or placement.

5. Use of Paid Leave.

- a. Employees shall exhaust all accrued sick leave, vacation and personal leave balances as appropriate, prior to going on unpaid leave.
- b. Pursuant to 29 CFR Part 825, Section 207(i):
  - (1) Employers may not require employees to use compensatory time as a substitute for unpaid FMLA leave.
  - (2) Employees may request to use compensatory time for a FMLA-qualifying event. If the employer permits the use of compensatory time (in compliance with 29 CFR Section 553.25), it shall not be counted toward the employees' 12-week FMLA leave entitlement.
- c. When FMLA is used concurrently with Disability Leave or Workers' Compensation, the leave policies for those benefits shall

override the requirement of this section for employees to exhaust all of their accrued leave.

- d. Whether leave is paid, unpaid or a combination, the employee is entitled to only 12 weeks of FMLA leave within a rolling 12-month period.
- e. The City may designate paid or unpaid leave as FMLA leave, whether the employee designates it as such or not if all of the following apply:
  - (1) The City has compelling information based upon information provided by the employee that leave was taken for an FMLA-qualifying event; and
  - (2) The employee is properly notified of his or her FMLA rights.
- f. Within two business days of learning of the employee's need for FMLA-qualifying leave, the Director of Administration shall notify the employee:
  - (1) That the leave will be designated as FMLA-qualifying leave. This notice may be given orally, but must be confirmed in writing by the payday following the date leave is designated as FMLA leave. If the following payday is less than one week from the date leave is designated as FMLA leave, the City shall provide written notice to the employee by the next payday;
  - (2) The Director of Administration shall at a minimum provide written notice to the employee the first time he or she is granted FMLA leave in each six-month period for the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations (e.g. whether a medical or fitness-for-duty certification will be required).
  - (3) If leave has already begun, the notice shall be mailed to the employee's address of record. It is the responsibility of the employee to provide the City with a current residence address.

6. Workers' Compensation and Disability Leave

Employees requesting Workers' Compensation, Unpaid Leave, or Work Injury Leave who are also eligible for FMLA leave shall have up to twelve

weeks for the non-working portion of the approved benefit period, including any required waiting period, count concurrently as FMLA leave. The City may also grant FMLA leave to employees while their request is being reviewed. The granting of FMLA leave shall have no bearing on approval or disapproval of an employee's workers' compensation claim or request for disability benefits.

7. Intermittent FMLA Leave

- a. Employees are entitled to take intermittent leave for the employee's serious health condition or due to the serious health condition of a parent, spouse, son or daughter.
- b. The employee must submit certification to establish medical necessity of the leave (e.g., periodic testing and treatments). In reviewing the request, the appointing authority shall determine whether or not an acceptable leave schedule can be arranged and may consider transfer to an alternative, comparable position.
- c. The City may require the re-certification of the medical necessity for intermittent leave no more than once every 30 days in conjunction with an employee's absence, and where the minimum period specified on the medical certification is more than 30 days, not until that minimum period has passed unless:
  - (1) the employee requests an extension of leave;
  - (2) circumstances described by the previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications, etc.); or,
  - (3) the City received information that casts doubt upon the continuing validity of the certification.

8. Employee Benefits

- a. During approved FMLA leave, the City will continue to pay the employer's portion of City-provided health and life insurance premiums.
- b. Employees are responsible for paying the employee's share of any premium and/or co-pay costs. Information on how to pay any premium costs while on FMLA leave may be obtained from either the Director of Administration or the Director of Finance.

- c. Employees shall be given up to a 30-day grace period from the due date of their health and life insurance premiums or other costs. Employees who fail to pay their portions of the premiums or costs within the grace period may, with 15 days' notice from their appointing authority, be removed from their respective insurance plan.
- d. If an employee chooses not to continue health care or life insurance coverage during FMLA leave, the employee will be entitled to reinstatement into the health and life plans upon return to work.
- e. The City may seek reimbursement for any health insurance premiums paid on behalf of the employee if the employee fails to return to work from FMLA leave. The City will not seek reimbursement if the reason for the employee failing to return to work is the continuation or recurrence of the serious health condition or is otherwise beyond the employee's control as defined in the FMLA.
- f. Employees who are reinstated will not lose any service credit and FMLA leave will be treated as continuous service for the purpose of calculating any City benefits based on length of service.
- g. Employees on unpaid FMLA do not accrue seniority, sick leave, longevity, holiday, or vacation credit while on such leave.

9. Medical Certification

- a. In addition to the certification required with a request for leave that qualifies as a serious health condition, the City may require a second opinion from a second health care provider designated and paid for by the City.
- b. If the first and second opinions conflict, the City may require the employee to submit to a third examination at the City's expense by a health care provider chosen jointly by the employee and the City. In choosing the third health care provider, both the employee and the City must be reasonable and act in good faith. The opinion of the third health care provider is final and binding.
- c. The City may require the employee to report his or her health care status and intent to report to work no more often than once every 30 days. If the City has reason to believe the employee's health status has changed such that the employee may no longer be eligible for FMLA leave, the City may require the employee to get a second or third opinion as indicated above.

