
To: Members of Dublin City Council
From: Dana L. McDaniel, City Manager
Date: November 9, 2021
Initiated By: Jennifer Miglietti, Director of Human Resources
Re: Amendments to Chapter 33 (Human Resources Policies) of the Dublin, Ohio Code of Ordinances

Procedure

Attached for your review are proposed amendments to Chapter 33 (Human Resources Policies) of the Dublin Codified Ordinances. The procedure for amending this Chapter of the Codified Ordinances is specified in Section 33.07 (Amendments) of the Code, which establishes that amendments shall be reported to Council and, unless Council within 30 days after such report amends or disapproves such amendments by Resolution of Council, or such amendments are contrary to the Charter, they shall become effective. As required by the specified amendment procedure, staff is reporting these proposed amendments in the form of this memorandum summarizing the various proposed changes and a complete redlined version of the Chapter detailing specific proposed changes.

Summary

The Director of Human Resources has captured a few updates and corrections, which need to be executed. Those updates and corrections are reflected by section as follows. Additionally, reference to a specific gender has been updated to reflect gender neutrality.

GENERAL PROVISIONS

Section 33.04 – (Unclassified and Classified Service)

Section 33.04 (B) (3) provides a listing of positions specifically identified as being in the “unclassified service”. The following titles of positions that were modified:

Clerk of Council/**Director of Legislative Services**

With the exception of the City Manager and Clerk of Council/**Director of Legislative Services** who serve at the pleasure of City Council, and the Director of Finance who serves at the pleasure of the City Manager and Council, all above referenced personnel shall serve at the pleasure of the City Manager.

Section 33.41 EXAMINATIONS

Section 33.41 (G) (4) provides the terms in which an individual will be eligible for a promotional process. The language has been amended so employees may be eligible for a promotional opportunity after successful completion of the probationary period, instead of after one year of service.

(4) Individuals shall not be eligible for participation in any promotional selection/examination process until they have successfully completed **a probation period in their current classification** at least one year of service within the classification from which promotional appointment is sought, with the exception of...

Section 33.47 SICK LEAVE

Section 33.47 (B) provides that sick leave shall be allowed for specific reasons. The language is being amended to state that sick leave shall be used for specific reasons.

(B) Sick leave shall be **used** ~~allowed~~ for the following reasons:...

Section 33.49 LEAVE WITHOUT PAY

Section 33.49 is being amended with the following language:

Leave without pay may be granted, upon the approval of the City Manager, if requested in writing by the employee. **When paid leave balances are sufficient to cover an absence, paid time must be used before taking leave without pay. In the case of medically related absences for self or an immediate family member, paid sick leave must be exhausted as well as all banks of vacation, personal leave, and compensatory time before taking leave without pay.**

Section 33.70 GRIEVANCE PROCEDURE

Section 33.70 is being amended with the following changes to Table 1:

(1) ~~Department head~~ **Division Head**

Suspension from duty without pay for 3 or less working days

(1) ~~Department head~~ **Deputy City Manager and/or Assistant City Manager**, then (2) Director of HR

Recommendation

Staff recommends that City Council permit the proposed amendments to Chapter 33 (Human Resources Policies) of the Dublin Code to become effective in accordance with Section 33.07 of the code, articulated at the beginning of this memorandum. If so, it is proposed that these changes become effective on January 1, 2022.

Attachments:

Exhibit A – Redlined version of excerpts of Chapter 33 indicating all detailed proposed changes.

CHAPTER 33: HUMAN RESOURCES POLICIES

Section

General Provisions

- 33.01 Purpose
- 33.02 Definitions
- 33.03 Basis of Human Resources Management System
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Position Classification and Compensation Plans

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- 33.21 Development of the classification plan
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- 33.42 Eligible lists
- 33.43 Appointment and probation
- 33.44 Hours of work
- 33.45 Holidays
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- 33.51 Outside employment
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- 33.53 Employee service evaluations
- 33.54 Personnel changes and actions

Administration and Enforcement

- 33.65 Responsibilities of supervisors and department heads
- 33.66 Public contact
- 33.67 Political activity
- 33.68 Personnel records
- 33.69 Disciplinary actions
- 33.70 Grievance procedure
- 33.71 Investigative procedures

Cross-reference:

Merit system; Personnel Board of Review, see Charter Section 6.06

GENERAL PROVISIONS

§ 33.01 PURPOSE.

The purpose of this chapter shall be to comply with the provisions of Article VI, Section 6.06(b) of the Charter of Dublin, Ohio and to adopt a Code of Personnel Practices and Procedures to define and govern the classified and unclassified service of the city. From this point forward, this chapter shall use the term "human resources" in lieu of "personnel", where appropriate, in order to conform to the current vernacular associated with the human resources profession.

('80 Code, § 163.02(a))

§ 33.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLOCATION. The assignment of an individual position to an appropriate classification on the basis of the kind, difficulty and responsibility of the work performed in the positions, and allied positions when compared with that position.

CERTIFICATION. Endorsement by the Director of Human Resources as meeting the minimum required standards for a vacant position.

CHARTER. The Charter of Dublin, Ohio as adopted by the special election on July 24, 1979, and any subsequent amendments thereto.

CITY. The City of Dublin, Ohio.

CITY MANAGER. The chief executive, administrative and law enforcement officer of the city who is appointed by City Council in accordance with Article V of the Dublin City Charter.

CLASSIFICATION. One or more positions sufficiently alike in duties, authority and responsibility to justify the same title, qualification and pay range.

CLASSIFIED SERVICE. All employees of the city unless the positions which they occupy have been exempted from "classified service" pursuant to Section 7.01(A) of the Dublin Charter and Section 163.02(c) of this code and who, after completion of the original probationary period, or the probationary period following a promotion, may only be

disciplined, dismissed or reduced in pay or position for just cause in accordance with the procedures contained within this code.

COUNCIL. The City Council of Dublin, Ohio.

DEMOTION. A change in employment status, usually for performance reasons, from a position of one classification to a position in another classification having a lower pay grade than the original classification.

DEPARTMENT HEAD. That employee of the city in charge of an established department and its subordinate divisions. The departments and divisions are identified in the City Council approved City Organization Chart.

DISCIPLINE. Positive corrective action taken by supervisory personnel to change or control the behavior of subordinate employees to conform with prescribed policy.

DISMISSAL. The separation of an employee from employment for cause.

DIVISION HEAD. That employee of the city in charge of an established division, which is subordinate to a department or the Office of the City Manager. The departments and divisions are identified in the City Council approved City Organization Chart.

ELIGIBLE. A person whose name is on a list prepared by the Director of Human Resources as a result of passing an open competitive examination or is listed on a re-employment list as eligible.

ELIGIBLE LIST. A list of eligible in the order of their final grades in an open competitive examination, or in an order determined by this chapter, as prepared by the Director of Human Resources.

EMPLOYEE. An individual who performs work for the city and is duly authorized to receive compensation as reported to the IRS and who has designated the city as employer for tax purposes.

GRIEVANCE. Any dispute, regarding the meaning, interpretation, application, or alleged violation of the provisions of this chapter.

IMMEDIATE FAMILY. The current spouse, parent, child, brother, sister, grandparents or grandchildren. The relationships can be biological, adoptive, step, half, or foster and include any other individual who stood in loco parentis to the employee when the employee was a child.

INTERMITTENT EMPLOYEE. Those non-permanent employees whose schedules, hours and/or positions may vary throughout the year such that they cannot be assigned to a full time or part time position.

INFORMAL DISCIPLINE. An oral reprimand; action taken by supervisory personnel for minor infractions that do not warrant formal actions.

JOB DESCRIPTION. The written description for a classification as approved by the City Manager. It shall include a descriptive title; a section dealing with the essential functions of the job, general responsibilities; a section of examples illustrative of the work; and a section listing the knowledge, education, skills, abilities, experience, and attributes that are required or desirable.

LAYOFF. The temporary or permanent separation of an employee as a result of the abolishment of the position or the reduction of work due to a shortage of funds, materials, and/or available work.

OVERTIME. Working time in excess of eight hours/day or 40 hours/week.

PERMANENT FULL-TIME EMPLOYEE. An employee who is scheduled to work a minimum of 40 hours per week, who has satisfactorily completed the required probationary period and whose employment is expected to be continuing in duration and is provided for within the annual budget.

PERMANENT PART-TIME EMPLOYEE. An employee who is scheduled to routinely work less than 30 hours per week, who has satisfactorily completed their probationary period and whose employment is normally expected to be continued in the foreseeable future and is provided for in the annual budget.

POSITION. A group of duties and responsibilities designed to be performed by an individual. These duties and responsibilities are assigned or delegated by the City Manager and require the services of full-time or part-time employment of one qualified person.

PROBATIONARY PERIOD. A working trial period during which the employee is required to demonstrate fitness for the duties of the position they are appointed to and during which may be terminated without just cause.

PROMOTION. The change of an employee, usually for performance reasons or selection from a competitive process, from a position in one classification to a position in another classification having a higher pay grade.

PROVISIONAL APPOINTMENT. An appointment made in the absence of an eligible list for the classification, on the basis of a non- competitive test.

RECLASSIFICATION. The change of a job classification to a different class, category, or pay grade based upon employment needs of the city.

REGULAR EMPLOYEE. A person who has been appointed to a position in the classified service from the eligible list and who has satisfactorily completed their probationary period.

REORGANIZATION. The change in the way the city or any subordinate department or division is organized to include, operational structure, reporting hierarchy, supervisory alignment, reclassification of certain job classifications, and the addition or deletion of certain job classifications.

SEASONAL EMPLOYEE. An employee who is hired during a particular season of the year, whose appointment lasts four to nine months in duration or up to 1,560 hours within a rolling 12-month period.

TEMPORARY APPOINTMENT. An appointment to a position of nonpermanent character with a defined appointment that is traditionally less than one year.

TRANSFER. A change of job assignment and/or classification created by an employment need as determined by the City Manager.

UNCLASSIFIED SERVICE. All employees of the city who occupy positions which have been exempted from the "classified service" and who serve at the pleasure of the city, do not serve a probationary period, and may be dismissed, disciplined or reduced in pay or position at any time without regard to the procedures contained within this code.

(’80 Code, § 163.01) (Ord. 3-80, passed 1-7-80)

§ 33.03 BASIS OF HUMAN RESOURCES MANAGEMENT SYSTEM.

The basis of the Human Resource Management System established by this chapter shall be the factors of "merit" and "fitness" in accord with the provisions of Article VI, Section

6.06(a) of the Charter. These factors shall be ascertained, as far as practicable, by competitive examinations, and by reference to employee service evaluations where applicable.

