

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE 2026-06**

**REPEALING AND REPLACING SECTION 252.06 “PERSONNEL POLICY  
MANUAL” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF  
YELLOW SPRINGS, OHIO AND APPROVING REVISED PERSONNEL  
POLICY MANUAL**

**WHEREAS**, at the recommendation of the Village Manager and Village department heads, the Village’s Personnel Policy Manual required thorough review and revision; and,

**WHEREAS**, Village department heads invested many hours in the review and proposed revisions and now recommend same to Village Council; and,

**WHEREAS**, Approval authority of the Village’s Personnel Policy Manual rests with Village Council per Section 82 of the Village Charter; and,

**WHEREAS**, the Village Solicitor recommends revision of Section 252.06 of the Village’s Codified Ordinances to eliminate the need to revise the codified ordinances whenever the Personnel Policy Manual is updated; and,

**WHEREAS**, Village Council accepts the recommendations of staff and the Village Solicitor to approve the revised Personnel Policy Manual and revise Section 252.06 of the Village’s Codified Ordinances as set forth herein,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:**

**Section 1.** Section 252.06 entitled “Personnel Policy Manual” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

**Section 2.** A new Section 252.06 entitled “Personnel Policy Manual” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as follows with new language underlined and **bolded** and deleted language in ~~strikethrough~~.

~~Council does hereby approve and adopt the revised Personnel Policy Manual dated January 2022, which is hereby incorporated by reference in its entirety.~~

**In accordance with Section 82 of the Village Charter, Council has approved a Personnel Policy Manual, along with updated versions from time to time. Revisions to the Personnel Policy Manual are to be approved by Council by ordinance, with the most current version hereby incorporated by reference**

**in its entirety. The most current version of the Personnel Policy Manual will be made available for review in the office of the Clerk of Council.**

**Section 3.** The revised Personnel Policy Manual dated April 2026 is hereby approved in a form substantially similar to Exhibit A.

\_\_\_\_\_  
Gavin Devore Leonard, President of Council

Passed:

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

**ROLL CALL:**

Gavin DeVore Leonard\_\_\_\_ Angie Hsu\_\_\_\_ Carmen Brown\_\_\_\_  
Senay Semere\_\_\_\_ Stephanie Pearce\_\_\_\_

**VILLAGE OF YELLOW  
SPRINGS  
PERSONNEL POLICY  
MANUAL**

~~January 2022~~ **April 2026**

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## **INTRODUCTION**

### **~~010 Manager's Message and Organizational Chart~~**

*Effective Date:* ~~1/1/2022~~

~~Every employee helps to make our Village successful. This Personnel Policy Manual provides information and benefits available to eligible employees. If you have questions about anything in this manual or matters that are not addressed, speak with your supervisor or department head.~~

~~Sincerely,~~

~~Josue Salmeron,  
Village Manager~~

## **SECTION I: INTRODUCTION**

### **020 Introduction to this Purpose of the Personnel Policy Manual**

*Effective Date: 01/20/2022*

This Employee Personnel Policies Manual has been prepared to provide guidelines for employee conduct at the Village of Yellow Springs.

This Policy Manual explains what the Village expects of employees and what they may expect from the Village as well as information about many of the benefits of working here. More complete details about insured benefits are provided in certain benefit plan documents, insurance booklets and contracts with benefit providers.

This Policy Manual contains information, policies, rules and regulations that apply to you but is not exhaustive, as other applicable policies, either written or unwritten (~~i.e. Police Department General Orders~~) may exist including employment regulations approved by Council under Section 81 of the Village Charter. Section 82 of the Village Charter specifies that amendments to this Personnel Policy Manual must be approved by an ordinance of Village Council. Therefore, the Village of Yellow Springs retains the right to add new policies, change policies or cancel policies at any time. When changes to this manual are made, every attempt will be made by staff to give advance notice. Understand the contents of this Policy Manual are not intended to and do not form a contract, either expressed or implied, nor is this manual intended to provide any certain benefit. It is for information purposes only. The Village's interpretation of any of the policies in this manual is final and binding. This version of the Policy Manual supersedes all prior versions on its effective date.