10. Reinstatement to Work from FMLA Leave

- a. Employees are entitled to reinstatement to the same or similar position upon return from leave.
- b. If the same job is not available, the appointing authority will determine in which similar position the employee should be placed, making sure that the position has equivalent pay, benefits and conditions of employment.
- c. Employees who take leave due to their own serious health condition may be required to provide certification from a health care provider that they are able to perform the essential functions of their positions.

B. RECORDKEEPING

The Director of Administration will maintain records of leave balances and the Director of Finance will maintain records of FMLA leave usage.

C. APPEALS OF FMLA DECISIONS

Appeals by employees from any decision of the appointing authority under this section shall be filed with the Compensation Board within 10 days of notification of the written decision. The appointing authority responsible for making the decision being appealed from shall abstain from participation as a member of the Compensation Board, if applicable.

**Section 2.04 VACATION LEAVE**

A. ELIGIBLE EMPLOYEES

All regular full-time employees shall be entitled to earn vacation leave.

B. VACATION ENTITLEMENT

- 1. Beginning on January 1, 2018, each eligible employee shall accrue vacation credit at the following rates:
  - a. Upon hiring: 3.08 hours per pay period.
  - b. Upon completion of five years of paid service: 4.62 hours per pay period.
  - c. Upon completion of ten years of paid service: 6.16 hours per pay period.

- d. Upon completion of fifteen years of paid service: 7.70 hours per pay period.
2. Any employee hired between January 1, 2010 and January 1, 2018, shall not receive retroactive vacation accrual.
3. Eligible employees will be given a lump sum allocation of forty (40) hours of vacation time when they meet the service time requirements for each of the vacation accrual rate levels described in Sections 2.04 B(1)(b) through B(1)(d), above.

C. ACCUMULATION, COMPUTATION, SALE AND USAGE

1. Employees are eligible to use vacation as accrued. Each employee's vacation eligibility shall be kept by the Director of Finance and shall be available to that employee for use upon reasonable request.
2. All employees shall obtain the approval of their supervisor before any vacation leave may be taken. Vacation leave may be taken in increments of less than eight (8) hours only with the specific prior approval of that employee's supervisor.
3. At no time shall the employee's vacation balance exceed 280 hours. Any vacation time over 280 hours shall be deemed forfeited.
4. In the calendar year of termination, including retirement, vacation shall be accrued and paid through the last date of paid service.
5. Up to one week of vacation may be sold each calendar year.
  - a. To be eligible to sell any vacation, at least half of the vacation earned by an employee in the previous year must have been taken as time off.
  - b. All vacation sold will be included in the last pay period of January each year.
  - c. Pay amount for any vacation sold shall be computed at the rate of pay at the time of payment.
  - d. Selection of the amount of vacation to be sold shall be made by the employee in a format acceptable to the Director of Finance no later than the last pay period of the calendar year.
  - e. The employee's vacation bank shall be reduced by the amount of any vacation sold.

- f. Vacation may be sold only in eight (8) hour increments up to forty (40) hours.
- 6. No more than four (4) weeks of vacation leave may be taken consecutively.

D. PRIOR PUBLIC SERVICE

- 1. An eligible employee currently earning vacation credits, and after one year of service in current employment with the City of Tallmadge, is, in accordance with Ohio R.C. 9.44, entitled to have the employee's prior service with the State of Ohio or any political subdivision of the State of Ohio counted as service for the purpose of computing the amount of the employee's vacation leave. The employee shall be responsible for providing a satisfactory written, signed statement(s) from former employer(s) verifying such previous public service.
- 2. An employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service counted for the purpose of computing vacation leave.
- 3. If an employee who was hired after January 1, 2017, is eligible for an amended hire date based on prior public service, any additional vacation he or she would have been eligible for under this section will be credited to his or her vacation balance after one year of service.

E. VACATION PAID UPON RETIREMENT OR TERMINATION

- 1. Upon retirement or other termination, vacation accrued but not yet taken shall be paid to the employee at the current rate of pay.
- 2. Payment is limited to that amount of vacation leave earned but not taken or not paid. Vacation earned shall be accrued through the last date of service.
- 3. Payments made under this section shall be included in the employee's final paycheck.

## **Section 2.05 HOLIDAY ALLOWANCE**

### **A. ELIGIBLE EMPLOYEES**

1. All regular full-time employees shall be entitled to holiday allowance, that is, to a day off on each designated holiday with eight (8) hours of pay.
2. All regular part-time and seasonal employees shall be compensated at one and one-half times their regular rate of pay for approved actual hours worked on the actual holidays of: New Year's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. All actual hours worked on Martin Luther King Day, Presidents' Day, the Friday after Thanksgiving, Christmas Eve, and New Year's Eve shall be paid at the regular rate of pay.

### **B. DESIGNATED HOLIDAYS FOR FULL-TIME EMPLOYEES**

The following holidays shall be observed by regular full-time employees:

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Juneteenth (June 19)
7. Labor Day
8. Thanksgiving Day
9. Friday after Thanksgiving Day
10. Christmas Eve
11. Christmas Day
12. New Year's Eve

### **C. FULL-TIME EMPLOYEES' USE OF HOLIDAY**

1. For full-time employees regularly working a traditional Monday-Friday schedule, whenever such designated holiday falls on a Saturday or Sunday, the Friday preceding such Saturday or Monday following such Sunday shall be observed as a holiday.
2. Any holiday falling within an employee's scheduled approved vacation or sick leave shall not be charged as a part of his/her vacation or sick leave.
3. All full-time hourly employees required by the appointing authority to work on a designated holiday shall be compensated at their regular rate of pay for the actual hours worked plus one hour of holiday pay for each hour worked.