('80 Code, § 163.02(b)) (Ord. 3-80, passed 1-7-80)

§ 33.04 CLASSIFIED AND UNCLASSIFIED SERVICE.

Pursuant to Section 6.06(b) of the Dublin Charter, Council shall establish a classified and unclassified service for employees of the city. Therefore, in accordance with the mandate of Section 6.06(b), the classified and unclassified service is hereby established as follows.

(A) All employees of the city are presumed to be classified employees unless the positions which they occupy have been exempted from the classified service pursuant to Section 6.06(b) of the Dublin Charter. After completion of the original probationary period, or the probationary period following a promotion, lateral transfer, demotion, or reinstatement to any position in the classified service, classified employees may only be disciplined for just cause and in accordance with the procedures contained within this Code.

(B) Some employees of the city serve in the unclassified service, or occupy positions which have been exempted from the classified service. Such employees serve at the pleasure of the city, do not serve a probationary period, and may be dismissed, disciplined or reduced in pay or position at any time without regard to the procedures contained within this code. The following positions/personnel are hereby designated as unclassified:

(1) All interns, intermittent, seasonal, temporary, and/or personnel appointed under an emergency.

(2) All previous City of Dublin employees rehired pursuant to § 33.54(D).

(3) Other positions/personnel identified as follows:

City Manager*

Clerk of Council/[Director of Legislative Services](#)*

Assistant City Manager/Chief Strategy and Innovation Officer*

Chief Information Officer*

Chief of Police*

Deputy City Manager/Chief Operating Officer*

Deputy City Manager/Chief Finance and Development Officer*

Director of Asset Management and Support Services

Director of Building Standards

Director of Communications and Public Information*

Director of Community Events

Director of Court Services

Director of Economic Development

Director of Engineering

Director of Facilities and Fleet Management

Director of Finance*

Deputy Director of Finance

Director of Human Resources
Director of Information Technology
Director of Outreach and Engagement
Director of Parks and Recreation
Director of Performance Analytics
Director of Planning
Director of Public Service
Director of Recreation Services
Director of Taxation
Director of Transportation and Mobility
Executive Assistant to the City Manager
Management Analyst

With the exception of the City Manager and Clerk of Council/[Director of Legislative Services](#) who serve at the pleasure of City Council, and the Director of Finance who serves at the pleasure of the City Manager and Council, all above referenced personnel shall serve at the pleasure of the City Manager.

* Designated positions are appointed pursuant to 6.03 and 6.06(c) of the City Charter.

(Amended pursuant to §163.02(f))

(‘80 Code, § 163.02(c)) (Ord. 3-80, passed 1-7-80) (Amendment effective 6-20-07; 5-21-08; 11-18-09; 1-1-19; 1-2-20)

§ 33.05 SCOPE.

This chapter shall be applicable to all employees of the city, with the exception of the “just cause” provisions and disciplinary procedures contained in § 33.69 which are not applicable to employees within the “unclassified service”. This chapter, however, shall not, in any manner, be applicable to the following:

- (A) Elected officials;
- (B) Members of boards and commissions;
- (C) Members of special ad hoc committees;
- (D) Consultants or other independent contractors engaged on a contractual basis.

(‘80 Code, § 163.02(d)) (Ord. 3-80, passed 1-7-80)

§ 33.06 COPIES; INQUIRIES TO DEPARTMENT HEADS OR DIRECTOR OF HUMAN RESOURCES.

Given that the purpose of this chapter is not to restrict the rights of any employee, but is to define these rights, protect the rights of all and insure cooperation, it shall be the responsibility of each employee to become familiar with the contents and meanings of the provisions of this chapter. Therefore, a copy of this chapter shall be given to each employee and a copy shall be available in each department for review and reference. If there are questions as to the meaning of this chapter or any of its provisions, inquiry shall be made orally to the employee's department head. If the question or inquiry remains unresolved,

the employee may then direct a written inquiry to the Director of Human Resources. The Director of Human Resources shall issue a written reply to such an inquiry memo. ('80 Code, § 163.02(e)) (Ord. 3-80, passed 1-7-80)

§ 33.07 AMENDMENTS.

The Director of Human Resources shall prepare, in consultation with and with the approval of the City Manager, such amendments to this chapter as may be deemed desirable. Such amendments shall be reported to Council. Unless amended or disapproved by resolution of Council within 30 days after such report or found to be contrary to the Charter, they shall become effective. It shall be the responsibility of the department/division heads to familiarize all employees within their department/division of amendments to this chapter.

('80 Code, § 163.02(f)) (Ord. 3-80, passed 1-7-80)

§ 33.08 ORGANIZATION AND RESPONSIBILITIES.

(A) Council. Council adopts this chapter and policies relating to fringe benefits, employment conditions and related human resource matters, including the Compensation Ordinance.

(B) City Manager. The City Manager shall:

(1) Appoint, hire, promote, dismiss, suspend and otherwise discipline employees in the classified and unclassified service, except as otherwise provided in the Charter.

(2) Prepare, install and maintain a Position Classification Plan based upon the duties, authority and responsibility of all positions in the classified service.

(3) Prepare and maintain a compensation plan.

(4) Certify payrolls.

(5) Draft such additions and revisions to this chapter as may from time to time become necessary and desirable as per § 33.07.

(6) Give, or cause to be given, any examinations or tests required under the provisions of this chapter and the "merit system".

(7) Maintain any necessary employee rosters and lists.

(8) Carry out such other duties in regard to the function of human resources administration as are prescribed under the Charter, this chapter, or by Council action.

(C) Delegation of Duties. The City Manager has the discretion to delegate any and all duties assigned by this chapter and the person(s) so delegated shall report to the City Manager as to the performance of the duties so delegated.

(D) Director of Human Resources. The position of Director of Human Resources is established to assist the City Manager in fulfilling the City Manager's duties and responsibilities relating to human resources administration as set forth in this chapter and the Charter. The Director of Human Resources shall assist the City Manager with the following activities: employment, classification, wage and salary administration, benefit administration, service evaluation, administration of this chapter, and such other activities as the City Manager may delegate. The Director of Human Resources is the administrative head of the Division of Human Resources.

('80 Code, § 163.03) (Ord. 3-80, passed 1-7-80)

§ 33.09 EQUAL EMPLOYMENT OPPORTUNITY POLICY.

(A) Nondiscrimination. In compliance with all federal and state laws pertaining to non-discrimination, it is the policy of the City:

(1) To provide equality of opportunity in employment with the city for all persons.

(2) To carry out all programs and activities in such manner that no person shall, on the grounds of race, color, national origin, religion, sex, genetic information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, disability, marital status, or veteran's status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination with respect to such programs or activities.

(B) Employment, human resources and program practices.

(1) The city prohibits discrimination because of race, color, national origin, religion, sex, genetic information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, disability, marital status, or veteran's status, in all aspects of its human resources policies, working conditions and relationship with employees and applicants for employment, as well as to provide equal access to all programs in order to promote a continuing equal employment opportunity program by the city.

(2) The city shall put forth every effort to see that contractors and subcontractors who perform work for the city shall comply with all federal, state and equal employment opportunity policies when applicable.

(3) The Director of Human Resources shall serve as the Equal Employment Opportunity (EEO) officer who will coordinate the city equal employment opportunity efforts. It shall be the duty of the EEO officer to provide advice, conduct initial investigations and to seek conciliation of employee discriminatory complaints.

(C) Report/investigatory procedure. The City Manager shall establish a reporting and investigatory procedure, in the form of an Administrative Order, for city employees to utilize in the event they encounter or believe they are the subject of discriminatory practices in relation to their employment with the city. This procedure shall be made available to all city employees. The City Manager shall ensure all substantiated complaints of discrimination in violation are addressed appropriately.

(D) Program implementation.

(1) The City Manager shall direct the implementation of the Equal Employment Opportunity Policy to promote equal opportunity in every aspect of employment policy and practice, including but not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including workshops, seminars and schooling. This implementation shall include, but not be limited to the following:

(a) A notice of the city's policy on nondiscrimination in employment shall be posted on the city's intranet so as to come to the attention of all employees.

(b) Notification of employment opportunities, new positions, vacancies, promotion possibilities and training opportunities shall be posted on the city's intranet so as to come to the attention of all employees.

(c) Any public announcements of employment opportunities placed by or on behalf of the city shall state that the city is an equal opportunity employer.

(d) The name of the Equal Employment Opportunity Officer shall be posted on the city's intranet.

(e) As appropriate, place employment advertisements in newspapers.

(f) Systematic contacts will be made with minority and human relations organizations to encourage referral of qualified minority applicants to the city, and maintain records of such responses.

(g) The city shall make every effort to promote after-school and summer vacation employment for minorities.

(h) The city shall inventory and evaluate minority personnel for promotion opportunities and encourage minority employees to seek such opportunities.

(i) The city shall insure that seniority practices, job classification, and the like, do not have a discriminatory effect.

(j) The city shall develop and maintain records as related to aspects of this equal employment opportunity policy such as recruitment, employment, hiring, promotions, and the like.

('80 Code, § 161.01 - 161.04) (Res. 28-76, passed 6-7-76; Am. Res. 86-15, passed 12-7-15)

POSITION CLASSIFICATION AND COMPENSATION PLANS

§ 33.20 PURPOSE.

An accurate position classification plan facilitates sound human resources management and effective government operation by clarifying and describing the duties and responsibilities of employees. Such a system or plan enables the City Manager and city staff to more equitably administer human resource transactions. An equitable and clearly defined compensation plan is an essential element of city administration. The compensation plan is intended to establish wage and salary rates and ranges for all classifications of employees. It is the goal of the compensation plan to establish wages and salaries that will enable the city to attract, employ and retain well-qualified employees.

('80 Code, § 163.04(a)) (Ord. 3-80, passed 1-7-80)

§ 33.21 DEVELOPMENT OF THE CLASSIFICATION PLAN.

The City Manager shall prepare and maintain a position classification plan or "Classification Plan" which shall provide a complete inventory of all positions in the classified service. The position classification plan shall be based upon an analysis of the duties and responsibilities of a position, to the end that all positions in the same classification shall be sufficiently alike to permit the use of: a single descriptive title; the same training; educational and experience qualifications; the same tests of competence and the same pay range. A classification may contain one or more positions as determined by the City Manager.

('80 Code, § 163.04(a)) (Ord. 3-80, passed 1-7-80)

§ 33.22 COMPOSITION OF THE CLASSIFICATION PLAN.

