

PERSONNEL POLICY MANUAL

VILLAGE OF GRANVILLE

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INTRODUCTION, APPLICABILITY AND ADMINISTRATION

The provisions of this policy manual are applicable to all Village employees except as specifically provided herein.

This manual is not a contract of employment or a guarantee of any rights or benefits, but is merely intended to be used to assist and guide employees in the day-to-day directions and performance of their duties. Any promises or statements made by any individual that conflicts with this manual is unauthorized, expressly disallowed, and should not be relied upon. Any questions relating to the purpose, goals, and/or interpretation of these policies should be directed to the Village Manager or Finance Director.

The policies adopted in this manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this Manual. Ordinances adopted by the Village Council prevail over the provisions of this manual. This manual is also intended to be construed in such a manner as to comply with all applicable federal and state laws. Employees are responsible, as a condition of their employment, to familiarize themselves with, and abide by, these policies and procedures.

The Village will endeavor to give employees advance notice of any manual changes. However, the Village may revise these policies with or without advance notice. Employees are encouraged to make suggestions for improvements in personnel policies and practices to the Village Manager or Finance Director.

If any article or section of this manual is held to be invalid by operation of law, the remainder of this manual and amendments thereto shall remain in force and effect. Should a conflict arise between the Ohio Revised Code (O.R.C.) or applicable federal law and this manual, the law shall prevail. Additionally, should a direct conflict exist between this manual and a provision of any collective bargaining agreement, the bargaining agreement shall prevail.

Employees of the Village serve at the pleasure, at-will, of the Village except those employees included in a collective bargaining unit for whom the provisions of the collective bargaining agreement will apply.

The provisions of this manual are not intended nor should be construed to guarantee any benefits or rights or to alter the at-will employment status of employees.

EQUAL EMPLOYMENT OPPORTUNITY

The Village is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, age, national origin, disability, military status, genetic testing, or other unlawful bias except when such a factor constitutes a bona fide occupational qualification (BFOQ). All personnel decisions and practices including, but not limited to, hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations, shall be made without regard to the above listed categories. The Village intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

The Village will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to the Village Manager or the Finance Director, each of who shall have the authority and responsibility to investigate the complaint.

AMERICANS WITH DISABILITY ACT

The Village prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a permanent disability. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position or the position desired and must be able to perform the essential functions of the position, with or without a reasonable accommodation.

The Village will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on the Village or direct threat to the employee, or other employees. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to the Village Manager or Finance Director. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The Village and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be provided.

Any employee who feels that his/her rights have been violated under this policy should submit a written complaint as set forth in the Unlawful Discrimination and Harassment Policy in this manual.

UNLAWFUL DISCRIMINATION AND HARASSMENT

A. Policy.

The Village is committed to providing a work environment that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his membership in a protected class such as: race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

B. Standards.

Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected classification. The Village will not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises, and other job opportunities, based upon that individual's membership in a protected class.

Conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment will not be permitted.

Harassment is a form of discrimination. Harassment may be generally defined as unwelcome conduct based upon a protected classification. However, harassment becomes unlawful where:

1. Enduring the offensive conduct becomes a condition of continued employment; or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment including:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

C. Off Duty Conduct.

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.

D. Workplace Romances - Fraternization.

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are encouraged not to become, romantically or intimately involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the Village Manager determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the Village Manager will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from

engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.

E. Complaint Procedure, Investigation.

Employees who feel they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor, or other individuals affiliated with the Village shall immediately report the conduct, in writing or verbally, to the Department Head, Village Manager or Finance Director each of whom shall have the authority and responsibility to investigate, recommend, or take appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact the Department Head, Village Manager or Finance Director. Late reporting of complaints and verbal reporting of complaints will not preclude the Village from taking action. Supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and harassment.

Although employees may confront the alleged harasser, they are also required to submit a written report of any incidents. When the Village is notified of the alleged harassment, it will complete a timely investigation of the complaint. The investigation may include private interviews with the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. All employees are required to cooperate in any investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention designed to stop the harassment and prevent its recurrence will be taken.

F. Retaliation.

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. The Village and its supervisors and employees shall not retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels he has been subjected to retaliatory conduct as a result of actions taken under this policy shall report the conduct to the Department Head, Village Manager or Finance Director immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

G. False Complaints.

Legitimate complaints made in good faith are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith.

H. Corrective Action.

If the Village determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, including discipline where appropriate. The corrective action will be designed to stop the unlawful conduct and prevent its reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy will be subject to discipline, as will any employee who has knowledge of and fails to report unlawful conduct.

I. Coverage.

This policy covers all employees, supervisors, department heads and elected officials. Additionally, this policy covers all suppliers, subcontractors, residents, visitors, clients, volunteers and any other individual who enters Village property, conducts business on Village property, or who is served by Village personnel. This policy also applies to other work-related settings such as business trips, seminars, conferences and business-related social events.

MEDICAL EXAMINATIONS AND DISABILITY SEPARATION

The Village may require an employee to take an examination, conducted by a licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of his job, with or without reasonable accommodation. Post offer examinations may include drug and alcohol testing and any job related examination. This examination shall be at Village expense. If the employee disagrees with the Village's licensed medical practitioner's determination, he may request to be examined by a second licensed medical practitioner of his choice at his own expense. If the reports of the two practitioners conflict, a third opinion shall be rendered by a neutral party chosen by the Village and paid for by the Village. The third opinion shall be controlling.

If an employee, after examination, is found to be unable to perform the essential functions of his position with or without reasonable accommodation, the employee may request use of accumulated, unused, paid and unpaid leave benefits, if applicable.