### **025 Employee Receipt/Acknowledgement**

~~I have received a copy of the Village of Yellow Springs Personnel Policy Manual and understand that I am responsible for learning the policies in the manual. I understand that I have the right to ask questions about anything I do not understand. I understand and acknowledge that employment relationship with the Village is at will and based on the mutual consent of each employee and the Village of Yellow Springs.~~

~~I further understand that a copy of this Manual is available digitally and also kept in each department and supervisor's office for review at any time. I understand that it is my responsibility to ask my supervisor for clarification of any policy. I understand this Manual is not an employment guarantee or employment contract, either express or implied, nor does it create any rights for my employment that are not established by law. I understand the Village reserves the right to interpret, modify, revoke, suspend, terminate, or change this manual and the Village will distribute updates and clarifications as needed to ensure that the manual remains consistent with various local, state and federal laws.~~

~~(Please print or type name, then sign and date (or input digital info))~~

~~Once this page is signed and dated, it will be placed in the Employee's Personnel File.~~

~~2~~

~~Effective January 2022~~

## **030 Values Statement**

*Effective Date: 01/20/2022*

### **Overview of the Village of Yellow Springs**

Yellow Springs, established in 1804, is a dynamic community that seamlessly combines rural charm with modern conveniences. Conveniently situated near major highways and Wright-Patterson Air Force Base, the Village boasts a lively downtown, a range of local services, and a rich cultural arts scene. Surrounded by picturesque parks and nature preserves, Yellow Springs offers abundant outdoor recreational opportunities, including access to the Little Miami Scenic Trail. With a strong commitment to innovation, sustainability, and inclusivity, the Village is guided by a forward-thinking administration dedicated to fostering responsible growth and delivering exceptional service.

### **020 Introduction to this Policy Manual**

#### **Organizational Structure**

The organizational structure of the Village of Yellow Springs periodically adopts a Values Statement approved by Village Council and employees are expected to perform their duties in a manner consistent with those values, including the obligation to treat everyone with respect, help people, solve problems, and create a positive outcomes. The most current approved summaries outlining Council's values and goals are available from the Village Manager or Council Clerk. provides a visual representation of how our

departments and staff are organized. The high-level organizational chart shows the relationships between different roles within the Village, helping to clarify how the organization is structured to serve the community.

## **SECTION 2: EMPLOYMENT – GENERAL POLICIES**

### **101 Nature of Employment**

*Effective Date: 01/20/2022*

With the exception of elected officials (Council Members and the Mayor) and those directly appointed by them (Clerk of Council, Treasurer, Solicitor, ~~Clerk of Courts~~), the Village Manager appoints and removes all Village employees based upon merit and fitness. ~~Employment with the Village of Yellow Springs is at will and the employee is free to resign at will at any time, with or without cause.~~ Similarly, the Village is free to terminate the employment relationship at any time, consistent with the terms of the manual, for reasons not contrary to law. The provisions of this manual have been developed to provide clear guidelines regarding employment. ~~Village Council's expectation is that the Village Manager will meet and confer with employee representatives of Village departments and attempt to reach consensus prior to recommending changes to this manual to Council for approval.~~ The final authority for changes in this manual rests with Council.

### **102 Employee Relations**

*Effective Date: 01/20/2022*

Based on comparative data, the working conditions, wages and benefits the Village offers to its employees are competitive and designed to attract and retain qualified employees. If employees have concerns about working conditions or compensation, they should voice these concerns openly and directly first to their supervisors, then to the Village Manager or Human Resource Officer.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear and attitudes can be positive. The Village of Yellow Springs desires to demonstrate its commitment to employees by responding effectively to employee concerns.

Section 83 of the Village Charter restricts Council Members from interfering directly with Village employees who are under the supervision of the Village Manager. If you have a

concern about contact from an elected official related to your employment or job duties, advise your supervisor or the Village Manager.