The classification plan shall consist of:

(A) Job descriptions for each classification consisting of the following:

(1) A descriptive title.

(2) A section dealing with the essential functions of the job, general responsibilities, supervision exercised and received, methods by which work is assigned and reviewed, hazards associated with the job, and other appropriate measures/descriptions of job responsibility and difficulty.

(3) A section containing examples of work illustrative of the duties performed. This listing shall not be all inclusive or limiting, and shall in every case end with the phrase "performs related work as assigned".

(4) A section giving the knowledge, abilities, skills, experience and physical attributes of applicants for entrance into the position.

(B) A listing, by department, of authorized strength and the title of the class to which the position is allocated.

(C) Job descriptions for unclassified positions may be added to the classification plan. ('80 Code, § 163.04(c)) (Ord. 3-80, passed 1-7-80)

§ 33.23 USE OF CLASSIFICATION PLAN.

The classification plan shall be used:

(A) In recruitment efforts;

(B) As a guide in the preparation of any examinations that may be given to measure abilities and knowledge needed to perform the work of the classification;

(C) In determining lines of promotions;

(D) In developing employee in-service training programs;

(E) In determining salaries to be paid for various classes of work;

(F) In determining personnel service items in departmental and city budgets; and 2018 S-43

(G) In providing uniform terminology.

('80 Code, § 163.04(d)) (Ord. 3-80, passed 1-7-80)

§ 33.24 JOB DESCRIPTIONS AND CLASSIFICATION TITLES.

(A) Job descriptions are to be interpreted in their entirety and in relation to others in the classification plan. Particular titles, phrases or examples of work are not to be isolated and treated as the full definition of the classification. Job descriptions are deemed to be descriptive and explanatory of the kind of work performed and neither inclusive of all duties which may be performed nor restrictive of duties which may be assigned or required. ('80 Code, § 163.04(e))

(B) Classification titles shall be used in all personnel, accounting, budget and financial records. Where there is more than one classification in an occupational series, Roman numerals are sometimes used to designate relative levels. The Roman number "I" always indicates the lowest level of the series. No person shall be appointed to or employed in a

position in the classified service under a title not included in the classification plan. ('80 Code, § 163.04(f))
(Ord. 3-80, passed 1-7-80)

§ 33.25 MAINTENANCE OF CLASSIFICATION PLAN.

No classification plan is static. It is not intended to fix positions permanently in the classes regardless of changes in organization and duties. Instead, the plan must be continually administered so as to adapt it to changing conditions. Such changes may be due to any number of conditions, including the assumption of new services, the extension of certain activities, changes in organization and the increase of assignment of irregular tasks to some employees. Therefore, positions shall be periodically reviewed with regard to allocations to classes. The City Manager is charged with the responsibility for the proper and continued maintenance of all parts of the classification plan so that it accurately reflects the duties being performed by each employee in the classified service and the classification to which each position is allocated. Revisions of job descriptions and reallocations of positions within the classification plan shall be made as follows:

(A) The City Manager shall direct the Director of Human Resources to study the duties and responsibilities and other classification factors of each newly created position and, on the basis of such study, place the position in the appropriate classification.

(B) Department/Division Heads shall report changes in the duties and responsibilities of a position to the City Manager. They shall then recommend and request any appropriate changes in job descriptions. It is the responsibility of Department/Division Heads to implement existing job descriptions and those changes in job descriptions approved by the City Manager. If changes become permanent and of such a nature to require it, the position may be reallocated to the appropriate classification.

(C) At the request of a department head, the Director of Human Resources, any employee, or on the City Manager's own initiative, the City Manager may review the duties of any position, and, if warranted, may establish, combine or abolish classifications as necessary, at the City Manager's discretion.

('80 Code, § 163.04(g)) (Ord. 3-80, passed 1-7-80)

§ 33.26 ADOPTION OF CLASSIFICATION PLAN.

The classification plan, and any amendments or additions thereto, shall be adopted by the City Manager by administrative order, except that Council shall authorize new positions. ('80 Code, § 163.04(h)) (Ord. 3-80, passed 1-7-80)

§ 33.27 COMPOSITION OF COMPENSATION PLAN.

The compensation plan shall be in the form of and adopted by ordinance, and shall be amended as appropriate. Such amendments shall be prepared and recommended by the City Manager and approved by Council. The compensation plan shall consist of a listing of the titles of all positions in the classified service and all regular positions that are unclassified, together with an assigned pay range and/or rates of pay for each classification or unclassified position, and a maximum per hour rate, the minimum being the prevailing

legal minimum hourly rate, for part-time and/or seasonal employees. The compensation plan shall also include provisions dealing with, but not limited to:

- (A) Hours of work;
- (B) Overtime;
- (C) Holidays;
- (D) Vacation and sick leave;
- (E) Fringe benefits;
- (F) Starting rates and probationary period; and
- (F) Payroll periods.

('80 Code, § 163.04(i)) (Ord. 3-80, passed 1-7-80)
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§ 33.28 ADOPTION OF COMPENSATION PLAN; ADJUSTMENTS.

(A) Adoption. The compensation plan shall be prepared by the City Manager for recommendation to Council and shall make provision for merit adjustments in order to provide incentive in the public service. The compensation plan may be amended by Council on recommendation of the City Manager from time to time as circumstances require, either through adjustment of pay rates and ranges or by reassignment of classifications to different pay ranges. ('80 Code, § 163.04(m))

(B) Incentive merit adjustments. A range of pay shall be assigned to all classifications and all regular, unclassified positions except that the City Manager may institute a special pay arrangement or incentive compensation program under unusual circumstances which will be beneficial to the city. In order to provide for incentive merit adjustments, deviations may be made by the City Manager from the salary and wage schedule established. These merit adjustments may be made by the City Manager for each individual employee based upon an employee service evaluation. ('80 Code, § 163.04(j))

(C) Factors. Pay ranges shall be related directly to the classification plan and shall be determined with due regard for the following factors:

- (1) The pay ranges for other classifications.
- (2) The relative difficulty and responsibility of the classification.
- (3) The availability of employees in particular occupational categories.
- (4) The financial policies of the city.
- (5) Other economic considerations.

('80 Code, § 163.04(k))

(D) Development of plan. The City Manager may make comparative studies of factors affecting the level of pay ranges as often as deemed necessary. Studies should be made periodically and when possible immediately prior to the preparation of the budget, so that study findings can be instituted into the plan in time for inclusion in the budget. ('80 Code, § 163.04(l))

(Ord. 3-80, passed 1-7-80)

§ 33.29 MINIMUM RATE; PAY RATES FOR TRANSFER, PROMOTION OR DEMOTION.

(A) The minimum rate established for a classification shall be paid upon appointment, except that appointment rates above the minimum may be authorized if the department head involved and the Director of Human Resources submit adequate reasons in writing and such action is approved by the City Manager. Approval will be based upon the exceptional qualification of the appointee or the inability to employ adequately qualified personnel at the minimum rate. ('80 Code, § 163.04(n))

(B) If any employee is transferred, promoted or demoted, the rate of pay for the new position shall be determined as follows:

(1) If the rate of pay in the former classification is less than the minimum rate established for the classification of the new position, the rate of pay shall be advanced to the minimum for the classification.

(2) If the rate of pay in the former classification is more than the maximum rate established for the new classification, the pay range shall be reduced to the maximum rate or an intermediate rate within the new range, as recommended by the department head and approved by the City Manager.

(3) If the rate of pay of the former classification falls within the new range of pay, the salary rate shall remain the same in the case of a transfer, increased in the case of promotion, and shall remain the same or be lowered in the case of demotion as determined by the City Manager.

('80 Code, § 163.04(o))

(Ord. 3-80, passed 1-7-80)

§ 33.30 PART-TIME PAY; OVERTIME.

(A) Whenever a non-exempt employee works for a period less than the regular, established number of hours per day, days per week, weeks per month, or months per year, the amount paid shall be in proportion to the time actually employed in the class. ('80 Code, § 163.04(p))

(B) As a general rule, the requirement of frequent and/or considerable overtime services in a Department/Division shall be considered evidence of understaffing or improper organization and shall be subject to investigation by the City Manager. Overtime pertains to time worked outside of regular work schedules, usually as a result of emergencies or seasonal activity. All overtime shall be divided into two categories: (1) Scheduled overtime: that which is anticipated and planned for; and (2) Emergency overtime: that which is not anticipated and planned for. Necessary overtime work must be authorized by the City Manager or any department or division director. Compensation for authorized overtime shall be in accord with the provisions of the compensation plan. ('80 Code, § 163.04(q))

(Ord. 3-80, passed 1-7-80)

CONDITIONS OF EMPLOYMENT

§ 33.40 RECRUITMENT AND EMPLOYMENT.

(A) Procedure for filling vacancies. The City Manager shall determine which, if any, vacancies in authorized positions are to be filled, taking into account all relevant factors, including budget constraints should they exist. The City Manager is empowered under the

Charter to appoint all employees in the classified and unclassified service. The City Manager may delegate the responsibility for recruitment, testing, interviewing and all similar activities associated with the selection process to the Director of Human Resources and/or department head involved. All vacancies shall be filled by the appointment of probationary or temporary employees.

(B) Public announcements. These announcements may specify the title and salary range of the class for which an examination, if any, is to be held; the time, place and manner of making application; the closing date for the applications and other information deemed appropriate by the Director of Human Resources. Any entrance examination for a classified position, determined to be appropriate by the City Manager, shall be publicly announced by the Director of Human Resources.

(C) Application forms. Applications shall be made online using forms prescribed by the Director of Human Resources. Accommodations shall be made to applicants as required by law.

(D) Disqualification. The Director of Human Resources shall reject any applications which indicates on its face that the applicant does not possess the minimum qualifications required or which is not received within the time limit for filing for the position. Notice of such rejection may be given to the applicant and such rejection shall be final.

(E) Verification. The Director of Human Resources shall make suitable inquiry of employers, educational institutions, and character references given by the applicant to verify statements made in the application. If facts so ascertained indicate the applicant's unsuitability, the Director of Human Resources may reject the application and notify the applicant to that effect, and such rejection shall be final.

(F) Factors determining appointment. All appointments shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examination. In determining the successful candidate for any position, due consideration shall also be given to such factors as education, training, experience, aptitude, knowledge, character, skills, abilities, references or any other factor which may enter into the determination of the relative fitness of the applicant.