An employee who is unable to perform the essential functions of his position may request a voluntary disability separation. The Village may place the employee on an involuntary disability separation if the employee is incapable of performing the essential job functions.

An employee's refusal to submit to an examination, to release the findings of an examination, or to otherwise cooperate in the examination process will be considered insubordination subject to discipline.

DRUG AND ALCOHOL POLICY

A. Drug-Free Workplace.

Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe that they may have an alcohol or drug addiction problem are encouraged to seek professional treatment and assistance. The individual's right to confidentiality and privacy will be recognized to the extent the law allows. The Village will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.

Treatment pursuant to this policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.

The Village maintains a drug and alcohol free workplace in order to eliminate the inherent risks and liability to the Village, the affected employee, co-workers and the public. The manufacture, distribution, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location where employees are conducting Village business. Also prohibited is the illegal use of legal substances.

The Village may require an employee to submit to a urine and/or blood test if there is reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result. The Village may also require a random drug testing for safety sensitive positions.

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers' compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

B. Drug Policy.

1. **Controlled Substance:** Means any controlled substance contained in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).
2. **Conviction:** Means any finding of guilt, including a plea of *nolo contendere* (no contest) or the imposition of a sentence, or both, by any judicial body charged

with the responsibility to determine violations of the federal or state criminal drug statutes.

3. **Criminal Drug Statute:** Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. § 3719.01 *et seq.*
4. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee that takes place in whole or in part in the employer's work place is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.
5. Any employee convicted of any Federal or State criminal drug statute must notify the employer of that fact within five (5) calendar days of the conviction.
6. Any employee who reports for duty in an altered or impaired condition that is the result of the illegal use of controlled substances and/or alcohol, or has consumed alcohol still detectable when at work, will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may, at the discretion of the Village Manager, be held in abeyance pending the completion by the employee of a drug rehabilitation program.
7. Any employee convicted of a drug or alcohol offense who fails to timely report the conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.

C. The Drug/Alcohol Testing Policy.

1. In order to maintain a safe and healthful work environment, the Village reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.
2. Where the Village has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a Village representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.
3. If requested, the employee shall sign a consent form authorizing the testing facility to withdraw a specimen of blood or urine and release the test results to the Village. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.

4. Any employee who tests positive may request retesting of the original specimen at their own expense.
5. Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may, at the decision of the Village, be offered rehabilitation through the Village Employee Assistance Program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.
6. Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.
7. Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.
8. Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.
9. Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the Village drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors.

D. Discipline.

The Village may discipline an employee, up to and including discharge, for any violation of this policy. Nothing herein shall be construed as a guarantee that the Village will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a prescribed rehabilitation program, if offered, shall result in the employee's discharge [including a refusal to test or a positive test result on a return to duty or follow-up test]. No employee shall be provided more than one opportunity at rehabilitation. The Village's decision whether to discharge an employee shall be made on the basis of the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g. injury, property damage, etc.), the employee's work record, and other factors considered when determining whether to retain an employee.

E. Refusal to Test.

Employees who refuse to submit to the required testing shall be subject to disciplinary action up to and including discharge. A refusal to test shall include:

1. Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so; and/or
2. Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, or a delay in providing a sample; and/or
3. Failure to execute or release forms required as part of the testing process.

F. Prescription/OTC Medications.

Employees must inform the Village, by notifying their supervisor, if they are taking any medication that may impair their ability to perform their job. Employees on such medications may be required to provide a written release from their treating licensed medical practitioner indicating that they are capable of performing their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any Village function or duty while taking legal drugs that may adversely affect their ability to safely perform any such function or duty.

Employee use of prescription or over-the counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to the employee for medical reasons. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the Village or its employees, or result in criminal behavior.

LACTATION BREAKS

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from workers and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee.

JOB ASSIGNMENTS

Employees shall be expected to fully, dutifully, and conscientiously perform those tasks assigned to them. Employees may be expected, from time to time, to complete job assignments which are typically not performed by them or contained in their job description. No employee can refuse a job assignment unless it would violate law or place him in an imminently harmful or life-threatening situation. If an employee objects to an assignment, he should complete the assignment first and then address the issue with his supervisor or department head.

LEADS (Law Enforcement Agencies Data System)

All Employees and Village Officials who have authorized access to Law Enforcement Agencies Data System (LEADS) and LEADS information will follow all LEADS required rules.

HOURS OF WORK AND OVERTIME

The Village will establish the hours of work for all employees. Staff may be required to work days, evenings, nights and/or weekends. Additionally, the Village may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, the Village will meet in advance with employees and provide at least two weeks advance notice for significant shift and schedule changes.

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees who work outside their regularly scheduled hours without approval shall be paid for all hours actually worked, but may be disciplined.

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, or allowing a time record to be altered by others will result in disciplinary action.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all time actually worked in excess of eight (8) hours on any one day, or ten (10) hours on any one day for employees of departments working ten (10) hour shifts, or in excess of forty (40) hours in any one work week, regardless of the employee's regularly scheduled work day. Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay for actual overtime worked.

The Village may mandate overtime. Supervisors shall attempt to distribute overtime among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the Village may authorize or require employees to work a flex schedule in a work week.

For those employees under a collective bargaining agreement, the provisions of those agreements will apply for overtime.

A. Exempt Employees.

Employees who are exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The Village Manager or Finance Director shall determine if an employee is exempt from overtime requirements for purposes of the FLSA. Such exemptions may include employees whose job duties are executive, administrative or

professional in nature. Exempt employees may be permitted compensatory time off of one hour for each hour of overtime, to be used within one hundred eighty (180) days of the performance of the overtime. At the discretion of the Village Manager, exempt employees may be required to keep track of, and report, their hours without destroying their exempt status.