## **103 Equal Employment Opportunity and ADA Compliance**

Effective Date: 04/20/2022 \_\_\_\_\_ /2023

The Village of Yellow Springs is an equal opportunity employer. In order to provide equal employment and advancement opportunities to all individuals, employment decisions will be based on merit, qualifications and abilities.

The Village does not discriminate in employment opportunities or practices on the basis of race, color, religion, national origin, ancestry, age, handicap/disability, sex, pregnancy, sexual orientation, gender identity, genetic information, or veteran or military status. The Village will make reasonable accommodations for qualified individuals with disclosed disabilities unless doing so would result in an undue burden. All employment practices, including, but not limited to, hiring, promotion, transfer, discipline, separation, layoff, compensation, training, and terms, conditions, and privileges of employment, are administered without regard to these protected classifications.

The Village of Yellow Springs is committed to complying fully with the Americans with Disabilities Act of 1990 as amended (ADA) ensuring equal opportunity in employment for qualified persons with disabilities. The Village will make reasonable accommodations for qualified individuals with disclosed disabilities unless doing so would result in an undue hardship burden. If you need an accommodation, ask please see the Village Manager!

Any employee who believes they have been discriminated against or subjected to harassment, or have observed discrimination in the workplace are required to bring these issues to the attention of the Human Resources Officer or the Village Manager. It is the Village's policy to investigate such reports promptly and thoroughly. The Village prohibits retaliation of any kind against any individual who files a charge of discrimination or participates in an investigation.

~~The Village's hiring procedures provide otherwise qualified persons with disabilities meaningful employment opportunities. The Village may make pre-employment inquiries regarding an applicant's ability to perform essential duties of the position and require post-offer medical examinations for all positions, including for positions which have a bona fide job-related physical requirement. Such exams are given only after conditional job offers have been made.~~

~~Reasonable accommodation is available to disabled employees if the disability affects performance of essential job functions and the accommodation can be made without undue hardship to the Village. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. Employees shall initiate all requests for accommodation directly to the employee's supervisor. The employee and supervisor may~~

~~meet and discuss whether a requested accommodation is appropriate and, if applicable, the parameters of the accommodation to be provided, which may require additional review. All employment decisions are based on legitimate nondiscriminatory factors in accordance with defined criteria, not the disability of the individual.~~

~~Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments and classifications. The Village does not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. The Village follows federal, state and local laws that provide individuals with disabilities greater protection than the ADA does.~~

~~Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Village Manager or the Human Resource Officer. Any employee can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including discharge.~~

## 104 Ethics and Conflicts of Interest

*Effective Date: 01/20/2022*

Village of Yellow Springs employees are public servants subject to Ohio ethics laws as well as Village charter and ordinances. Village employees owe a duty to the Village of Yellow Springs and its citizens to earn the continued trust and confidence of the public.

As an organization, the Village of Yellow Springs will comply with all local, state and federal laws and regulations. All employees are expected to conduct the business of the Village in accordance with ~~the letter, spirit and intent of~~ all relevant laws and not do anything that is illegal, dishonest or unethical.

~~The Village of Yellow Springs strives to avoid real or potential conflicts of interest. If you have questions about conflicts of interest, the Village Manager may provide clarification upon request. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee, or for a person or party associated with that employee, as a result of the Village's business dealings. The Village does not automatically assume that there is a conflict of interest by the mere existence of a relationship. However, if employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to the Village Manager the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. Personal gain may result not only in cases where an employee or connected person or party has significant ownership in a firm with which the Village does business, but also when an employee or connected person or party receives any benefit, whether financial or other or special consideration as a result of any transaction or business dealings involving the Village.~~

Conduct that is illegal or may bring discredit to the Village will not be tolerated. In recognition of this responsibility and in accordance with Ohio Revised Code Chapter 102 and section 2921.42, no employee shall:

1. Use their position with the Village for personal gain or engage in any transaction which is in conflict with the proper discharge of the employee's official duties.
2. Use or disclose confidential or proprietary information concerning the property, government, or affairs of the Village without proper legal authorization.
3. Solicit or accept anything of value, whether in the form of services, loans, items, or promises from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in conducting business with the Village.