(G) Probationary appointments. The probationary period shall begin immediately upon original or promotional appointment, lateral transfer, demotion, or reinstatement and shall continue for that time period specified in § 33.43(B). The purpose of the period is to provide an opportunity for the employee to demonstrate that the employee has the knowledge, skills, ability, work habits, and other attributes necessary to obtain regular employment status. An employee shall be retained beyond the end of the probationary period and granted regular status only if the performance of the employee has been found to be satisfactory and approval of the City Manager is obtained authorizing regular status. Under certain circumstances, the probationary period of an employee may be extended, but only for valid reasons, only upon approval of the City Manager, and then for only a specified period of time after which the procedures set forth above shall apply. The probationary period shall not be extended indefinitely.

(H) Temporary positions and appointments thereto. A temporary position is one which is established and approved by the City Manager and designated to be of a duration shorter than six months, if full time, and no longer than one year, if part time not to exceed 1,560 hours in that year. Sufficient funds must be provided in the budget to establish such a

position. No employee may be retained in a temporary position longer than the times specified above, after which the employee shall be transferred to a permanent position in a probationary status or dismissed. Positions which are funded entirely or primarily by supplemental sources, such as grants or specialized programs, may be of duration longer than specified above, but shall still be regarded as temporary positions and cannot exceed 1,560 hours in a rolling 12-month period.

(I) Permanent positions. A permanent position shall be one which is established in the existing budget, funded by the city, and designated and designed to be continuous in nature. It may be seasonal or part-time, but permanent by it being established in the budget, designated permanent by the City Manager and filled by a permanent or probationary employee.

(J) Promotion procedure. All promotions shall be made by the City Manager in accord with the Charter and this code. When an employee is promoted to a higher paying job classification, that employee shall be on job probation in the new classification position for the period prescribed in the compensation plan. During this job probation the employee may be removed therefrom at any time that the employee demonstrates an inability to perform satisfactorily the requirements of the job as determined by supervisory personnel. If the employee is not performing at an acceptable level, the department head may recommend removal to the City Manager, who shall make the final determination. If removed from the higher paying job classification, the employee, at the City Manager's discretion, may be returned to an open position in the classification the employee occupied prior to promotion, if such a vacancy exists.

(K) Reclassification procedure. When a reclassification of a job classification occurs, as approved by City Council, where an incumbent currently exists and the incumbent is performing the duties and responsibilities of the reclassified position, that incumbent shall remain in place and be given an increase in pay when the job is reclassified to a higher pay band as defined in the compensation plan. In the event the job is approved for reclassification to a lower pay band, the incumbent employee shall remain in place at their current pay grade, but will not be eligible for pay increases until such time their current pay rate is below the "target" maximum of the lower pay band. The City Manager has the discretion to offer the incumbent employee the opportunity to transfer to another position in the city for which they are qualified that is equal to their current pay grade.

(L) Reorganization procedure. All reorganizations of the city or any department of division thereof shall be approved by City Council. These reorganizations shall generally be planned to coincide with the submission of the Annual Operating Budget so that any financial impacts may be addressed at that time. If the City Manager, however, deems the need for reorganization to occur outside the annual budgeting process, the following procedure shall apply:

(1) The City Manager shall, with the assistance of the Director of Finance and the Director of Human Resources, prepare a memorandum to City Council recommending approval of the reorganization which shall include:

- (a) Justification for the reorganization;
- (b) New job classifications being created;
- (c) Current job classifications being reclassified due to the combination or separation of current duties and/or responsibilities;

(d) Increases or decreases to current numbers of funded positions by job classification as reflected in the current year's operating budget;

(e) Financial impact statement, articulating the effect on current and future operating budgets;

(f) Current and proposed organization charts.

(2) All new positions, other than the reclassification of an incumbent's position/job classification, resulting from a reorganization, be they current or newly created job classifications, shall be subject to a competitive selection process described in this Code and the City Charter except when an employee's current position is eliminated due to reorganization, the employee meets minimum qualifications for the new position, and there are no other qualified internal candidates for the new position. In such a case, the employee whose position was eliminated may, in the City Manager's sole discretion, be offered the new position. If other qualified internal candidates exist, the position will be posted for closed competition to internal candidates. If not selected for the new position, the displaced employee may be offered the position vacated by the employee who was selected for the new position provided the displaced employee is qualified for the newly vacant position.

(3) If an amendment to the Compensation Plan Ordinance or the current operating budget is not required by the reorganization, then the reorganization shall become effective 30 days after Council approval of the request for reorganization.

('80 Code, § 163.05) (Ord. 3-80, passed 1-7-80; Amendment effective 11-17-05)

§ 33.41 EXAMINATIONS.

(A) Nature. Any examination, when given by the city, shall be of such a type as will test fairly the relative capacity and fitness of the applicants to discharge efficiently the duties of classification for which the examination is given. Their content shall be determined by the Director of Human Resources who shall be responsible for the evaluation of the results. The examinations may be written and/or oral, physical and/or performance, and/or polygraph, where deemed appropriate by the City Manager, and may be assembled, unassembled or any combination of these. When several different tests are used in a single examination, the Director of Human Resources shall determine and announce to the candidates the weight to be assigned to each and the grade which must be attained to qualify for a place on the eligible list, if one is to be established.

(B) Qualifications. The Director of Human Resources may require applicants to submit at the time of examination:

(1) Proof of their age, but only in the instance where there is a valid reason to suspect that the applicant is a minor,

(2) Proof of eligibility to work in the United States, and

(3) Evidence of military service.

(C) Notification of results. Each person who takes an examination shall be given written notice as to whether a passing or failing score was achieved along with relative standing on an appropriate the eligibility list, if used and if the applicant was successful. Each person shall be entitled to inspect their own papers, but not those of other candidates, during regular office hours under the supervision of the Director of Human Resources.

(D) Medical examinations. Before any person is appointed as a probationary or provisional employee, the person may be required to submit to a medical examination administered by a physician selected for that purpose by the Director of Human Resources. Physical requirements shall be job related, consistent with job necessity, and in no instance shall an applicant with a disability be denied a position if they are capable of performing the essential functions of the job with or without a reasonable accommodation. The expense of this post-offer pre-employment physical examination shall be paid for by the city. All employees other than regular, full-time employees may be required to submit a statement from a qualified physician that they are in good physical health to perform the necessary duties in their employment with the city. This provision applies particularly to seasonal, temporary and part-time employees.

(E) Reexamination. No person who has failed to pass an examination shall be reexamined for the same classification within one year from the date of such failure, unless the Director of Human Resources determines that such reexamination is in the best interest of the city employees recruitment program.

(F) Noncompetitive examinations. In accord with the Charter, as a general rule, if an exam is determined to be appropriate, it shall be open and competitive. However, all nominees for provisional appointments shall submit applications therefor, await verification and evaluation of education and work experience, take preemployment physical examinations, and shall be approved by the Director of Human Resources as meeting the minimum qualifications established by the classification plan. This procedure shall be known as a noncompetitive examination.

(G) Promotional examination/selection process.

(1) Whenever it is the judgement of the City Manager and Director of Human Resources that vacancies in classifications above the entrance level should be filled by promotion, a promotional selection/examination process may be initiated. This selection/examination process shall be closed and competitive unless the Director of Human Resources determines that the number of internal candidates qualified to participate in the process is insufficient to justify closed competition, in which case the promotional selection/examination process shall be open and competitive in character.

(2) Eligibility to participate in a promotional selection/examination process shall be determined according to normal lines of progression established in the classification plan and the City Manager and Director of Human Resources shall determine the classifications which qualify for eligibility.

(3) The promotional selection/examination process shall consist of one or a combination of several components deemed by the Director of Human Resources to be valid, useful and nondiscriminatory (e.g. written examinations, interviews, assessment centers, physical fitness examinations, medical examinations, background or reference checks, psychological examination, or other valid selection/examination components). Candidates' past performance shall also be given due consideration, if applicable or appropriate.

(4) Individuals shall not be eligible for participation in any promotional selection/examination process until they have successfully completed a probation period in their current classification, with the exception of the police classifications/ranks. In order to be eligible to be promoted to the rank of Police Corporal, individuals shall have at

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least two years of experience as a full time Police Officer. Candidates holding the rank of Corporal for at least one year with the Dublin Police Department and who are out of their probationary period, as of the appointment date, will be eligible for a competitive promotional selection/examination process to the rank of Police Sergeant. Police Sergeants shall serve at least three years in the classification/rank before becoming eligible for participation in a promotional selection/examination process for the classification/rank of Police Lieutenant.

('80 Code, § 163.06) (Ord. 3-80, passed 1-7-80)

§ 33.42 ELIGIBLE LISTS.

(A) Types. There shall be four types of eligible lists maintained by the Director of Human Resources:

- (1) Original appointment eligible lists;
- (2) Reemployment eligible lists;
- (3) Laborer eligible lists; and
- (4) Promotional eligible lists.

Such lists shall be maintained for each classification, insofar as necessary or practicable.

(B) Requisitions. Whenever a vacancy in the classified service is to be filled, the City Manager shall make a requisition upon a form prescribed by the Director of Human Resources. Such requisition shall be sent to the Director of Human Resources who shall certify the names of eligible to the City Manager. A separate requisition shall be filed for each vacancy.

(C) Certifications. If a reemployment eligible list exists for the classification in which the vacancy exists, the name which has been longest on the list shall be certified and the eligible applicant appointed if the employee is willing. If there is no such reemployment eligible list, certification shall be made from the appropriate original appointment eligible list or promotional eligible list or laborer eligible list as applicable. In the case of original and promotional appointments the Director of Human Resources shall certify all the names of those having the three highest scores on the appropriate appointment eligible list.

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(D) Additional certifications. When any certified eligible shall decline in writing to accept the appointment, the City Manager shall file such declination with the Director of Human Resources and shall receive one additional name from the list in substitution therefor.

(E) Reemployment eligible lists. Regular employees laid off due to lack of funds or work shall be placed on a reemployment eligible list.

(F) Duration of eligible list. Original appointment eligible lists, promotional eligible and labor eligible lists shall be valid for six months from the date of their original creation or until the current hiring process is closed. The Director of Human Resources may extend a list for an additional period of not more than six months, reciting the reasons therefor. Reemployment eligible lists shall be valid until used or until all those whose names appear thereon have declined appointment.

('80 Code, § 163.07) (Ord. 3-80, passed 1-7-80; Amendment effective 1-1-19)

§ 33.43 APPOINTMENT AND PROBATION.

(A) Notice. Within two weeks after a certification has been made, the City Manager shall appoint one of the persons so certified to fill the vacancy. The notice of appointment shall be filed with the Finance Director, with a copy sent to the Director of Human Resources, and those certified but not appointed shall be restored to their original places on the eligible list.