If not required to work by the appointing authority, all full-time hourly employees shall not report to work on a holiday.

4. Each holiday shall be considered work performed during the scheduled work week for the computation of overtime.
5. When a holiday for a supervisor falls on a day that is not a holiday for his or her employees, the supervisor may take the holiday on another day.

D. SPECIAL HOLIDAYS

1. The Mayor shall have the power to designate any day or portion of a day as a holiday for all City employees.
2. Due to natural hazards or dangerous weather conditions, the Mayor shall have the power to declare a “weather emergency” thereby closing the City offices and to authorize payment to those non-essential employees who are scheduled to work on that day. A make-up day, or portion thereof, may be scheduled within two weeks to be attended by those not required to work during the weather emergency subject to the approval of the departmental authority.
3. Essential employees shall be determined by each departmental supervisor. Employees who must work during this weather emergency shall be compensated at their regular rate of pay receiving no additional “weather emergency” pay.
4. In November of each year, the Mayor shall review the upcoming year’s schedule of holidays. In the event a holiday falls on a Tuesday or Thursday, the Mayor, in his discretion and in the best interests of the City, may designate the day preceding or following as an additional holiday. Employees eligible for the original holiday shall take the day off and shall be compensated by using their earned vacation, personal day or earned compensatory time. Otherwise, the employee shall take the day without pay. Employees shall be notified of the designated extra holiday(s) prior to January 1 so that they may plan accordingly.
5. In the event the City is required to temporarily suspend non-essential city services for cost reduction purposes, the Mayor has the authority to temporarily close the municipal building and related services. The Mayor shall, at council’s next regularly scheduled meeting, advise council on the resulting cost savings, effects on employees and reduced city services to the public.

**Section 2.06 PERSONAL DAY ALLOWANCE**

A. ELIGIBLE EMPLOYEES

All regular full-time employees who have been employed a minimum of 180 calendar days shall be entitled to personal day allowances.

B. USE OF PERSONAL DAYS

1. Each eligible employee may designate, with the approval of the appropriate departmental authority, three personal days per year.
2. All personal days must be taken in the calendar year earned. Personal days shall be posted on January 1 in the calendar year following the initial 180 days. No personal time shall be carried over to another calendar year.
3. No personal day balance shall be paid out upon termination.

**Section 2.07 PART-TIME EMPLOYEES PAID TIME OFF (PTO)**

A. ELIGIBLE EMPLOYEES

All part-time employees, not including intermittent, seasonal, special employees, or elected officials who have worked a minimum of 3,000 cumulative hours shall be entitled to paid time off accrued at a rate of .038 hours for every hour paid.

B. USE OF PAID TIME OFF (PTO)

1. Each eligible employee may designate, with the approval of the appropriate departmental authority, regularly scheduled hours taken as paid time off.
2. At no time shall an employee carry more than 40 hours of PTO.
3. PTO over the amount of 40 hours shall be deemed forfeited.
4. Upon retirement or other termination, PTO accrued but not yet taken shall be forfeited. The employee shall not receive any compensation for such time.

**Section 2.08 OVERTIME AND COMPENSATORY TIME**

A. ELIGIBLE EMPLOYEES

All non-union, non-exempt hourly employees are eligible for overtime compensation in accordance with the federal Fair Labor Standards Act.

B. USE OF OVERTIME

1. All overtime shall be approved in advance by the appropriate departmental authority.
2. Any eligible employee who actually performs work in excess of the 40-hour work week shall be compensated at 150% of his/her normal rate of pay except that such work performed on Sunday shall be compensated at double the normal rate.
3. Any eligible employee who is “called out” for emergency duty outside of his/her regularly scheduled day shall receive a minimum of three hours of overtime at 150% of his/her normal rate of pay regardless of the number of hours of work performed on the particular day or week by such employee. “Call out time” for these purposes, shall mean only those times a regularly scheduled employee is required to come in to work on an emergency basis, when not previously scheduled and shall not include hours the employee remains at work or arrives early for previously scheduled hours.
4. Nothing contained herein shall be construed in any way to limit or restrict the authority of the Mayor, Director of Public Service, Director of Administration, Director of Finance, Director of Law, Council or the appropriate departmental authority to alter the work schedule of the employees under their supervision.

Example: In a situation wherein the employee, exempt from overtime, is required due to circumstances to work an abnormally large number of hours for a protracted period of time, the supervisor may alter the work schedule of that employee.

5. Any non-exempt employee working on an overtime basis may elect to receive compensatory time off instead of overtime compensation for all overtime worked on a basis of 1 ½ hours of compensatory time off for each one (1) hour of overtime worked.
  - a. Eligible full-time hourly employees who work in excess of a standard work week, as defined herein, may request compensatory time off in lieu of overtime compensation.
  - b. Eligible hourly employees may use accrued compensatory time with the approval of the appropriate department authority, within a reasonable period of time so as not to disrupt the operations of that department of the City.
  - c. Compensatory time accrued shall not exceed 24 hours.