B. Compensatory Time.

At the discretion of the Village Manager, certain non-exempt, non-bargaining unit employees may be permitted to take compensatory time-off in lieu of overtime payment. Compensatory time, like overtime, shall accrue at a rate of one and one-half times the hours actually worked. Compensatory time must be used within one hundred eighty (180) days of its accrual. Non-safety force employees may not exceed the maximum accrual cap of forty (40) hours. Safety forces employees may not exceed the maximum accrual cap of sixty (60) hours. The Manager may, at his sole discretion, require an employee to use his compensatory time prior to the employee reaching the one hundred eighty (180) day accrual limit. Additionally, the Manager may choose to pay out an employee's compensatory time. If an employee's compensatory time is paid out, the employee shall receive payment at the rate at the time paid.

C. Improper Deductions.

The Village intends to comply with all FLSA provisions. Any employee, who believes that he has been improperly classified under the FLSA, shall submit a complaint in writing to Finance Director. The Finance Director will investigate and respond in a timely manner to ensure a good faith effort to comply with the FLSA.

REPORTING TO WORK AND TARDINESS

Regular and predictable attendance is an essential function for all positions in the Village.

Employees are expected to report for and remain at work as scheduled and to be at their work stations at their starting time. Employees who call off work for personal reasons should call off in advance of their starting time following the procedures established by their Department Head. Employees who call off must make contact with their supervisor or designee each day of their absence unless they have made alternate arrangements. Calling off work in accordance with this procedure will not necessarily result in an employee receiving approved leave for their absence. The Village will consider the underlying reason for the absence in order to determine whether to grant approved leave.

An employee who reports to work late, extends his lunch or break without authorization, or who leaves before the end of his scheduled shift, may be disciplined up to and including termination and be docked pay. Pay will be docked in the lowest increments permitted by the Village timekeeping system.

PROBATIONARY PERIOD

All newly hired or newly promoted employees shall be required to successfully complete a one year probationary period. The probationary period allows the Village to closely observe and evaluate the employee's fitness and suitability for the position. The probationary period shall begin on the first day in which the employee receives compensation from the employer and shall continue for a period of one calendar year. A probationary employee who has lost work time due to illness, injury, or leave of absence for more than ten (10) work days shall have his probation period extended by the length of illness or injury or leave of absence. Only those employees who demonstrate an acceptable standard of conduct and performance shall be retained in their positions.

If, at any time during the probationary period, a newly hired employee's service is determined to be such that it does not merit further employment, he may be terminated without appeal rights. Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.

Employees working irregular schedules and intermittent employees shall have their one year probationary period based upon the completion of one thousand forty (1040) hours in active pay status.

The failure of a promoted employee to complete a probationary period due to unsatisfactory performance may result in the employee being returned to the same or similar position he held at the time of his promotion or termination.

Successful completion of probationary periods does not constitute a guarantee of employment for those positions that serve at the pleasure of the Village. Employees covered by a collective bargaining agreement must follow the provisions of their collective bargaining agreement.

ETHICS/CONFLICTS OF INTEREST

The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code §§ 102.03 and 2921.42 prohibit public employees from using their influence to benefit themselves or their family members. In recognition of the above-listed requirements, the following Code of Ethics is established for all Village officials and employees:

- A. No employee shall use his official position for personal gain, or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his official duties.
- B. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall he use such information to advance the financial or other private interest of himself or others.

- C. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with the Village; nor shall an employee accept any gift, favor or item of value that may tend to influence the employee in the discharge of his duties or grant, in the discharge of the employee's duties any improper favor, service or item of value.
- D. No employee shall represent private interests in any action or proceeding against the interest of the Village in any matter wherein the Village is a party.
- E. No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independent judgment or action in the performance of his official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of his assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult his supervisor or legal counsel. Any employee offered a gift or favor who is not sure whether acceptance is a violation of the Code of Ethics, should inform his supervisor of the gift or offer. The supervisor will make a decision or will refer the individual to the Law Director. No employee will accept from any contractor or supplier doing business with the Village, any material or service for the employee's private use.

State law prohibits Village employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney.

NEPOTISM

A. Hiring

The Village will receive employment applications from relatives of current employees. However, the following four (4) situations may prevent the Village from hiring a relative of a current employee:

1. If one relative would have supervisory or disciplinary authority over another.
2. If one relative would audit the work of another.
3. If a conflict of interest exists between the relative and the employee or the relative and the Village.
4. If the hiring of relatives could result in a conflict of interest.

B. Employment.

An employee is not permitted to work in a position where his supervisor or anyone within his chain of command is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or an accommodation acceptable to the Village must be established. Termination of employment will be a last resort. If two employees marry, they will be subject to the same rules listed above as other relatives.

The provisions of O.R.C. §§ 102.03 and 2921.42 render it unlawful for a public official to use his/her influence to obtain a benefit, including a job for a relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action. For purposes of this section, the term "relative" shall include: spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, and a legal guardian or other person who stands in the place of a parent to the employee.

OUTSIDE EMPLOYMENT

Employees are required to notify their Department Head or the Village Manager of any outside employment. No employee shall have outside employment which conflicts in any manner with the employee's ability to properly and efficiently perform his duties and responsibilities with the Village. Employees are expected to be at work and fit for duty when scheduled.

Employees are prohibited from engaging in secondary employment while on sick leave, disability leave, or family medical leave when the secondary employment is inconsistent with the leave requested. Employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours and are further prohibited from engaging in conduct which creates a potential or actual conflict of interest with their duties and responsibilities as a Village employee.

POLITICAL ACTIVITY

- A. Although the Village encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for employees of the Village whether in active pay status or on leave of absence.