(B) Probationary period.

(1) Upon original or promotional appointment, lateral transfer, demotion, or reinstatement to any position within the classified service, each employee shall serve a six-month probationary period with the exception of employees appointed to the following classifications, which shall have a one-year probationary period:

- (a) Communication's Technician (Dispatcher)
- (b) Police Officer
- (c) Police Corporal
- (d) Police Sergeant
- (e) Police Lieutenant
- (f) Deputy Chief of Police

(2) The work performance and conduct of the probationary employee shall be evaluated in writing by use of an established, formal performance appraisal instrument at both the midpoint and conclusion of the probationary period. All evaluation reports shall be submitted to the City Manager who, after review, shall transmit them to the Director of Human Resources for inclusion into each employee's respective personnel file.

(C) Regular status. Probationers shall become regular employees at the end of their probationary period provided the evaluation reports indicate satisfactory performance of their duties. In addition, at least ten workdays before the conclusion of the probationary period the department head shall file the evaluation report and a written recommendation with the City Manager. If the recommendation is approved, copies shall be sent to Director of Human Resources and Finance Director.

(D) Personnel actions during probation. Probationers may be removed or demoted any time during the probationary period by a written notice to the employee by the City Manager indicating that the employee's services and performance are not satisfactory. Such removals and demotions are not subject to appeal. Copies of such notices shall be filed with the Director of Human Resources and Finance Director.

(E) Emergency appointments. Whenever an emergency exists which jeopardizes the city's ability to maintain public services and requires that a vacancy be filled immediately, the City Manager may appoint any qualified person temporarily to perform the duties of the position. Such appointment shall be for a period no longer than 60 days and shall not be extended or renewed.

(F) Provisional appointments. Whenever there is no eligible list from which a certification can be made, the Director of Human Resources shall so inform the City Manager, and if the City Manager determines that it is not expedient to await the establishment of such a list before making an appointment, the City Manager shall direct the Director of Human Resources to submit the applications on file of persons deemed to be suitable for noncompetitive examination and provisional appointments. A provisional

appointment shall be for a period not longer than three months, during which a competitive process shall be initiated. The provisional employee shall not be eligible for appointment at probationary status until the employee has participated in a competitive process. The probationary period of a provisional employee so appointed may be shortened by time already served in a provisional status.

(G) Temporary Appointments. Temporary appointments for short term employment shall be made from eligible lists. If no lists exist, or if no eligible is willing to accept temporary appointment, the City Manager may authorize the appointment of any qualified person, following a noncompetitive examination. Temporary appointments of the same person to the same position shall be for not more than six months in any calendar year. If the same individual is subsequently appointed to a permanent position, temporary service time shall not be counted as part of the probationary period.

(H) Seasonal appointments. Seasonal appointments shall be made from applications on file. The director for the department concerned may appoint, with the City Manager's approval, qualified candidates to fill the positions. Seasonal appointments of the same person to the same position shall not extend for more than nine months or 1,560 hours in any rolling 12-month period unless written approval is obtained from the City Manager. If the same individual is subsequently appointed to a permanent position, seasonal service shall not be counted as completion of the probationary period.

(I) Maximum Age for Sworn Peace Officers. Notwithstanding any provision of the Ohio Revised Code to the contrary, there shall be a maximum age restriction of 45 years of age for an applicant seeking an original appointment as a Police Officer with the City of Dublin. An original appointment occurs the first time any appointing authority places an employee into a position as a sworn peace officer. If an applicant is over the age of 45 and has received an original appointment with another appointing authority, the applicant would

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be eligible for appointment as a Police Officer with the City of Dublin.
(’80 Code, § 163.08) (Ord. 3-80, passed 1-7-80; Amendment effective 11-17-05; 1-1-19; 1-2-20)

§ 33.44 HOURS OF WORK.

The normal workweek consists of 40 hours based on five consecutive eight hour workdays followed by two consecutive days off. The City Manager has the discretion to establish hours of work for departments/divisions which differ from the normal workweek, or for individual employees in order to meet operational needs, special program needs, unusual, or emergency situations. Deviation from normal working hours for individual employees is not allowed except as approved by the individual employee's department head and the City Manager. The Police Division shall operate on a continuous shift system and be open to the public 24 hours per day; the remainder of the city offices shall be open to the public from 8:00 a.m. to 5:00 p.m. with the exception of weekends and holidays.

(’80 Code, § 163.09)

§ 33.45 HOLIDAYS.

(A) All employees serving in full-time or part-time permanent positions, with the exception of those covered by a collective bargaining agreement between the city and the Fraternal Order of Police (FOP), the Fraternal Order of Police - Ohio Labor Council (FOP-OLC), or the United Steel Workers (USW), shall be entitled to paid time off on those holidays observed by the city as specified in the "Compensation Plan" adopted by City Council. Special provisions for those employees within a collective bargaining unit are respectively contained within the various collective bargaining agreements mentioned above. The holidays observed by the city are enumerated in the "Compensation Plan".

(B) In order to receive paid time off for an observed holiday, an employee must not have been absent without approved leave on the day before or after the holiday. In the event an employee is on sick leave the day before or after an observed holiday, said employee may be required to present a doctor's certificate verifying the illness in order to become eligible for paid time off. Other related provisions regarding eligibility for paid time off for observed holidays are contained within the "Compensation Plan".

(C) Any department/division head who finds it necessary to do so may direct some or all employees of the department/division to report for work on any of the holidays in effect. (The normal operations within the Division of Police dictate that any holiday which is observed on a law enforcement officer's (i.e. sergeant, corporal, police officer) or communication technician regular scheduled workday, shall automatically be worked by such individual unless the individual is excused from work.) Provisions regarding scheduling, time off, compensation for work on an observed holiday, and the like are contained in the "Compensation Plan". These same provisions for those employees covered by a Collective Bargaining Agreement are contained within those agreements.

§ 33.46 VACATION LEAVE AND PERSONAL LEAVE.

(A) All employees serving in full-time permanent positions shall be entitled to paid vacation pursuant to the provisions of the "Compensation Plan" adopted by City Council.

(B) Vacation leave shall be scheduled by the department/division heads for their employees, and is subject to the approval of the department/division heads. Requests for vacation leave shall be submitted in conformance with the applicable administrative orders of the City Manager.

(C) All employees serving in full-time permanent positions shall be entitled to paid personal leave pursuant to the provisions of the "Compensation Plan" adopted by City Council.

(D) Personal leave shall be scheduled by the department/division heads for their employees, and is subject to the approval of the department/division heads. Requests for personal leave shall be submitted in conformance with the applicable administrative orders of the City Manager.

§ 33.47 SICK LEAVE.

(A) All employees serving in full-time and part-time permanent positions shall be entitled to sick leave at the rate specified in the "Compensation Plan" adopted by Council.

(B) Sick leave shall be used for the following reasons:

- (1) Illness, injury, or disability of the employee;

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(2) Illness, injury or disability of one or more of the employee's immediate family members, requiring the employee's personal care and attendance. (See the definition of IMMEDIATE FAMILY in § 33.02.)

(3) Necessary appointments with healthcare providers.

(C) Sick leave may also be requested for other members of an employee's household and may be approved at the discretion of the City Manager, or the City Manager's designee, on a case-by-case basis, based upon the circumstances of each particular case.

(D) In order to qualify for sick leave payments, the employee must notify the employee's supervisor not later than one-half hour before the employee's normal starting time on the first day of absence, unless the circumstances surrounding the absence make such reporting impossible, in which case such report must be made as soon as possible. Sick leave for appointments must be requested 48 hours in advance, except in emergency situations.

(E) New employees shall be granted, at the date of their employment, an "advance" of three days of sick leave. However, no additional sick leave will be allowed to accumulate until the end of the third month of employment.

(F) In the event an employee requests sick leave for a period of longer than two consecutive days, or for the day immediately preceding or following a holiday, the supervisor may require the employee to submit a doctor's certificate verifying the illness and justifying the necessity of the absence. If the supervisor determines that an employee's use of sick leave is not justified, the supervisor shall have the authority to charge the absent time to the employee's vacation or sick leave balance or to record the absent time as leave without pay.

(G) The City Manager, assisted by all supervisory personnel, shall be responsible for preventing abuses of sick leave. Sick leave shall not be considered leave time which an employee may use for personal business. The employer may require medical proof of the necessity of sick leave, in which event the involved employee shall be required to produce a statement from a medical doctor certifying to the necessity of such absence. If an employee is found to have abused this sick leave policy provision, they shall be subject to disciplinary action, including possible suspension or dismissal.

(H) Vacation leave, personal leave or compensatory time may be used to supplement sick leave when the latter is exhausted. All sick leave shall be requested according to the procedures outlined in the administrative orders of the City Manager.

(Am. Ord. 01-04, passed 2-2-04; Am. Ord. 69-08, passed 9-15-08; Am. Ord. 99-13, passed 12-9-13)

§ 33.48 LEAVE WITH PAY.

Leave with pay may be granted, upon the approval of the City Manager, or the City Manager's designee, to an employee in the following instances:

(A) Court leave. The City of Dublin recognizes that it is the civic duty of its employees to participate in court proceedings as a juror or witness, not including personal matters, each permanent, full time employee shall be entitled to receive compensation at the regular rate of pay for each working day spent in a court service, not to exceed four weeks. A copy of the summons must be submitted to the employee's immediate supervisor as soon as the

employee receives the summons. If the employee is released or excused from court service, and there are two hours or more left in the employee's scheduled work day, the employee is required to return to work or contact their supervisor and request to take accrued time to complete the normal work day. In the event the court provides an expense reimbursement to an employee summoned for court service, the employee is permitted to keep the stipend.

(B) Military reserve leave. Leave with pay may be granted to employees serving in full-time permanent positions who are members of military reserve organization in order that they might attend reserve duty. Such leave shall not be authorized as vacation, sick leave, or personal leave, or compensatory time, and shall in no case exceed two calendar weeks in a year. The city shall supplement military reserve compensation up to the employee's normal scheduled compensation had they worked for the city during this period. This provision shall be exercised only if the employee produces official evidence of compensation earned from the reserve unit within one week of the employee's return to work for the city and upon approval of the City Manager or the City Manager's designee.