- d. Compensatory time off shall be computed at one and one-half times each hour worked in excess of the standard work week.
- e. Exempt employees shall not be granted or use comp time.

**Section 2.09 HEALTH CARE INSURANCE COVERAGE**

A. ELIGIBLE EMPLOYEES

All regular full-time employees including the Mayor, Director of Law, and Director of Finance shall be entitled to hospitalization insurance coverage for themselves and their eligible dependents, and dental, vision and life insurance coverage. The City in all cases shall have the right to determine the coverage and benefits provided.

B. SCOPE OF COVERAGE

The City will provide a medical insurance program, including but not limited to prescription drug coverage, the same or comparable as provided to the collective bargaining employees of the City.

C. ELECTION TO WITHDRAW FROM HOSPITALIZATION

- 1. Any employee eligible for medical benefits and providing satisfactory proof of other hospitalization may elect to withdraw (i.e., opt out) from any hospitalization plan by providing annual written notice to the Director of Administration and the Director of Finance.
- 2. The following options for withdrawal are available:
  - a. Employee and Family Opt-Out: The employee may elect to accept the sum of \$2000 annually and relinquish all claims for hospitalization, prescription and health care coverage for the employee and all eligible family members only in the event that employee is not covered in any capacity on the City's insurance.
  - b. Single Coverage Only: The employee eligible to participate in family coverage due to a spouse and eligible dependents 22 years old or younger may elect to accept the sum of \$1200 annually and accept the City's medical benefit for himself/herself only. All claims for hospitalization, prescription and health care coverage for family members and dependents of the employee are relinquished.
  - c. Each employee should read very carefully and compare the rules of each plan available to him/her before selecting one of the foregoing

options. If the employee or a family member is covered by more than one health care plan, it may not be possible to collect benefits from both plans. Each plan may require the insured to follow its rules or use specific doctors and hospitals and it may be impossible to comply with both plans at the same time.

3. Payments under this section shall be made in bi-weekly installments.

D. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

1. Eligible employees, who have terminated, voluntarily or involuntarily except for reasons of gross misconduct, are eligible to receive COBRA benefits for themselves and/or their eligible dependents.
2. COBRA entitles eligible employees to continue their health care coverage for a period of time after termination provided the employee or the eligible dependent(s) pay the premium for that period.
3. The coverage under COBRA entitlements may be terminated if:
  - a. Health coverage is obtained through another employer or Medicare;
  - b. The premium for continuation of coverage is not timely paid;
  - c. The City no longer sponsors group health coverage for any of its employees.
4. An election must be made through the office of the Director of Administration within sixty (60) days of termination for COBRA eligibility.

E. DENTAL CARE

The City shall continue to provide the same or comparable dental insurance as for those employees subject to a collective bargaining agreement with the City.

F. VISION CARE

The City shall continue to provide the same or comparable vision care insurance as for those employees subject to a collective bargaining agreement with the City.

G. LIFE INSURANCE

The City shall continue to provide the same or comparable life insurance coverage for all full-time employees as for those employees subject to a collective bargaining agreement with the City. When required by the insurance provider, the amount of coverage will decrease as the employee achieves age benchmarks established by the insurance provider.

H. FLEXIBLE SPENDING

1. All regular full-time employees, including the Mayor, Director of Law, and Director of Finance, shall be entitled to participate in the Flexible Spending Program.
2. Flexible spending utilizing Section 125 of the Internal Revenue Code permits an employee to pay for certain non-reimbursed medical, including hospitalization co-payments, and dependent day care expense with pre-tax dollars. Applications for participation in this benefit are made through the Director of Finance.

I. PRESCRIPTION DRUGS

The City shall continue to provide the same or comparable prescription drug coverage benefits for eligible full-time employees as for those employees subject to a collective bargaining agreement with the City.

**Section 2.10 TRAINING, TRAVEL AND EDUCATIONAL EXPENSE**

A. ELIGIBLE EMPLOYEES

1. All employees, elected officials, members of Council, and members of appointed boards and commissions are authorized to attend such public meetings, conferences, educational seminars and non-degree granting courses which will further their knowledge pertinent to the job. They are also eligible to incur such expenses as may be necessary in traveling on business of the City.
2. This authorization is subject to the approval of each employee's appointing authority and must be approved prior to the date of departure to attend the program.
3. Payment for approved and properly documented expenditures may be made by city credit card or by reimbursement.

B. SCOPE OF BENEFIT

Business expenses shall be allowed on the following terms and conditions:

1. Fees for registration, lodging, meals and other programmed affairs sponsored by conference or convention organizations will be reimbursed or paid upon submission of the employee's receipts with proper documentation. The appointing authority must approve travel, conference and registration fees prior to the employee's attendance. All payments and

reimbursements are subject to the approval of the employee's appointing authority.