The following activities are examples of conduct permitted by employees:

1. Registration and voting.
2. Expressing opinions, either orally or in writing.
3. Voluntary financial contributions to political candidates or organizations.
4. Circulating non-partisan petitions or petitions stating views on legislation.

5. Attendance at political rallies.
6. Signing nominating petitions in support of individuals.
7. Displaying political materials in the employee's home or on the employee's property.
8. Wearing political badges or buttons, or the display of political stickers on private vehicles.
9. Serving as a precinct official under O.R.C. § 3501.22.

B. The following activities are examples of conduct prohibited by employees.

1. Candidacy for public office in a partisan election.
2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
4. Circulating official nominating petitions for any partisan candidate.
5. Holding an elected or appointed office in any partisan political organization.
6. Accepting appointment to any office normally filled by partisan election.
7. Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
9. Solicitation for the sale, or actual sale, of political party tickets.
10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
11. Service as a witness or challenger for any party or partisan committee.
12. Participation in political caucuses of a partisan nature.

13. Participation in a political action committee that supports partisan activity.

Employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity. Any employee having a question pertaining to whether specific conduct of a political nature is permissible should contact their immediate supervisor prior to engaging in such conduct.

INVESTIGATIONS AND DISCIPLINE

The Village has the right to investigate all alleged misconduct which may be the basis for disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, the failure to respond completely and truthfully, or to otherwise not cooperate in an investigation, shall be considered insubordinate and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation except with Village officials or the employee's attorney.

Employees covered by a collective bargaining agreement shall be subject to the procedure for discipline contained in the agreement. Where the agreement does not address an issue or procedure for discipline, these policies and the rules of the Village or affected department will apply.

Employees may be placed on paid or unpaid leave pending an investigation.

At-Will Employees. In the event the Village decides to discipline employees the following guidelines will apply. These are only guidelines and do not provide employees who serve at the pleasure of the Village, at-will employees, any guarantee of employment.

Guidelines for Discipline. Employees may be disciplined for cause. Disciplinary action will be commensurate with the offense. Discipline for minor infractions will normally be imposed in a progressive manner with consideration given to the nature of the offense, prior disciplinary action, length of service, the employee's position, the employee's record of performance and conduct along with all other relevant considerations. Nothing in the policy shall be construed to limit the Village's discretion to impose a higher level of discipline under appropriate circumstances.

Reasons for Discipline. The following forms of misconduct constitute grounds for disciplinary action: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, conviction of a crime, failure of good behavior including a violation of ethics of public employment, failure to maintain licensing requirements, lack of insurability under Village policies, and any other acts of misfeasance, malfeasance, nonfeasance or any other reason set forth in the rules or policies of the Village.

Off Duty Conduct. The reputation and image of the Village is to be respected at all times. An employee's off duty conduct that could negatively impact the Village may form the basis for

discipline. Any comments or questions concerning the standard of conduct expected should be directed toward the employee's immediate supervisor or Department Head.

DISCIPLINE AND DISCHARGE PROCEDURES

- a) The Village Manager shall determine the appropriate discipline. The following disciplinary actions shall be considered when disciplining employees:
 - 1) Oral reprimand. An oral reprimand shall be given in a manner that will not embarrass the employee before other employees or the public and shall constitute a minor disciplinary sanction.
 - 2) Written reprimand. A written reprimand shall be prepared by the department head or supervisor and signed by the department head. The written reprimand shall be made in triplicate; with the original to go to the employee, one copy to be sent to the Finance Director and the department head or supervisor shall retain one copy.
 - 3) Suspension. In a case where the Manager feels that there is just cause for suspension, the Manager may suspend an employee for up to five days without pay for a minor suspension and up to 30 days without pay for a major suspension. The employee shall be given notice in writing of the suspension and the grounds for same. This suspension may be unpaid or a working suspension.
 - 4) Dismissal. In a case where the Manager feels that there is cause for dismissal, the Manager may order the employee dismissed. The employee shall be given notice in writing of the dismissal and the grounds for same. This notice shall be signed by the department head and the Manager.

The employee, upon receiving written notice of suspension or dismissal may, within three working days, file a written request with the Village Manager for a hearing by the Personnel Appeals Board, which may sustain, alter, amend or reverse such action.

- b) Grounds for disciplinary action shall include, but not be limited to the following employee offenses:
 - 1) Discourtesy to the public.
 - 2) Discourtesy to fellow employees.
 - 3) Refusal to obey order of proper authority.
 - 4) Reporting for duty or work under the influence of alcohol or drugs.
 - 5) Consumption of alcohol while on duty.
 - 6) Becoming intoxicated on municipal property.

- 7) Being habitually tardy or absent.
- 8) Falsification of any records or employment data.
- 9) Leaving one's post without notifying immediate supervisor.
- 10) The illegal destruction or removal of private or municipal property.
- 11) Failure to report on-duty accidents or personal injury, failure to report other accidents or personal injury which would impair an employee's ability to perform the essential functions of his or her position, or the failure to report an infectious disease, contagious disease which could be communicated to other employees during a normal workday environment.
- 12) Giving, taking or accepting a bribe.
- 13) Conviction of a crime of moral turpitude.
- 14) Failure to take proper care of municipal property and/or abuse of municipal property.
- 15) Violation of departmental rules.
- 16) Failure to discharge the duties of employment.
- 17) Failure to keep in force any licenses (CDL, Utility Operator's or other) as required by his position.

Criminal charges. The filing or prosecution of criminal charges against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action. The Village may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending criminal charges. The disposition of criminal charges is independent of a disciplinary investigation. Although the Village may utilize information obtained during a criminal investigation, the Village's decision to take appropriate disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges. A felony conviction while employed with the Village is cause for termination.