(C) Injury leave. When a full-time permanent employee's absence from work is necessitated because of an illness or injury incurred while on the job with the city and the illness or injury is compensable under Ohio Worker's Compensation Law, injury leave may be granted at the discretion of the City Manager, or the City Manager's designee, for a period of time not to exceed 180 calendar days. Such leave may be granted by the City Manager, or the City Manager's designee, based upon the recommendation of the employee's department/ division head and upon submittal by the employee of a statement from a licensed physician justifying that the employee is unable to return to full work status due to the illness/injury. Such leave shall not be charged against the employee's sick leave balance unless it is determined that the illness or injury is a non-work related illness or injury and is not compensable under Ohio Worker's Compensation Law. In order to be eligible for injury leave, the employee must report the illness/injury to the employee's supervisor within three workdays of the incident giving rise to the illness/injury. Simultaneously with the request for injury leave, the employee shall make application and actively prosecute a claim for lost wage benefits under Ohio Worker's Compensation Law. If the application for benefits is favorably considered, the city's obligation under the continued use of injury leave shall be the monetary difference between the employee's regular rate of pay and the benefits received under Worker's Compensation. It is the intent of the city to assure the employee of full pay while on injury leave, considering the lost wage benefits received from Worker's Compensation and the city in the aggregate.

(D) Other. Leave with pay may be granted by the City Manager, or the City Manager's designee, for other good and sufficient reasons which are considered to be in the best interest of the city, but only in the event of extraordinary circumstances.

(E) Bereavement leave. All employees serving in full-time permanent positions shall be entitled to bereavement leave in the amount specified by the "Compensation Plan" adopted by City Council. This leave may be used for the death of one or more of the employee's immediate family members and extends to: mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandmother-in-law, grandfather-in-law, aunt, uncle, or any other relative living in the employee's home.

('80 Code, § 163.13) (Am. Ord. 12-95, passed 3-20-95; Am. Ord. 98-96, passed 11-4-96; Am. Ord. 41-00, passed 3-20-00; Am. Ord. 69-08, passed 9-15-08)

§ 33.49 LEAVE WITHOUT PAY.

Leave without pay may be granted, upon the approval of the City Manager, if requested in writing by the employee. When paid leave balances are sufficient to cover an absence, paid time must be used before taking leave without pay. In the case of medically related absences for self or an immediate family member, paid sick leave must be exhausted as well as all banks of vacation, personal leave, and compensatory time before taking leave without pay. An employee on leave without pay shall not accrue sick leave or vacation benefits, and the employee will be required to pay group health premiums in total if the employee wishes such coverage continued. Failure of any employee to report promptly at the expiration of such leave of absence shall be considered as a resignation. Leave without pay may be granted subject to the regulations herein.

(A) Personal business leave of absence. A leave without pay granted at the discretion of the City Manager for personal reasons not to exceed 30 days without loss of seniority, if the employee can be spared. This may be extended only with the written approval of the City Manager, and must be submitted in writing a minimum of two weeks prior to the requested date of the extension.

(B) Extended illness or accident leave. A leave without pay granted to a permanent employee for a period not to exceed one year without loss of seniority when such employee is physically unable to report for work because of illness or accident. The employee must promptly notify the employee's supervisor of the necessity therefor and the supervisor shall transmit the request to the City Manager for approval. The employee must also supply certification from a qualified physician attesting to the necessity of such absence.

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(C) Maternity leave. A maternity leave without pay may be granted to a permanent employee without loss of seniority upon approval of the City Manager and recommendation of the department head involved. Extension of the leave may be granted for a period not to exceed one year, if the employee's physician states in writing that such an extension is needed for recuperative health reasons.

(D) Probationary period. Leave without pay during the probationary period shall not be counted as part of that period.

(E) Training.

(1) Temporary leaves of absence with or without pay for training purposes or for other objectives related to the employee's work and performance may be granted by the City Manager for such periods as considered justifiable, within the limitations of the budget.

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(2) In regard to employment and on-going training, any employee who voluntarily terminates employment with the city within one year after completing any training sessions designed to produce a professional or trade certification or license, for which an expenditure of city funds in excess of \$200 was involved in the form of fees or tuition, shall reimburse the city for the entire amount of that expenditure. In regards to the Tuition Reimbursement Program, specific guidance pertaining repayment of tuition if an employee voluntarily terminates employment for up to two years following the payment of reimbursement for any course designed to produce a college degree, or as part of an

individual course of study, is found in the "Non-Union Compensation Plan Ordinance" or the appropriate collective bargaining agreement for unionized personnel. Failure to reimburse the city shall result in an indebtedness to the City of Dublin, a notation of same on the employee's personnel record, and may be part of a reference to future prospective employers.

(F) Rate of pay upon return from absence. Whenever an employee returns from a leave of absence, the rate of pay shall be at the same rate as when the employee's leave became effective.

('80 Code, § 163.14) (Ord. 3-80, passed 1-7-80; Amendment effective 1-1-19)

§ 33.50 RESIGNATIONS.

(A) An employee who resigns without giving at least ten calendar days prior written notice prior to their last working day with the city shall forfeit any unused vacation leave to the employee's credit, or pay in lieu thereof. Failure to comply with this provision, absent of special circumstances may be a bar to future employment with the city and may be part of a reference by the city to prospective employers of the resigning employee at the discretion of the City Manager.

(B) Department/Division Heads shall render at least one month's written notice to resign in good standing unless waived by the City Manager.

('80 Code, § 163.15) (Ord. 3-80, passed 1-7-80)

§ 33.51 OUTSIDE EMPLOYMENT.

All outside employment of municipal employees shall be subject to review by the City Manager. In the event an employee desires to work for another employer, the employee must first notify the employee's department head in writing, stating where the employee will be working, the hours, the type of work the employee will be performing, and the telephone number where the employee can be reached in case of the necessity for the employee to report to work. In the event the job being performed conflicts in any way with city work requirements or adversely affects the employee's attendance or capability to perform assigned duties, the employee shall be notified by the department head to immediately terminate employment with either the other employer or the city.

('80 Code, § 163.16) (Ord. 3-80, passed 1-7-80)

§ 33.52 ABSENCES.

The city provides essential public services to the residents of our community. It must be ready to meet demands for service throughout each day, every day of the year. To fulfill this obligation, the city needs everyone on duty every day on which the employee is scheduled to work.

(A) Absence weakens the city's ability to furnish essential public services. All employees, therefore, should strive for good attendance by:

- (1) Maintaining reasonable health standards and taking precautions against illness.
- (2) Not allowing minor inconveniences to keep them away from the job.
- (3) Making every effort to observe safety rules and practices on and off the job.

(4) Taking care of personal business outside of working hours.

(5) Every employee is expected to work regularly and punctually. Good attendance is a most important job requirement. Failure to comply will result in disciplinary action.

(B) No employee may intentionally absent themselves from city work without giving prior notification to their supervisor. Such unauthorized absences include, but are not limited to: failure to start work at the designated time, nonreturn from lunch, quitting work before the proper time, or leaving work during working hours without the permission of the employee's supervisor. Any employee who is absent from duty without approval shall receive no pay for the duration of the absence, and unless there is a legitimate reason for such absence, shall be subject to disciplinary action and/or dismissal according to the provisions of this chapter.

('80 Code, § 163.17) (Ord. 3-80, passed 1-7-80)

§ 33.53 EMPLOYEE SERVICE EVALUATIONS.

All employees shall meet existing basic standards of performance in their work.

(A) An employee will be evaluated in relation to the quantity and quality of work, dependability, knowledge of work, competence, efficiency, judgment, cooperation, responsibility, relationship with public, and other factors as may be determined by the City Manager to be useful in measuring the value and performance of city employees.

(B) An employee shall be evaluated in writing by the employee's supervisor at the midpoint and conclusion of the probationary period. This is done to ascertain if the employee has acquired or refined existing skills to a level which will permit the employee to function satisfactorily as a permanent employee in the position. After these two probationary evaluations, all employees shall be evaluated annually by use of written performance evaluations by their supervisor.

(C) All evaluations shall be written and shall be on the form prescribed by the City Manager.

(D) Upon completion of an evaluation, the supervisor shall review the same in a personal interview with the employee. This personal interview should be used to expand upon the written evaluation by providing feedback on the employee's performance and outlining those areas in need of improvement. Because of the great importance of service evaluation, all ratings must be supported with a written explanation by the evaluator, especially ratings which are above average. If the evaluation was below average, written prescriptive recommendations for improvement should be given to the employee during the interview. These shall be incorporated into the "Employee Objectives for Next Reporting Period" section of the evaluation instrument.

(E) Both the supervisor/rater and the employee shall sign the evaluation with the original forwarded to the City Manager. If the employee wishes to have the evaluation reviewed, such review shall be conducted by the department head jointly with the immediate supervisor. In the case where the immediate supervisor is the department head, this review may be conducted jointly by the City Manager.

(F) When all evaluation procedures and reviews are completed and the City Manager has signed the evaluation form, the original form shall be forwarded to the Director of Human Resources who shall place it in the employee's personnel file.

(G) Informal evaluation should involve an ongoing, continuous dialogue between the employee and the employee's supervisor. This is especially important during the employee's probationary period. These informal evaluations will normally consist of frequent talks so that the supervisor and employee may work cooperatively to understand, evaluate and improve individual performance.

(H) Past employee service evaluations shall be given consideration in making promotions, granting merit pay increases, determining layoff sequence and demotions, and in taking disciplinary actions.

('80 Code, § 163.18) (Ord. 3-80, passed 1-7-80)

§ 33.54 PERSONNEL CHANGES AND ACTIONS.

(A) Forms. The Director of Human Resources shall prescribe the necessary forms for reports of all personnel changes or actions in the city service which shall be used by all supervisors and designated others.

(B) Layoff. Whenever there is lack of work or lack of funds requiring a reduction in the number of employees of the city, the City Manager shall determine the classes of employment in which such reduction shall be made and the number to be laid off. Employees shall be laid off at the time and in the number specified by the City Manager in the inverse order of their relative length and quality of service, the latter as established by service evaluations. Within the affected class or classes, all temporary employees shall be laid off before provisional, and all probationary employees before regular permanent.

(C) Call back. When the work or financial situation improves or permits, those who have been laid off shall be called back to work and reinstated in the positions they held before layoff with the same status and seniority as they had at the time of their layoff, in the inverse order of their layoff, if they are still available. If not immediately available, their names shall be placed on reemployment eligible lists.

(D) Rehire. Any employee who separates service in good standing may be rehired, under unusual circumstances and without the normal competitive selection process, to any position in the same job classification, if vacant, when the City Manager has determined that there is a compelling need for the former employee's services within two years after the date of separation. All such rehires shall be subject to approval by the City Manager. In the event such an employee is re-hired, the employee shall serve in the "unclassified service" pursuant to § 33.04(B).