2. Transportation requirements are:

- a. The employee shall select the method and class of travel which will be in the best interest of the City. However, the employee is permitted to arrange comfortable and convenient transportation commensurate with the length of the trip and the employee's work schedule.
- b. When using public systems of travel the employee shall be reimbursed only for the most economical fare by the route best suited for the employer's interest. If a different method, route, or class is selected strictly for the employee's benefit, the reimbursement shall be limited to the stated allowance.
- c. City owned vehicles shall be used for travel when available. Use of the employee's personal vehicle for City business must be approved by the appointing authority and costs shall be reimbursed at the maximum rate allowed by the Internal Revenue Service and limited to round trip travel to the destination based on MapQuest mileage and actual business related travel at conference site. The round trip shall be calculated from the shortest distance of place of employment or employee's residence to location of conference. Prior approval from the appointing authority is also required for car rental expense and will be permitted only under unusual or emergency conditions.
- d. When traveling by air, employees are not permitted to receive "Frequent Flyer Miles" on flights that are purchased and/or paid for by the City of Tallmadge.

3. Lodging requirements are:

- a. The City will pay for either single occupancy or double occupancy when shared with another City employee. Lodging shared with members of the employee's family will be reimbursed at the single room rate. Business calls to City offices will be reimbursed. One personal call per day will be reimbursed. The employee should take a completed tax exemption form to the hotel as the City is exempt from state sales tax. Tax exempt forms are available in the office of the Director of Finance and must be signed by the Director of Finance or the Assistant Director of Finance.

- b. Employees shall be eligible for reimbursement of internet/WiFi fees if it is preapproved by the appointing authority and is a necessary work related expense.
- c. No reimbursements are permitted for hotel movies. Employees must carefully review the hotel bill to ensure that all charges are appropriate prior to placing the expenditure on the city credit card or submitting for reimbursement.
- d. Lodging arrangements require the prior approval of the appointing authority. Approval shall be based upon several criteria including but not limited to location of business meeting, time of year and weather conditions, mode of transportation, number of employees attending, level of participation by the employee and general benefit to the City.

4. Meals at Conferences or Conventions

- a. The cost of meals while attending a conference or convention will be fully reimbursed upon presentation of receipts. With the presentation of receipts, reimbursement for other meals shall not exceed the per diem GSA Meals and Incidental Expenses rate (less \$5) found on the GSA web site (<https://www.gsa.gov/travel/plan-book/per-diem-rates>) for the month, year and location of when and where the meal was purchased. Receipts must detail actual purchases. Credit card receipts reflecting only a total amount are not acceptable and will not be reimbursed. Alcoholic drinks are not allowable expenses and shall not be charged on the City credit card.
- b. The City will not reimburse for any meal obtained outside of the conference or convention when the cost of the meal is included in the conference or convention fee. The City shall only reimburse if a portion of the training is held both before and after the meal or training is over 60 miles away.
- c. Receipts submitted for reimbursement shall reflect expenses for the employee only.

5. Other Business Meals

- a. Business meals for public officials are permitted only in the performance of the legal duties and responsibilities of their positions.
- b. When costs of such meals are submitted for payment or reimbursement a memo must accompany the request detailing the

purpose of the meeting and stating the persons in attendance. All such expenditures must be approved by the appointing authority.

- c. All such receipts, memos and payments are public records. They shall be maintained by the Director of Finance in such a manner as to be readily available for public inspection to any person upon request.

6. Miscellaneous

- a. Basic travel expenses such as parking, tolls, bellhop and red cap tips and gratuities will be reimbursed. Receipts, whenever possible, or an explanation of the expense (i.e., date, time, location, purpose, and other relevant information), must be attached to the expense report.
- b. Any expenses not common to business travel must have the written approval of the Mayor, Director of Law, or Director of Finance prior to departure or the expenditure may not be reimbursed.
- c. Valet and laundry service charges in reasonable amounts, will be allowed when personnel are required to be on travel status in excess of 10 calendar days or under unusual circumstances. Receipts for these services must be obtained and attached to the expense report.
- d. All travel expenses must be submitted for payment on a Travel Expense Reimbursement Form approved by the Director of Finance. All supporting documentation such as conference registrations materials with times, dates, location, etc. should be included. All receipts must be attached. Reimbursements over \$100 require a purchase order which must be obtained prior to travel.

**Section 2.11 MILITARY DUTY**

All permanent employees of the City, including elected officials, are eligible to receive certain military duty benefits.

A. EMPLOYEE'S RESPONSIBILITIES.

1. The employee shall provide advance notice and copies of all official orders or other official documentation of the need for a leave.
2. The length of leave shall be no longer than the maximum length of service of five years.
3. In applicable cases, notify City of continuation of benefit coverage.

4. On extended leaves, eligible employees may retain health and medical coverage during this period by making direct payments for the coverage or they may let the coverage lapse until their return to a paid status.
5. The employee has reinstatement rights to the same or similar position if he/she applies in writing to the appointing authority.
  - a. Active duty service less than 30 days, the employee must apply for reinstatement immediately upon release from active duty.
  - b. Active duty service of 31-180 days, must apply for reinstatement within 14 days upon release from active duty.
  - c. Active duty service in excess of 181 days, must apply for reinstatement within 90 days upon release from active duty.
6. The employee will be subject to a fit for duty examination prior to reinstatement if the leave exceeds 30 days.
7. The employee must have an honorable discharge or released from duty in an honorable status.

C. LEAVE UP TO ONE MONTH

1. Permanent employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each calendar year in which they are performing service in the uniformed services.
2. Pay shall be calculated on the basis of his/her current hourly rate times the hours in a normal work week for this position.