Reporting violations. Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of Village policies or standards of conduct. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

Pre-Disciplinary conference. When the Village believes that discipline of an employee in the form of a paid or unpaid suspension, demotion or termination is possible, a pre-disciplinary conference with the employee may be scheduled. Prior to the pre-disciplinary meeting, the employee will be provided with written notice of the charges against him. At the pre-

disciplinary conference, the employee may respond to the charges or have his chosen representative respond. The employee may waive the conference. Failure to attend the pre-disciplinary conference shall be deemed a waiver of the conference.

COMPLAINT PROCEDURE

Employees may have questions or concerns caused by misunderstandings in the application of policies, procedures and work rules. The Village believes these questions and concerns should be heard promptly, and action taken to resolve or clarify a particular situation. Complaints regarding unlawful discrimination or harassment should be brought according to the unlawful discrimination and harassment policy contained in this manual.

All employees shall have the right to file a complaint without fear of retaliation. No employee shall be disciplined, harassed or treated unfairly in any manner as a result of filing a complaint. A complaint is defined as a disagreement between an employee and Village as to the interpretation or application of Village policies, departmental rules, regulations, or other disagreements perceived to be unfair treatment or other conditions of employment. The following is the procedure to be followed when an employee has a complaint as defined above:

A. Step 1: Department Head.

An employee having a complaint shall file it in writing with his Department Head. The Department Head will review the complaint and attempt to resolve the complaint within a reasonable time, but not later than 30 days after the facts giving rise to the complaint, and will provide the employee with a written response.

B. Step 2: Village Manager.

Where the employee is not satisfied with the Step 1 response, the employee may submit the complaint to the Village Manager or designee within seven (7) calendar days after receiving the response of the Department Head. If the complaint is against the Department Head, the complaint may be submitted to the Manager within the thirty (30) day time for submission. The Village Manager or designee will review all material provided and will provide the employee with a written response. The Step 2 response shall be final.

SOLICITATION

Individuals not employed by the Village are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any other solicitation, distribution, or similar activity on the premises or at a worksite.

The Village may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees may volunteer to assist these drives; however, participation is entirely voluntary.

The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

- A. Distribution of literature, solicitation and the sale of merchandise or services is prohibited in public areas.
- B. Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.
- C. Distributing literature in a way that causes litter on Village property is prohibited.

The Village maintains various communications systems to communicate Village-related information to employees and to disseminate or post notices required by law. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any Village property is prohibited.

Violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.

VILLAGE PROPERTY

A. General.

Employees are prohibited from using Village materials, tools, facilities, equipment and labor for personal or private use regardless of whether the use is during working or non-working time. Employees may not perform private work for themselves, co-workers, friends or family members during working time or while using Village materials, tools, facilities, or equipment. All Village tools and equipment must be used and operated within the laws of the State of Ohio and/or rules and regulations of the Village. Employees who separate from service with the Village are responsible for return of reusable Village property in their possession.

Employees have no reasonable expectation of privacy in the use of Village property and facilities. In order to safeguard employees and the workplace, and in order to maximize efficiency, safety and productivity, the Village reserves the right, at its sole discretion and without notice to employees, to inspect, monitor or otherwise search Village property, vehicles, facilities or any other enclosed or open area within Village property vehicles, or facilities and to monitor or inspect any items found within such vehicles, or facilities. Employees are required to cooperate in any workplace inspection. The Village also reserves the right to inspect any packages, mail, parcels, handbags, briefcases, or any other possessions or articles carried to and from Village property, vehicles, facilities and job sites.

B. Telephones and Cell Phones

Employees required to answer the telephone as part of their assigned duties shall do so in a polite and courteous manner. No employee shall use foul or abusive language over the telephone, radio or communication device or in any dealings with the public. The Village reserves the right to monitor any phone at any time. Personal phone calls must be kept to an on emergency basis only. Toll calls and/or long distance for personal reasons shall not be charged to the Village.

The Village may issue cellular phones to its employees. Cellular phones are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a particular cellular phone, Village-issued cellular phones are considered Village property and are for business use only. Features other than phone use must not be used or activated without direct authorization from a supervisor. Use of Village cellular phones while operating a motor vehicle (Village-owned or personal) is prohibited.

Upon approval of the Village Manager, the Village may reimburse employees for Village business use of their personal cell phones up to \$10.00 per month; however, there is no entitlement for reimbursement.

C. Computer Use and Social Media

Electronic equipment and resources are provided for Village business. However, the Village may permit employees incidental personal use of the computer at their desk or work station during non-working time with their Supervisor's approval. Any personal use permitted by a supervisor must be limited to a reasonable frequency and duration. When using a computer for personal use, the employee must not use it in any illegal, obscene, offensive or intimidating manner, or any other manner that violates Village policy. Employees are also prohibited from using Village computers or any other resources for personal gain, to compete with the Village in any way, or for the advancement of individual views.

Use of the Village's technical resources must not interfere with the employee's productivity, the productivity of any other employee, or the operation of the Village's technical resources. Employees shall not download, upload, or otherwise install any unauthorized programs on the computer system. Employees will be held responsible for any intended and unintended material which appears on their computers.

To that end, the following is a non-exclusive list of prohibited uses of Company internet, e-mail or other online service:

- 1) Any use that interferes with normal business activities.
- 2) Any use that involve solicitations.