(E) Retirement. Retirement is subject to the provisions of the applicable retirement system and applicable state and/or federal law.

('80 Code, § 163.19) (Ord. 3-80, passed 1-7-80; Amendment effective 11-17-05; 10-15-09)

ADMINISTRATION AND ENFORCEMENT

§ 33.65 RESPONSIBILITIES OF SUPERVISORS AND DEPARTMENT HEADS.

(A) It is the responsibility of all employee supervisors and department heads to see that this chapter and all other personnel guidelines and administrative orders and policies are enforced and administered fairly and equitably among all their employees.

(B) It shall be the responsibility of each department head to maintain control and discipline in their respective department. This responsibility involves dealing promptly with violations of this chapter, city ordinances, the Charter, administrative orders of the City Manager, and federal and state laws. Each department head is also charged with enforcing and monitoring such matters as punctuality, time worked, and the like. When a violation occurs, the department head is responsible for initiating appropriate disciplinary action in a timely manner.

(C) Department heads are authorized and encouraged to frame and promulgate written departmental rules. Such rules should be organized and distributed to all affected employees and a copy kept in the department head's office for reference. All such rules shall be supplemental to this chapter, and shall not conflict with or supersede the administrative orders of the City Manager, this chapter, the Charter, the U.S. and Ohio Constitution, or Federal, State or local laws to the contrary. All departmental rules shall be subject to approval, review, amendment and revocation by the City Manager.
(*80 Code, § § 163.20, 163.21) (Ord. 3-80, passed 1-7-80)

§ 33.66 PUBLIC CONTACT.

All employees shall endeavor to make all forms of oral and written contact with residents and the public as pleasant, courteous, and helpful as possible. All residents should be treated with honesty, tact, courtesy, and parity. Procedures for complying with this provision shall be defined in the administrative orders of the City Manager. Violations shall be handled in accordance with the disciplinary provisions of this chapter.
(*80 Code, § 163.22) (Ord. 3-80, passed 1-7-80)

§ 33.67 POLITICAL ACTIVITY.

(A) Candidacy. No officer or employee of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.

(B) Political activities.

(1) No person employed by the city shall orally or in writing solicit or in any manner be concerned with soliciting any assessment, subscription or contribution of any type for any political party or political purpose whatsoever from any person holding a position in the service of the city.

(2) No person holding a position in the service of the city shall make any contribution to the campaign funds of any candidate for city elective office for the actual or apparent purpose of influencing such persons or receiving favors of any nature from the persons.

(3) No person holding a position in the service of the city shall take any part in the management of the affairs of a political party, other than in the exercise of their rights as a citizen to express their opinion and cast a vote.

(4) Any violation of this section shall be reported immediately by the person having knowledge of the facts thereof to the City Manager. The City Manager shall cause an investigation to be made and if the facts are found to be substantiated, cause the offender to be suspended from duty and commence actions necessary to cause the offender's removal.

(5) City employees are prohibited from becoming actively involved in any campaigns for any city elective office.

(C) Examples of permissible activities for employees include, but are not limited to the following:

(1) Registration and voting;

(2) Expression of opinions, either oral or written, in the employee's individual, private capacity;

(3) Voluntary financial contributions to political candidates or organizations not in contradiction to the provisions in division (B) above;

(4) Circulation of non-municipal, nonpartisan petitions, petitions that do not identify with any particular party, or petitions stating views on legislation;

(5) Attendance at political rallies;

(6) Signing nominating petitions in support of individuals;

(7) Display of political materials in the employee's home or on the employee's property;

(8) Wearing political badges or buttons in the employee's private capacity, or the display of political stickers on private vehicles; and

(9) Serving as a precinct election official under R.C. § 3501.22.

('80 Code, § 163.23) (Ord. 3-80, passed 1-7-80; Am. Ord. 37-14, passed 5-19-14)

§ 33.68 PERSONNEL RECORDS.

(A) Personnel file. One, and only one, personnel file shall be maintained for each employee and shall be in the custody of the Director of Human Resources. The personnel file shall contain all the official records of the city regarding an individual employee. Where past disciplinary actions or allegations of misconduct are relevant to considerations of future disciplinary action or promotion, only those disciplinary actions of record contained in the personnel file shall be considered. An employee may review their personnel file at reasonable times in the presence of the Director of Human Resources upon written request to the Director of Human Resources. Copies of documents shall be made available to the employee at a reasonable charge. All such copies shall be marked "employee's copy". The confidentiality of matters contained in the personnel files shall be the responsibility of the Director of Human Resources who shall release only such information permitted or required by law, subject to the provisions of the Ohio Privacy Act.

(B) Retention of records. All actions of records, including appointment, evaluations, promotions, written reprimands, dismissals, suspensions, will be maintained in each employee's personnel file throughout their period of employment with the exception that records of written reprimands will be removed from the file upon the request of the employee two years after such was given, provided no further disciplinary action has occurred. Written reprimands so removed from the file shall be destroyed. In any case in which a written suspension, demotion or dismissal is disaffirmed through the grievance procedure, the personnel record shall clearly indicate such disaffirmance. Copies of commendations, letters of appreciation, training certificates or records, and like matters shall also be maintained in the personnel file.

(C) Inaccurate documents. If, upon examining their personnel file, an employee has reason to believe that there are inaccuracies in documents contained therein, the employee may write a memorandum to the Director of Human Resources explaining the alleged inaccuracy. If the Director concurs with the employee's contentions, the Director shall either correct or remove the faulty document or attach the employee's memorandum to the document and note thereon his concurrence with the memorandum. The Director may also attach the memorandum to the document and note his disagreement with memorandum's contents. The decision of the Director of Human Resources with regard to inaccurate documents shall be final.

('80 Code, § 163.24) (Ord. 3-80, passed 1-7-80)

§ 33.69 DISCIPLINARY ACTIONS.

(A) Just cause. No classified employee shall be reduced in pay or position, suspended, removed or reprimanded except for just cause. In addition to violations of laws and ordinances, this chapter, or departmental rules and regulations, examples of just cause include, but are not necessarily limited to, the following:

(1) Falsification, misstatement, exaggeration, or concealment of any material fact in connection with employment, promotion, and records, investigation or other proper proceeding.

(2) Disrespectful conduct, use of insulting, abusive or obscene language to or about other city personnel or the public while on the job.

(3) Gambling or unlawful betting on city property.

(4) Unlawfully manufacturing, distributing, dispensing, possession or using controlled substances in the workplace; reporting for work under the influence of controlled drugs or with any residual effect from illegal drug use (e.g., impaired judgement, sickness, impaired reflexes, and the like).

(5) Consuming alcohol while on duty or during an employee's lunch break/meal period; reporting for work while under the influence of alcohol, with any residual effects of alcohol consumption (e.g., impaired judgement, sickness, impaired reflexes, and the like), or where there is any evidence of alcohol consumption (e.g., odor on the breath); consuming alcohol off duty anytime an employee is in city uniform or is wearing any apparel which distinguishes that individual as an employee of the city.

(6) Off-duty, illegal conduct/behavior unbecoming a city employee emanating from the consumption of alcohol, or the use of illegal drugs, which, in the judgement of the City Manager, detracts from the image or reputation of the city as an organization, or which, in the judgement of the City Manager, erodes the public confidence in the city as an organization (e.g., disorderly conduct, assault, fighting, criminal trespassing, criminal menacing, disturbing the peace, OMVI, and the like, or other criminal acts).

(7) Failure to submit to drug and/or alcohol testing when required by the city; failure to adhere to conditions with regard to a drug or alcohol rehabilitation program, as offered by the city and as agreed to by the city and the employee.

(8) Reporting for duty or being on duty while under the influence of medication legally prescribed by a physician, or purchased or "over-the-counter", which may impair the employee's judgement, work performance, or physical/mental capabilities; operating city

vehicles or equipment under the influence of medication legally prescribed by a physician, or purchased "over-the-counter", which may impair the ability of the employee to safely and effectively operate such vehicles or equipment.

(9) Failure to start work at the designated time, quitting work before the proper time, or leaving work during working hours without the permission of the appropriate supervisor.

(10) Failure to observe precautions for personal safety, posted rules, signs, safety instructions, or to use protective clothing or equipment.

(11) Unexcused or unauthorized absences on one or more scheduled days of work or failure to report for work without giving proper advance notice, unless such advance notice was impossible to render.

(12) Deliberate discrimination against an employee or applicant because of race, color, national origin, religion, sex, genetic information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, disability, marital status, or veteran's status, or any reprisal action against any employee or applicant based on such criteria.

(13) Insubordination, deliberate refusal to carry out any proper order from any supervisor having responsibility for the work in which an employee is engaged.

(14) Creating or contributing to the poor condition of city equipment or property.

(15) Vending, soliciting or collecting contributions on the employer's time without authorization of the City Manager.

(16) Posting, removing or defacing any matter on the employer's walls, doors or bulletin boards without authorization of the City Manager.

(17) Permitting any unauthorized person to enter into or ride in a city vehicle without express, written authorization from the employer unless such action is taken in the direct interest of the health, safety and welfare of the public.

(18) Failure to report a personal injury accident in the performance of job duties. Such report must be in writing and submitted to the department/division head.

(19) Failure or unnecessary delay in carrying out orders, work assignments or instructions.

(20) Unauthorized possession of, use of, loss of, or damage to city property or endangering same through carelessness.

(21) Disorderly conduct; fighting; threatening or attempting to inflict bodily injury to another; engaging in horseplay; resisting competent authority; triggering false alarms of fire or emergency preparedness systems.

(22) Conviction of a felony while an employee of the city.

(23) Abusive, threatening or coercive treatment of another employee or the public while on the job.

(24) Inability to get along with fellow employees so that work is hindered or does not meet required standards.

(25) Conduct unbecoming an employee; illegal conduct, whether on or off duty, which, in the judgement of the City Manager, detracts from the image or reputation of the city as an organization, or which, in the judgement of the City Manager, erodes the public confidence in the city as an organization (e.g., immoral or indecent conduct, disorderly

conduct, assault, fighting, criminal trespassing, criminal menacing, disturbing the peace, OMVI, and the like or other criminal acts).

(26) Making irresponsible statements which are slanderous or misrepresent the position of the city or city officials.

(27) Sleeping or lounging during working hours.

(28) Excessive, unexcused tardiness after verbal reprimands have failed to correct employee's behavior.