4. Accept from any person, firm, or corporation known to be doing business with the Village, any material or service for the private use or benefit of the employee.
5. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or may impair independent judgment or action in the performance of official duties.
6. While an employee, or for one (1) year thereafter, represent another person before a public agency on any matter in which the employee personally participated as an employee.
7. Receive or agree to receive outside compensation for services rendered in a matter before any office or department of the Village, unless excepted as provided in Revised Code section 102.04.
8. Have a personal interest in a contract with the Village or use their position or authority to secure approval of a public contract in which the employee, a member of the employee's family, or a business associate has an interest.

If you are not sure if an action is ethical or proper, you should discuss the matter openly with your ~~supervisor,~~ department head or Village Manager. ~~In addition to in-house resources, free fact sheets and training about common ethics questions are available by visiting the Ohio Ethics Commission website at ethics.ohio.gov.~~

Employees shall be provided with a copy of Ohio's Ethics Laws, Revised Code Chapter 102 and Section 2921.42, at commencement of employment.

All employees hired after the effective date of this policy shall complete at least one hour of ethics training offered by the Ohio Ethics Commission within 30 days of beginning work, and submit certificates of completion for their personnel files.

It is the responsibility of every Village employee at every level to comply with our policy of ethics and conduct. Employees who ignore or do not comply with this standard of ethics and conduct may be subject to disciplinary action, up to and including termination of employment.

## **105 Nepotism**

*Effective Date: 01/20/2022*

The purpose of this section is to prohibit In accordance with state ethics laws, Village employees ~~from misusing~~ may not misuse or abuse their positions for

their own personal benefit or ~~the benefit~~that of their family members or business associates, ~~and to minimize and avoid serious~~. Further, they must at all times avoid conflicts ~~and problems with~~of interest and situations that could be viewed as showing favoritism ~~and~~or adversely affecting employee morale.

~~Any Village employee is~~ employees are prohibited from authorizing or influencing the hiring or employment of a family member. A “family member” includes the following relatives and individuals, regardless of where they reside: 1) spouse; ~~2) or domestic partner with whom the employee shares a household;~~ 2) children, including foster children (whether dependent or not); 3) siblings; 4) parents; 5) grandparents; 6) grandchildren; 7) step-children; 8) step-parent(s); 9) cousin; 10) niece; 11) nephew; 12) aunt; 13) uncle and 14) in-laws. It also includes any other person related by blood or marriage living in the same household, ~~and any domestic partner/co-habitant in a relationship with the employee.~~

~~Besides prohibitions in hiring,~~ Village employees are also prohibited from participating in ~~matters of~~ their family member’s terms of employment, including: 1) changes in compensation or benefits; 2) evaluations; and 3) actions involving discipline, promotions, layoffs and termination. Even if employees are related and none of these issues occur because the employees are in different departments, the Village may identify internal controls issues during audits and other reviews which must be addressed alternative reporting channels to reduce the appearance of impropriety.

If a ~~family member~~ familial relationship (as defined above) is established after employment, the individuals concerned must ~~report~~ disclose this to their supervisors ~~and will decide who resigns or is transferred, assuming a vacancy exists for which one or both of the individuals is qualified. If such decision is not made within 30 calendar days, the Village Manager will decide based on the relative seniority and performance of the individuals involved.~~

Although the Village of Yellow Springs does not prohibit employing relatives of current employees ~~with current employees~~ that are not prohibited by ethics laws, the Village Manager will monitor these situations when the employees are in the same ~~area~~ department. In case of actual or potential problems in the chain of report, the Village Manager will ~~take quick action. This can include~~ consider reassignment or, if necessary, termination of employment ~~for of~~ one or both of the people involved. ~~If you are in a close personal relationship with another employee, you are required to avoid displays of affection or excessive personal conversation at work. The Village Manager can, when circumstances warrant, waive the anti-nepotism provisions of this manual. In such cases the principals may be subject to monitoring to forestall preferential treatment or questionable behavior, such as public displays of affection.~~