- 3) Any use in connection with a business activity that operates for-profit.
- 4) Any use that could possibly bring embarrassment or harm to the Village.
- 5) Operation of a business for personal gain, sending chain letters, or soliciting money for religious or political organizations.
- 6) Any use that would violate any federal, state, or local laws.
- 7) Any use that would transmit, download, or print obscene, pornographic, threatening, or racially, sexually, or religiously harassing materials.
- 8) Any use that involves the distribution or printing of copyrighted materials, which includes articles and software, in violation of the copyright laws.
- 9) Any use that violates the privacy rights of the Village, other employees, or clients.
- 10) Any access to confidential information. The transmission of confidential information shall only be in accord with current procedures and regulations.
- 11) No employee shall use the computer of any other employee without explicit permission from the employee or the employee's supervisor. All employees shall use all reasonable safeguards when using the internet, email, or online service to avoid the mistaken distribution of another's information.

Employees shall be aware that their personal and professional on duty and off duty use of a Village computer, internet and email can and will be monitored by the Village. Employees shall have no expectation of privacy in Village computers or information assessed or disseminated on those computers. Employee use of the Village's computers constitutes the employee's consent to the Village reviewing computer history and use, including password-protected websites/email and deleted material, so that the Village may ensure compliance with this policy. Improper use of Village computers, internet or email usage may result in discipline, up to and including termination.

D. Vehicles.

Employees operating a Village motor vehicle are required to have a proper and valid motor vehicle operator's license. An employee who operates a motor vehicle for work and who has his license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his driving privileges temporarily suspended by the Village. When the Village suspends driving privileges, the employee may be temporarily reassigned. The Village need not reassign an employee who drives for work and has his license suspended by a court with no work-related driving privileges.

Any Village employee who operates a Village-owned motor vehicle, or a privately owned motor vehicle in the discharge of official Village business, shall at all times during the course of operation, fully utilize the front seat occupant restraint systems provided in the vehicle and require like use of restraint systems by any passengers in the vehicle.

Employees who operate Village vehicles must have appropriate insurance coverage as designated by the Village Manager.

Use of a Village-owned vehicle must be pre-approved by the employee's supervisor. Employees shall not use, or permit the use of Village automobiles for any purpose other than official Village business. Passengers not on official Village business (i.e. children, spouses, friends, etc.) are not permitted in Village-owned vehicles. Employees shall obey all traffic laws.

Employees who drive Village vehicles or who drive their personal vehicles for Village business are subject to periodic (at least annual) record checks at the Bureau of Motor Vehicles. Employees who utilize Village vehicles are responsible for reporting to their supervisor any moving traffic violations obtained while on, or off, duty as an employee's personal driving record may impact his ability to be covered on the liability policy. Employees who drive on behalf of the Village are subject to reassignment and/or discipline, including discharge, in the event of a license revocation, suspension or traffic offense conviction if the employee is not insurable under the Village policy.

Concerns regarding repairs or vehicle maintenance must be reported to the employee's immediate supervisor.

CONCEALED CARRY

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordinance onto the property of the Village. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

Village employees are prohibited from carrying firearms any time they are working for the Village or acting within the course and scope of employment. These situations include, but are not limited to, attending training sessions or seminars, wearing a Village identification badge, uniform, or other Village issued paraphernalia that an employee is required to wear relative to their employment and working in resident's homes or other sites off Village premises. Except for law enforcement officers, no employee or member of the public may carry a concealed weapon in a Village owned vehicle.

Employees who possess a valid license to carry a concealed weapon are discouraged from storing a weapon in their personal vehicle while at work. Employees possessing a valid license to carry a concealed weapon may bring their weapon with them onto a Village parking lot. However, the employee must leave the weapon in their vehicle. Employees are neither permitted to remove their weapon from their vehicles while in a Village parking lot nor are they permitted

to bring a concealed weapon into a Village owned building. The employee's weapon must be stored in the vehicle in accordance with the storage provisions of the Concealed Carry statute. The weapon must be in a locked vehicle either in the glove compartment, a lock box or the trunk.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon on Village premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon at any time while they are working for the Village, acting within in the course and scope of employment, or acting as a representative of the Village. Violations of this policy may result in discipline up to termination.

WORKPLACE VIOLENCE

A. Policy.

The Village is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. Consistent with this policy, threats or acts of physical violence including intimidation, harassment, and/or coercion which involve or affect employees, or occur on Village property or at a worksite, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline, up to and including discharge and possible criminal prosecution, depending on the nature of the offense.

B. Prohibited Acts of Violence.

Prohibited acts of workplace violence include, but are not limited to, the following: (1) hitting or shoving; (2) threatening harm to an employee or his family, friends, associates, or property; (3) destruction of property; (4) harassing or threatening telephone calls, letters or other forms of written or electronic communications including email, text, and website postings; (5) intimidating or attempting to coerce an employee to do wrongful acts; (6) following another person, also known as "stalking" and/or making threats with the intent to place another person in reasonable fear for his safety (7) suggesting or otherwise intimating that an act to injure persons or property is "appropriate", without regard to the location where the suggestion or intimation occurs; and (8) unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Village property.

C. Warning Signs and Risk Factors.

The following are examples of warning signs, symptoms and risk factors that may indicate an employee's potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to: (1) making intimidating statements such as: "You know what happened in Oklahoma City," "I'll get even," or "You haven't heard the last from me."; (2) keeping records of other employees the individual believes to have violated departmental policy; (3) physical signs of anger, such

as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech; (4) acting out violently either verbally or physically; (5) excessive bitterness by a disgruntled employee or an ex-employee; (6) having a romantic obsession with a co-worker who does not share that interest; (7) history of interpersonal conflict; (8) domestic or family problems, and (9) brooding, depressed, strange behavior.

SMOKE-FREE WORKPLACE

This policy addresses various issues concerning the provisions of Ohio's Smoke-Free Workplace Act. The Smoke-Free Workplace Act prohibits the Village of Granville from permitting employees to smoke in public places and places of employment. The Village of Granville can be fined for an employee's failure to adhere to this policy. In addition to the specific restrictions in the Smoke-Free Workplace Act, the Village of Granville has adopted this policy to address issues pertaining to employment and the application of this law. Employees are expected to comply with this policy.