(29) Disobedience to or noncompliance with any law, regulation, directive, policy or administrative order of the City Manager.

(30) Any other offense of equal magnitude to those listed herein or for which disciplinary action is warranted.

(B) Progressive discipline.

(1) The principles of progressive disciplinary action will be followed with respect to minor offenses. For minor offenses, an oral reprimand, a written reprimand and a suspension shall be given prior to demotion or dismissal. Offenses deemed major by the city will not be subject to progressive discipline. The city reserves the right to impose discipline based upon the severity of the offenses.

(2) The primary responsibility for the administration of discipline shall rest upon the immediate supervisor of the employee to be disciplined, although if the immediate supervisor fails to take action, which in the opinion of a superior is justified, such superior may impose the discipline. Such disciplinary action may consist of any action which is appropriate to the offense, including:

- (a) Informal (oral) reprimand;
- (b) Formal, written reprimand which becomes part of the employee's personnel file;
- (c) Suspension from duty without pay;
- (d) Demotion in rank or reduction in salary; or
- (e) Dismissal.

(3) Disciplinary action taken against an employee, which is other than in the nature of a minor first offense warning, shall be in writing and made a part of the employee's permanent personnel file.

(4) A suspension from duty without pay for a period exceeding three days must be reviewed and approved by the City Manager prior to becoming effective. Informal reprimands, formal reprimands and suspensions from duty without pay for three days or less shall not require prior approval by the City Manager. However, it is suggested that the department head notify the City Manager whenever an employee is suspended for three days or less. All demotions in rank, reductions in salary and dismissals must be reviewed and approved by the City Manager prior to becoming effective. Nothing in this division shall be deemed to preclude an employee from being relieved of duty if in the judgment of their supervisor such action is necessary. In all cases of discipline, the grievance procedure set forth in § 33.70 shall control. Disciplinary actions shall in all cases be dealt with in a confidential manner. Specifically, employees who are or who may be the subject of any disciplinary action and supervisors/superiors who take or are considering taking any disciplinary action shall refrain from discussing or otherwise disclosing such action to any persons except those who by this chapter or other law are entitled to such

information. This subsection does not apply to communications regarding a criminal investigation into activities of any employee.

(C) Responsibility for discipline. The duty of maintaining discipline among employees shall rest initially with the immediate supervisor and finally with the City Manager. The City Manager has the power and duty, when deemed necessary for the good of the service, to suspend, remove, or otherwise discipline all city employees and appointive administrative officers.

(D) Copy of discipline record. Whenever a disciplinary action is taken which rests in a disciplinary action of record as provided in division (B)(2)(b) through (e) herein, the employee shall be given a copy of such record.

('80 Code, § 163.25(a) - (d))

§ 33.70 GRIEVANCE PROCEDURE.

A classified, regular employee of the city who feels aggrieved by the action of their supervisor in the administration of discipline, may appeal such disciplinary action according to the step(s) set forth in Table herein. For a particular disciplinary action, the employee shall follow the procedural steps in the order established, and the last step listed is the final point of appeal. Note that the level of discipline being appealed determines the initial step of the appeal process. The intent of the Charter is clear as to the role of Council in disciplinary matters. The City Manager shall discipline employees in the classified and unclassified service and the Personnel Board of Review has the power to hear appeals from administrative determinations made pursuant to this chapter and as may be authorized by this chapter. Disciplinary actions and the associated appeal steps are as follows:

TABLE I GRIEVANCE APPEAL PROCEDURE

Disciplinary Action

Appeal Steps/Highest Level of Appeal

Informal (oral) reprimand

None

Formal (written) reprimand

(1) Division Head

Deleted: Department head

Suspension from duty without pay for 3 or less working days

(1) Deputy City Manager and/or Assistant City Manager, then (2) Director of HR

Deleted: Department head

Suspension from duty without pay for 4-5 working days

(3) City Manager

Suspension from duty without pay for 6 or more working days, demotion in rank or reduction in salary, or dismissal

(3) City Manager, then (4) Personnel Board of Review

Appeal Steps

(1) Department head hearing. The aggrieved classified employee may present a written statement of their grievance to the department/division head. If the grievance is with the division head, it would be submitted to the department head. This written statement shall be presented within five working days of the effective date of the disciplinary action being appealed and shall ask for a review and modification or reversal of the action. If such request is not made within five working days, the matter shall be closed. The department head shall schedule a hearing within ten days of the request and then issue a written response within five working days of the hearing. Prior to such hearing the department head shall notify the employee, in writing and reasonably in advance, of the time and place of the hearing and the specific matters or charges which will be considered. At the hearing, the employee may be represented by an individual of the employee's choosing, and will be permitted to present witnesses. The supervisor or division head imposing the discipline shall present the facts and circumstances upon which the disciplinary action was taken. If the grievance arose from a disciplinary action from a department head, then the grievant may progress directly to Step (2), if allowed per Table I above. In cases where a department head does not exist in the supervisory chain, the Director of Human Resources shall conduct the Step (1) hearing.

(2) Director of Human Resources hearing. If a grievance is not resolved to the satisfaction of the employee by the department head addressed under Step (1) and the disciplinary action being appealed is allowed to proceed to Step (2), per Table I, the employee may, within five working days of receipt of the Step (1) response by the department head, request in writing, a review hearing by the Director of Human Resources. If such request is not made within five working days, the matter shall be closed. The Director of Human Resources shall hold a hearing within ten working days of the receipt of such written statement. Prior to such hearing the Director of Human Resources shall notify the employee, in writing and reasonably in advance, of the time and place of the hearing and the specific matters or charges which will be considered. At the hearing, the employee may be represented by an individual of the employee's choosing, and will be permitted to present witnesses. The supervisor and/or department/division head imposing the disciplinary action shall present the facts and circumstances upon which the disciplinary action was taken. The employee's personnel file shall be made available for review prior to the hearing upon written request to the Director of Human Resources. The Director of Human Resources, after the close of the hearing, shall issue a written decision which shall be forwarded to the employee as soon as practical. The written decision shall be placed in the employee's personnel file and the Director of Human Resources shall make a good faith effort to notify the employee prior to making any public statement. The written decision of the Director of Human Resources hearing a grievance at Step (2) shall be final.

(3) City Manager hearing. The appeal process shall only be allowed to proceed to the City Manager if the disciplinary action(s) being appealed consist of a suspension of greater than three days or more or a dismissal from employment with the city. The employee may request a hearing with the City Manager in writing within five working days of the effective date of the disciplinary action being appealed and shall ask for a review and modification or reversal of the action by the City Manager. If such request is not made within five working days, the matter shall be closed. Otherwise, the hearing shall occur within a reasonable amount of time. Prior to the hearing, the City Manager shall notify the employee

in writing, and reasonably in advance, of the time and place of the hearing and the specific matters or charges which will be considered. At the hearing, the employee may be represented by an individual of the employee's choosing and will be permitted to present witnesses. The department/division shall present the facts and circumstances upon which the disciplinary action was taken. The employee's personnel file shall be made available for review prior to the hearing upon written request to the Director of Human Resources. The City Manager shall issue a written decision, after the close of the hearing, which shall be forwarded to the employee as soon as practical. The City Manager shall make a good faith effort to notify the employee prior to the making of any public statement. The written decision of the City Manager shall be a prerequisite to a request for a hearing before the Personnel Board of Review.

(4) Personnel Board of Review Hearing. The Charter provides for a three member Personnel Board of Review. Such Board is to be appointed by Council for terms as specified in Article VII, Section 7.01(B) of the Charter. The Personnel Board of Review shall conduct its proceedings in accordance with the resolutions of Council enacted pursuant to the Charter and the Board's rules and regulations adopted by it pursuant to authority granted by Council resolution. An aggrieved classified employee may request in writing a hearing before the Personnel Board of Review. Such request must be submitted within five working days of receipt by the employee of the City Manager's decision under step (3). Such request shall be submitted to the Chairman of the Personnel Board of Review. The decision of the Personnel Board of Review is final.

('80 Code, § 163.25(e))

§ 33.71 INVESTIGATIVE PROCEDURES.

Investigative procedures shall be undertaken any time an employee is suspected of or charged with an act which could result in criminal charges being filed against such employee. The investigative procedure hereinafter described shall not be used for disciplinary matters; disciplinary matter shall be the subject of § 33.70.

(A) An employee shall be informed of the nature of an investigation prior to any questioning.

(B) An employee who is to be questioned as a suspect in an investigation that may lead to criminal charges against the employee shall be advised of their constitutional rights in accordance with law and shall then and continually thereafter have a right to counsel or other representative of the employee's choosing.

(C) An employee who declines or refuses to answer questions or to otherwise participate in an investigation may be charged with insubordination or a like offense except where such refusal is based on an exercise of the employee's constitutional rights as referenced in division (B) herein.

(D) The interrogation of an employee in connection with an investigation shall be conducted at reasonable times and for reasonable periods of time which shall include rest periods and time to attend to physical necessities.

(E) Commencing at the time during an investigation when an employee is advised of their constitutional rights as provided in division (B), any interrogation shall be recorded at the request of either party.

(F) The use of administrative pressures, threats, coercion or promises shall not be employed for any purpose during the course of an investigation regarding any employee.

(G) In the course of an investigation, an employee may be given a polygraph examination. The admissibility of the results of such an examination in any subsequent criminal proceeding shall be determined by the court. If disciplinary action is taken in lieu of the filing of criminal charges the results of the polygraph examination shall not be considered at any review of such disciplinary action.

(H) During the course of an investigation, interviews of employees not the subject of such investigation may be conducted. Where appropriate, the procedures set forth herein shall be followed with respect to such other employees.

(I) When any anonymous complaint is made against an employee and there is no corroborative evidence of any kind, then the complaint shall be classified as unfounded and the accused employee shall not be required to submit a written report.

(J) Upon request, an employee shall be afforded reasonable access to written documents and to taped interviews made in accordance with division (E) herein during which time the employee may listen to and make personal notes. If a written transcription of a recorded interview is made, the employee will be provided a copy of such transcript upon written request to the City Manager.

(K) If in lieu of the filing of criminal charges an investigation results in the necessity of disciplinary action in accordance with § 33.69, it shall be done. An employee whose conduct is the subject of such disciplinary action shall be afforded access to evidentiary matters expected to be presented in course of any grievance hearing associated with the disciplinary action.

(L) If any of these procedures are alleged to have been violated, such allegations shall be subject to the grievance procedure provided in § 33.70 beginning at the level of the Director of Human Resources.

('80 Code, § 163.26) (Ord. 3-80, passed 1-7-80)