D. LEAVE FOR PERIODS OF ACTIVE DUTY OVER ONE MONTH

1. Any permanent employee entitled to leave benefits under paragraph C., above, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor, pursuant to R.C. 5919.20, is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

- a. The difference between the employee's gross monthly wage or salary as a City employee and the gross uniformed pay and allowances received that month;
  - b. Five hundred dollars.
2. No eligible employee shall receive payments under this section if the gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a permanent public employee for that period or if the employee is receiving pay under paragraph C. of this section.
- E. Any personnel required by a Draft Board to report for a physical examination or hearing of any nature shall be granted the time necessary for such examination or hearing. Such time off shall not be charged to vacation leave or sick leave and the employee shall be reimbursed at his/her regular rate of pay for such time taken.

## **Section 2.12 CLOTHING ALLOWANCE**

### **A. GENERALLY**

1. A uniform is typically an article of clothing or protective wear not suitable for everyday attire.
2. The term "uniform allowance" includes the purchase cost of uniforms and related badges, emblems, etc., as well as the cost of alterations and repairs. The term does not include laundry and dry cleaning costs.
3. Supervisors of bargaining unit members shall be paid in the same manner and amount as the bargaining unit members they supervise
4. Remuneration may be made in either of the following ways:
  - a. Upon presentation of a paid receipt to the Director of Finance, and with approval of the appointing authority, the employee will be reimbursed by warrant check. This amount will not be included in the employee's wage data; or
  - b. Upon billing directly to the City by the uniform vendor.
5. All clothing and related items authorized under this section remain the property of the City of Tallmadge.

B. SAFETY PERSONNEL

The Fire Chief, Deputy Fire Chief, Police Chief, and Police Captain shall be provided with a clothing allowance that is paid in the same manner and amount as that which is provided bargaining unit personnel they supervise. All uniforms belong to the City and are to be returned when no longer able to be worn or upon termination of employment, whichever occurs first.

C. BUILDING MAINTENANCE TECHNICIAN

There shall be provided to the Building Maintenance Technician five uniform changes per week. The uniform shall consist of shirts and pants only. Uniforms shall be provided through an appropriate uniform supplier selected by the Director of Public Service. All uniforms belong to the City and are to be returned when no longer able to be worn or upon termination of employment, whichever occurs first.

D. STREET AND UTILITY PERSONNEL

The Road Superintendent, Assistant Road Superintendent, and Utility Superintendent shall be provided with a clothing allowance that is paid in the same manner and amount as that which is provided bargaining unit personnel they supervise in the International Brotherhood of Teamsters' collective bargaining agreement. All uniforms belong to the City and are to be returned when no longer able to be worn or upon termination of employment, whichever occurs first.

E. RECREATION PERSONNEL

There shall be provided to each employee of the Tallmadge Recreation Center and Maca Pool shirts bearing the logo of the facility. All shirts belong to the City and are to be returned when no longer able to be worn or upon termination of employment, whichever occurs first.

F. ZONING INSPECTORS

There shall be provided to the Zoning Inspectors three uniform shirts. Uniforms shall be provided through an appropriate uniform supplier selected by the Director of Public Service. All uniforms belong to the City and are to be returned when no longer able to be worn or upon termination of employment, whichever occurs first.

G. ALL PERSONNEL

As determined necessary by each employee's appointing authority, there shall be provided to each employee of the City a maximum of one shirt annually bearing the logo of the City of Tallmadge.

## **Section 2.13 WORK INJURY LEAVE**

When an employee is injured in the line of duty while actually working for the City, he/she may be eligible for paid Work Injury Leave, if approved by and in the sole discretion of the appointing authority if deemed in the best interests of the City, under the following terms and conditions.

### **A. WAGE CONTINUATION UPON CITY CERTIFICATION**

1. Within ten (10) days of the injury date, the employee files for Workers' Compensation benefits and the appointing authority determines it appropriate to certify the claim at the earliest date.
2. The employee signs a waiver assigning to the City those sums of money he/she would ordinarily receive as weekly compensation as determined by law for that number of weeks benefits are received under this section.
3. The employee must use sick leave for the first five work days. Any sums received by Workers Compensation shall be assigned to the City and sick leave will be reinstated to that extent.
4. The employee shall receive 100% of his/her base pay at the then current rate.
5. Payment under this section shall be paid for a maximum period of up to one year, during the period of disability.
6. The City shall have the right, from time to time as reasonably necessary, to require the employee to have a health exam by a licensed physician or other qualified professional, selected by the employee from a list of three, provided and paid for by the City, resulting in the professional's certification that the employee is unable to return to work due to the injury as a condition precedent to the employee receiving benefits under this section. Refusal of an employee to submit to the required medical exam shall immediately terminate Work Injury Leave.
7. Work Injury Leave will terminate upon the employee becoming a regular student or having employment with another entity.
8. Before the end of the first six months of Work Injury benefits, the employee may be required to file, or the City may elect to file on behalf of the employee, for disability retirement if a doctor has determined that the condition is permanently disabling or will last longer than 12 months.