## 106 Public Records Policy and Compliance

*Effective Date: 01/20/2022*

Village Codified Ordinance Chapter 210 contains the entire public records policy and fees as approved by Village Council. For audit compliance purposes, the sections are repeated here but may be subject to revision of Council without amendment of this Personnel Policy. See VCO 210.02 for fees.

VCO 210.01:

(a) The Clerk of Council is designated as the primary office of responsibility for the processing of requests for public records from the Village. All requests for public inspection of public records received by any officer or employee of the Village shall be referred to the Clerk of Council for processing, except that:

(1) Records created through the normal operation of the Department of Public Safety shall be processed through the Department of Public Safety, including, but not limited to accident reports, investigative reports, internal and external correspondence and police personnel records. Release and/or inspection of such records shall be in accordance with the procedures set forth in the Department of Public Safety.

(2) Records created through the normal operation of the Planning and Zoning

Department shall be processed through that Department, including but not limited to maps, aerial photography, building inspections, internal and external correspondence, violations and notices.

A. Such records shall be available for inspection and/or release Monday through Friday, 10:00 a.m. to 4:00 p.m.

B. Fees for reproduction of records shall be as described in Section 210.02.

C. Public records shall be made available for inspection and/or release promptly following the receipt of any such request. The length of time necessary to produce the records(s) for inspection and/or release will vary, depending on the location of the record, as well as the media on which the record is stored.

1. The Planning and Zoning Department shall, however, make every effort to produce the record(s) for inspection within two working days of the date the request is received.

2. If the record(s) cannot be produced for inspection and/or release within two working days, the Planning and Zoning Department will inform the requestor of the specific reasons for the delay and establish a specific time when the record(s) will be available. A written memorandum of the facts and circumstances causing the delay will be maintained by the Planning and Zoning Department.

3. Requests for records which may be exempt from disclosure by law shall be referred to the Village Solicitor. Whenever possible the Village Solicitor shall render a written opinion, within two working days, as to whether the record(s) may be inspected or released, and provide a copy of said opinion to the Planning and Zoning Department and the requestor. The

Village Solicitor is authorized to file, on behalf of the Village, any legal action necessary to protect the Village's interest regarding the release of documents not authorized by law.

(3) Records created through the normal operation of the Mayor's Court shall be processed through the Clerk of Court.

~~A. Fees for reproduction shall be described in Section 210.02.~~

~~B. Such records shall be promptly prepared and made available for inspection Monday through Friday, 9:00 a.m. to 3:00 p.m. The length of time needed to prepare the record(s) will vary, depending on the size of the request.~~

1. The Clerk of Court shall, however, make every effort to produce the record(s) for inspection within two working days of the date the request is received.

2. If the record(s) cannot be produced for inspection and/or release with two working days, the Clerk of Court will inform the requestor of the specific reasons for the delay and establish a specific time when the record(s) will be available. The Clerk of Court will maintain a written memorandum of the facts and circumstances causing the delay.

C. Prepayment shall be required in advance for all records requests including records to be faxed and mailed. Said prepayment shall include the costs of mailing supplies, postage and long distance fax charges. Large and/or extraordinary requests may require extra time for the preparing of such records.

(b) No form is needed to request the release or inspection of public records.

(c) Such records shall be available for inspection and/or release Monday through Friday, 10:00 a.m. to 4:00 p.m. Public records shall be made available for inspection and/or release promptly following the receipt of any such request. The length of time necessary to produce the record(s) for inspection and/or release will vary, depending on the location of the record as well as the media on which the record is stored.

(1) The Clerk of Council shall, however, make every effort to product the record(s) for inspection within two working days of the date the request is received.