Pursuant to the Smoke-Free Workplace Act, employees of the Village of Granville are prohibited from smoking in any "protected area". A "protected area" is either of the following:

- 1) Any "enclosed area" under the direct or indirect control of the Village of Granville that employees use for work, or for any other purpose, including but not limited to: offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. "Enclosed area" means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind on all sides or on all sides but one, regardless of the presence of windows, doorways, vents, or other openings.
- 2) Any doorway, entrance way, or other area immediately adjacent to locations of ingress or egress to an enclosed area.
- 3) Any area in which tobacco smoke could enter into an area defined under "1" or "2" above, through entrances, windows, ventilation systems, or other means. To assure that smoke does not enter any protected area; employees may not smoke within a 40 foot radius of any protected area.

No employee shall smoke in any of these protected areas at any time, regardless of the presence of other employees in the area. Failure to strictly adhere to this policy may result in disciplinary action up to and including termination.

CONTACT WITH NEWS MEDIA/RESIDENTS

Any employee contacted by the news media or a citizen on a matter related to Village operations should direct the caller to contact the Village Manager or designee. This policy is designed to avoid duplication, assure accuracy, and protect employees and the Village from the dissemination of misstatements and misinformation.

This policy does not prohibit employees from making a public statement, in their off duty hours, on matters of public concern. However, this policy does prohibit employees from making unauthorized public statements during their working hours and from making public statements about matters of private concern that negatively impact the Village. Employees shall not release public records unless they are authorized to do so.

CIVIC DUTY LEAVE

A. Jury Duty.

Employees will be excused from regularly scheduled work for jury duty. If an employee's jury duty is concluded prior to the completion of the employee's regularly scheduled workday, he must return to work for the remainder of the workday. The Village will compensate full time employees who are called to, and reports for, panel and/or jury duty, at the employee's straight-time hourly rate for the hours he was scheduled on that day. The employee must give the Village prior notice of jury duty, and submit his jury duty fee to the Village, in order to receive his regular pay.

B. Work Related Proceedings.

Employees who are required by the Village to appear in court or other proceeding on behalf of the Village, will be paid at their appropriate rate of pay for hours actually worked. Employees must obtain prior approval from their supervisor before appearing in court or administrative proceedings on behalf of the Village. Employees who receive a subpoena for work-related matters and have a concern regarding that subpoena should seek assistance from their supervisor, who may then contact the Law Director.

C. Personal Matters.

Employees who are required to appear in court on personal matters, or on matters unrelated to their employment with the Village, must seek an approved vacation leave or unpaid leave of absence.

UNPAID LEAVE

Employees may request an unpaid leave of absence for professional, educational, or other personal reasons. The Village Manager has sole discretion to grant or deny the leave. The authorization of a leave of absence without pay is a matter of administrative discretion. The Village Manager will decide in each individual case if a leave of absence is to be granted. A personal leave of absence may be granted for one day to six months for any reason the Manager deems appropriate. Upon completion of approved unpaid leave, the employee will be returned to his former position or to a similar position within the same classification.

While on leave without pay status, an employee shall not accumulate any paid leave or holiday pay. An employee on a non-FMLA unpaid leave of absence will be given COBRA notification regarding his health insurance benefits.

The unpaid leave of absence may be revoked for business reasons upon one week's written notice to the employee that he must return to work. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than for what the leave was granted may be ordered to return to work immediately, disciplined or not be permitted to return to work. A failure of the employee to return to work at the conclusion of a leave of absence without pay will result in the employee being deemed to have voluntarily resigned their position.

PAID MILITARY LEAVE

Village employees who are members of the Ohio organized militia or members of other reserve components of the armed forces, including the Ohio National Guard, are entitled to military leave. Employees requesting military leave must submit a written request to the Village as soon as they become aware of such orders. Employees must provide the published order or a written statement from the appropriate military authority with the request for leave.

Pursuant to O.R.C. § 5923.05, employees are authorized up to twenty-two (22) eight (8)-hour working days or one hundred seventy-six (176) hours within a year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or 176 hours in a year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a monthly amount equal to the lesser of (1) the difference between the employee's gross monthly wage and his/her gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee's gross wages from the Village for that period.

Employees who are on military leave in excess of twenty-two (22) days or one hundred seventy-six (176) hours in a year, may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.

For military leave up to twenty-two (22) days or one hundred seventy-six (176) hours in a calendar year, employees shall continue to be entitled to health insurance benefits as if they are working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave. Employees who exceed the twenty-two (22) days or one hundred seventy-six (176) hours and do not elect to utilize paid leave are not entitled to the health insurance benefits on the same basis as if they are working. In these circumstances, employees will be provided notice of their rights to continue this coverage at their cost in accordance with applicable law.

PERSONNEL FILES

The Village shall maintain personnel files for all Village employees. Such files may include individual employment data, payroll information, schedules, records of additions or deductions, application forms, and records pertaining to hiring, promotion, demotion, transfer, layoff and termination. Personnel files shall be available to members of the public in accordance with the

law. An employee shall have a right of reasonable inspection of his official personnel file. No personnel records shall be removed from the official records unless in accordance with state or federal law or in accordance with the Village's retention of records policy.

When a public records request is made for an employee's records, the Village will make reasonable efforts to redact personal information, and other non-public information, from the files before release.

Employees must timely advise the Village of any change in name, address, marital status, telephone number, number of tax exemptions, citizenship, or association with any government military service organization.