### **B. LEAVE WITH NO WORK INJURY CERTIFICATION**

1. In the event that the appointing authority does not approve the employee for work injury payments, the employee claims a work injury but the appointing authority disputes or otherwise does not deem it appropriate to certify the claim, the employee may proceed to file his/her claim with the Bureau of Workers' Compensation.
2. Such employee shall use his/her accumulated sick leave during the period of disability. All time off from work, including paid and unpaid time, shall not exceed one year from the date of injury and shall terminate at such time as the employee is able to return to work or is adjudged to be permanently disabled under the Workers' Compensation law or the appropriate retirement system, whichever occurs first.
3. The requirements for use of sick leave shall apply and the employee may be subject to periodic health examinations as deemed reasonably necessary by the appointing authority.
4. In the event that the employee exhausts his/her accrued sick leave, the employee shall be placed on an unpaid leave of absence pending determination of his/her Workers' Compensation claim by the Bureau of Workers' Compensation. During the unpaid leave, the employee shall provide the City with medical documentation of disability on an ongoing basis as reasonably requested.
5. Any employee who works for another employer during this period shall have the unpaid leave terminated and be subject to disciplinary action.
6. If the Bureau of Workers' Compensation makes a final determination that the injury claim is valid, the City will reinstate sick leave taken during this period to the extent of proper assignment and/or receipt of payment by the employee of applicable wage payments made by the Bureau for the claim. Alternatively, the City may exercise any right of subrogation available.
7. In the event that the Bureau of Workers' Compensation makes a final determination that the injury claim is not a covered claim and the employee has not yet returned to work, the City will give the employee notice and schedule a fitness for duty examination. The appointing authority will determine whether to terminate the leave, proceed on a disciplinary basis or to continue the leave on a month-to month basis until the matters at issue are resolved.
8. The administration of these claims up to litigation is coordinated through the Director of Administration.

- C. In the event that the City of Tallmadge should make available disability income insurance, each employee shall execute an assignment of benefits to the City due to wage or salary continuation as set forth herein.

## **Section 2.14 LEAVES OF ABSENCE**

The appointing authority shall have the authority to grant or impose leaves of absences with or without pay for a period not to exceed ninety (90) calendar days to any regular full-time or regular part-time employee.

### **A. LEAVES WITH PAY**

Leaves may be granted with pay when, in the discretion of the appointing authority, it is necessary to grant or impose paid leave to protect the health, safety or welfare of the employee, other personnel of the City or the citizens. Such leaves shall be identified as “Administrative Leaves” and shall be reflected on the personnel records of the City accordingly. They shall not be charged to sick leave.

### **B. LEAVES WITHOUT PAY**

1. Leaves may be granted without pay, when requested by the employee due to injury, illness, education or other personal reasons and approved by the appointing authority. The decisions to grant the leave will be in the sole discretion of the appointing authority with due consideration to the reasons and evidence provided. Any employee working for another employer during such leave will be disciplined. When the employee returns to work, he/she will be returned to the same or similar position. No benefits shall accrue during such unpaid leave, including but not limited to holidays, vacation, sick leave and longevity. If the leave granted is over 30 days, the employee shall be charged the cost to maintain health insurance with the City during such leave.
2. Leaves without pay may also be authorized by the appointing authority for disciplinary or other appropriate reasons. These shall be identified on the personnel records as “Unpaid Administrative Leaves.” The same compensation criteria as set forth in paragraph 1., immediately above shall apply.

## **Section 2.15 JURY DUTY**

- A. The regular full-time and regular part-time personnel called to serve on a municipal, county, federal or grand jury or to be examined at a specified time as juror shall be granted the time necessary to serve on such jury or to attend such examination. All such time shall be considered jury duty and shall not be charged to such employee’s vacation or sick leave. The City of Tallmadge shall compensate the employee at his/her normal rate of pay while serving on jury duty provided that the

compensation received from the court is endorsed to the City upon receipt. All employees are to report back to work when service ends or service ends early.

- B. Daily parking fees incurred while on jury duty will be reimbursed in an amount not to exceed the daily jury duty pay from court. The employee must submit the paid receipt(s) for parking together with the jury duty pay check for reimbursement.

## **Section 2.16 EDUCATION INCENTIVES**

All regular full-time employees who have completed one year of employment, excluding elected officials, are entitled to this benefit.

### **A. PURPOSE OF EDUCATIONAL REIMBURSEMENT**

The purpose of this educational reimbursement program is to provide incentive to eligible employees to pursue educational degrees or certifications to increase their skills and supplement the knowledge related to their particular position so that their job performance and productivity is directly enhanced. Courses must be within the employee's field of employment for pursuit of an associate, undergraduate, or graduate (masters or doctoral) level degree at an accredited university or for a recognized certification program.