AUDITOR OF STATE FRAUD REPORTING SYSTEM

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll free number, the Auditor of State's website, or the United States mail. Contact information is as follows:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

US Mail: Ohio Auditor of State's Office

Special Investigations Unit

88 East Broad Street

P.O. Box 1140

Columbus, OH 43215

Web: www.ohioauditor.gov

FAMILY MEDICAL LEAVE ACT ("FMLA")

A. Statement of Policy.

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.

B. Definitions.

As used in this policy, the following terms and phrases shall be defined as follows:

1. "Family and/or medical leave of absence": An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
 - a. Upon the birth of an employee's child and in order to care for the child.

- b. Upon the placement of a child with an employee for adoption or foster care.
 - c. When an employee is needed to care for a family member who has a serious health condition.
 - d. When an employee is unable to perform the functions of his position because of the employee's own serious health condition.
 - e. Service member leave.
2. **Service Member Leave:** The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on covered active duty or being notified of an impending call or order to covered active duty in the Armed Forces. In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a single twelve (12)-month period to care for a service member with a serious injury or illness sustained or aggravated while in the line of duty on active duty. The single twelve (12)-month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. **Per year:** A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.
4. **Serious health condition:** Any illness, injury, impairment, or physical or mental condition that involves:
- a. Inpatient care.
 - b. Any period of incapacity of more than three consecutive calendar days that also involves:
 - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of

incapacity and both visits must be completed within thirty (30) days; or

- ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - c. Any period of incapacity due to pregnancy or for prenatal care.
 - d. A chronic serious health condition which requires at least two "periodic" visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
 - e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer's disease, etc.).
 - f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
5. "Licensed health care provider": A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
6. "Family member": Spouse, child, parent or a person who stands "in loco parentis" to the employee.
7. "Covered Active Duty": (For purposes of the twelve (12)-week qualifying exigency leave) is defined as either duty during the deployment of a regular member with the Armed Forces to a foreign country; or duty during the deployment of a reserve member with the Armed Forces to a foreign country under a call to order to active duty under a provision of law referred to in § 101(a)(13)(B) of Title X, United States Code.
8. "Covered Service Member": Means either:
- a. A member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - b. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces,

including a National Guard or Reserves Member, at any time during the five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy.

9. **Outpatient Status:** The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
10. **Next Of Kin:** The term "next of kin" used with respect to a service member means the nearest blood relative of that individual.
11. **Serious Injury Or Illness:** (For purposes of the twenty-six (26) week military caregiver leave) means: for active service members, an injury or illness incurred in the line of duty or that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty and that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. For purposes of a veteran, a qualifying injury or illness that was incurred in the line of duty or that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty and manifested itself before or after the member became a veteran.
12. **Qualifying Exigency:** (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:
 - a. Up to seven days of leave to deal with issues arising from a covered military member's short notice deployment, which is a deployment on seven (7) or fewer days notice.
 - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
 - c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
 - d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney,

transferring bank account signature authority, or preparing a will or living trust.

- e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- f. Rest and recuperation leave of up to five (5) days to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment.
- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. Any qualifying exigency which arose out of the covered military member's active duty or call to active duty status.

C. Leave Entitlement.

To be eligible for Family Medical Leave under this policy, an employee must meet all of the following conditions:

- 1. Worked for the Employer for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
- 2. Actually worked at least one thousand fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
- 3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.

D. Use of Leave.

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

- 1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in

the relevant policy. All paid leaves are to be used during or concurrent with the FMLA Leave before unpaid FMLA leave. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.

- a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
 - b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.
2. **Birth of An Employee's Child:** An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave, then vacation leave, prior to using unpaid leave for the remainder of the twelve (12) week period.
 3. **Placement of a Child for Adoption or Foster Care:** An employee who takes leave for the placement of a child for adoption or foster care must use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
 4. **Employee's Serious Health Condition or Family Member's Serious Health Condition:** An employee who takes leave because of his serious health condition or the serious health condition of his family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

E. FMLA and Disability/Workers' Compensation.

An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using workers' compensation benefits, the Employer may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the workers' compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can the Employer require him to do so, while the employee is receiving compensation from such a program.

F. Procedures For Requesting FMLA Leave.

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the Employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The Employer will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the Employer's operations.

G. Certification of Need for FMLA Leave.

An employee requesting FMLA leave due to his own or his family member's serious health condition must provide a doctor's certification of the serious health condition, which when requesting for the family member must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

The Employer, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The Employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the Employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the Employer. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider approved jointly by the Employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly

(duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within fifteen (15) days.

H. Intermittent/Reduced Schedule Leave.

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Employer. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the Employer establishing the medical necessity for intermittent leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Manager or designee to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations.

I. Employee Benefits.

Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occur while the employee is on leave.

The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his portion of the premium is late by more than thirty (30) days. If the

employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance benefits the employee received through the Employer during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leaves times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

J. Reinstatement.

An employee on FMLA leave must give the Employer at least two business days notice of his intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

An employee will not be laid off as a result of exercising her right to FMLA leave. However, the Employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during her FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of his position, with or without reasonable accommodation.

The employee may also be required to submit to a fitness for duty examination if there is reason to question the employee's fitness for duty at the conclusion of the FMLA leave and request to return to work.

K. Records.

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

VILLAGE OF GRANVILLE
PERSONNEL POLICY MANUAL
RECEIPT

I acknowledge receipt of this manual and understand and agree that I am responsible for knowing its contents.

I further acknowledge and understand that this manual does not create a contract of employment with the Village for any purpose. I agree and understand that any and all provisions of this personnel policy manual may be modified or eliminated, without advance notice to me, at any time.

Issued To: _____

Signed: _____

Date Received: _____