### **B. USE OF EDUCATIONAL REIMBURSEMENT**

1. Ongoing and continuing education to support or maintain a certification does not qualify for reimbursement under this Section.
2. The process for reimbursement for educational degree or certification programs shall consist of six major steps:
  - a. Initial Submission: Employee submits an application for a degree or certification program to appointing authority through supervisor and/or department head,
  - b. Supervisor Support: Supervisor or department head determines whether to provide a written recommendation supporting the requested program or certification, and, if recommended, attaches it to the application and submits the entire application and required attachments to the appointing authority,
  - c. Appointing Authority Support: Appointing authority reviews and determines approval or disapproval of application for submission to the Committee (as defined in B4 of this section), and, if approved, submits it to the Committee,
  - d. Committee Consideration: Committee reviews and determines approval or disapproval of application,

- e. Notice to Finance: If approved, employee notifies Director of Finance of intent to take course(s) prior to commencement of course with form available on Intranet or from Director of Administration/HR, and
  - f. Reimbursement Request: Employee submits reimbursement request with proof of grade(s) and payment to Director of Finance.
3. Prior to commencing a degree or certification program, an eligible employee shall, in a form acceptable to the Committee, submit an application to his or her appointing authority through his or her supervisor and/or department head (application form is available on Intranet or from Director of Administration/HR).
  4. If approved by an employee's appointing authority, a Committee consisting of the Mayor, Director of Finance, Chairperson of Personnel Committee of Council and/or their designee shall determine approval or disapproval of all applications.
  5. An employee's application and required attachments must be submitted to, and approved by, the employee's appointing authority and the Committee before the employee starts the program. The Committee will provide written notice of approval or denial to the employee. The decision of the Committee is final and without appeal.
  6. For a degree program, proof of accreditation of the specific university or postsecondary institution and program for which an applicant is requesting reimbursement shall be attached to the application. "Accreditation" is defined as an institution listed as an accredited school in the U.S. Department of Education Database of Accredited Universities and Higher Education (<https://www.ed.gov/accreditation>).
  7. If the Committee approves the degree or certification program, prior to starting each course, the employee shall notify the Director of Finance, in a form acceptable to the Director of Finance, what credit/course requirement is being fulfilled for the approved degree or certification program and when reimbursement should be expected.
  8. At the conclusion of the approved course or certification, the employee may submit a request for reimbursement to the Director of Finance in a form acceptable to the Director of Finance, with proof of grade(s) and payment. The maximum annual reimbursement shall not exceed \$5,000 per calendar year per employee for a maximum of five years per educational program or certification unless determined otherwise by the Committee. Within that maximum, the following percentage of tuition and registration cost shall be reimbursed to the employee upon successful completion of the approved course or certification:

<u>Grade:</u>	<u>Level:</u>	<u>Percent Reimbursed:</u>
A	Graduate	100%
	Associate/Undergraduate	100%
B	Graduate	80%
	Associate/Undergraduate	90%
C	Associate/Undergraduate	80%
Successful Completion	Certification	80%

9. Any employee who separates from City employment for any reason after being reimbursed under this Section shall be required to reimburse the City one hundred percent (100%) of all payments made under this program during the last twenty-four months of employment.
10. Reimbursements must be applied for within thirty (30) days of course completion.

**Section 2.17 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Employee Assistance Program is a support and referral service for permanent City employees and their families. On a completely confidential basis, this program provides information and assistance regarding problems that may affect an employee's happiness or well-being, such as: depression, stress, substance abuse, financial or legal issues. The employee or his/her family may discuss problems and find appropriate assistance through the help of the Employee Assistance Program. Contact information is available through the office of the Director of Administration.

**Section 2.18 SERVICE PAY (aka Longevity)**

- A. All new hires on and after April 1, 1999 will be placed into the broad band wage system based upon internal and external equity factors, including length of service, but will not receive service pay as defined herein.
- B. All employees on the payroll prior to April 1, 1999 are eligible for Service Pay and shall have it added to their regular hourly rates. The amount of the benefit shall be eighteen cents per hour upon completion of five years of service and increased by an additional eighteen cents per hour at each five year increment of completed service thereafter. Maximum Service Pay shall be reached upon completion of twenty-five (25) years of service.
  1. The increase shall be effective upon the anniversary date.
  2. An employee not on active pay status shall not accrue additional service pay benefit during that period.

- C. The following guidelines apply for the administration of longevity.
1. Continuous service with the City is required for eligibility.
  2. In determining whether there has been a break in service, all calculations shall be made beginning with the last day of paid service.
  3. Voluntary terminations of City of Tallmadge employment lasting 31 calendar days or less shall not be considered a break in continuous service.
  4. Involuntary terminations of City of Tallmadge employment lasting 365 calendar days or less shall not be considered a break in continuous service.
  5. There shall be no retroactive payments for service pay.
  6. Continuous service does not have to be within the same department within the City.

#### **Section 2.19 PLANNING OPPORTUNITY**

The Mayor is authorized and directed to develop recommendations for an employee financial planning benefit subject to approval of this Council.

#### **Section 2.20 WELLNESS PROGRAM**

- A. Each non-collective bargaining employee enrolled on the City's Healthcare Insurance Policy and utilizing the Tallmadge Recreation Center for personal wellness purposes averaging at least eight times per month from January through December is entitled to a refund of \$100 from his/her annual membership fee upon application to the Director of Finance. The personal history report that details the number of times the employee's membership card has been swiped shall be evidence of the number of visits. All applications must be submitted by January 31 of the succeeding year or are waived. A maximum of one \$100 refund is permitted per annual family membership.
- B. Additional wellness programs can be provided within the annual appropriations of Council.

#### **Section 2.21 TALLMADGE RECREATION CENTER**

All employees, legally dependent (as defined by the City's medical insurance eligibility requirements) immediate family members of employees, and members of all boards and commissions of the City are eligible for annual membership at the Tallmadge Recreation Center and Maca Park at one-half the rate of City residents.