(2) If the record(s) cannot be produced for inspection and/or release within two working days, the Clerk of Council will inform the requestor of the specific reasons for the delay and establish a specific time when the record(s) will be available. The Clerk of Council will maintain a written memorandum of the facts and circumstances causing the delay.

(d) Request for records that are subject to the Health Insurance Portability Accountability Act (HIPAA) privacy regulations shall comply with the requirements set forth by the Village Manager. All such request for the release or inspection of records subject to HIPAA shall be in writing.

(e) Request for records which may be exempt from disclosure by law shall be referred to the Village Solicitor. Whenever possible, within two working days of the receipt of such referral, the Village Solicitor shall render a written opinion as to whether the record(s) may be inspected or released and provide a copy of said opinion to the Clerk of Council and the requestor. The Village Solicitor is authorized to file, on behalf of the Village, any legal action necessary to protect the Village's interest regarding the release of documents not authorized by law.

(f) Council shall approve a fee schedule for the reproduction of records. The Clerk of Council, Clerk of Courts, Police Department, Village Administration and the Planning and Zoning Department shall determine the cost of media types or records not contained on the fee schedule on a case-by-case basis.

(1) Records shall be available on the media created through the normal operations of the Village.

(2) Prepayment will be required for large and/or burdensome requests, as well as for records to be faxed or mailed. Said prepayment shall include the costs of mailing supplies, postage and long distance fax charges.

(Res. 2004-58. Passed 10-18-2004.)

## **107 Immigration Law Compliance**

*Effective Date: 01/20/2022*

The Village of Yellow Springs is committed to employing only individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee shall complete the Employment Eligibility Verification Form I-9 and present documentation to establish identity and employment eligibility. Former employees who are rehired after 3 years of absence must complete a new I-9 form.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Village Manager or Human Resource Officer.

## **108 Outside Employment**

*Effective Date: 01/20/2022*

Employment with the Village takes priority over any outside employment. Any Village employee, other than police department employees, may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the Village. (See Police Department [General Orders Policies](#)). All employees will be judged by the same performance standards and will be subject to the Village's scheduling demands, regardless of any existing outside work requirements. Exceptions to Village policies and performance standards will not be made for employees due to circumstances created by outside employment. Specifically, outside work does not excuse poor job performance, absenteeism, tardiness, or leaving early, etc.

If the Village determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Village as they are modified from time to time, the employee may be asked to adjust or terminate the outside employment.

## **109 Job Posting**

*Effective Date: 01/20/2022*

~~The Village's primary goal in filling vacant positions is to find the most qualified candidates. Whenever a position becomes available at the Village, the Village Manager will determine whether to post the job internally, externally, or both. When a position is posted internally, the Village will provide existing employees with an opportunity to indicate their interest in the open position within the organization according to their skills and experience.~~

~~When a position is posted only internally, the position information and deadline for applying will be posted on employee bulletin boards, and will normally remain open 5 weekdays. There may be instances where the posting remains open for a shorter period. If the internal posting fails to provide a qualified internal candidate, the position will then be posted externally, including the Village's website and other advertising platforms as appropriate.~~

~~When a position is being posted both internally and externally, current employees may apply for the position any time during the public posting period and are not limited to just the internal posting period. Other recruiting in conjunction with internal recruitment will be used to fill open positions.~~

~~To apply for an open position, submit a job-posting application to the department head for which the position is offered. Regardless of whether a position is posted internally, externally, or both, all positions will be filled based on merit and fitness alone.~~

Additionally, employees are prohibited from engaging in outside employment or business relationships with contractors or vendors who have been hired by the Village. This includes any direct or indirect involvement in work that creates a conflict of interest, disrupts the employee's ability to fully commit to their duties with the Village, or raises concerns about the impartiality of the employee's role. Employees must avoid any outside employment or contractual relationships that could present a real or perceived conflict of interest with their responsibilities as a Village employee.

Effective January 2022

~~In considering internal applicants for vacant positions, the Village will take into account the employee's performance and discipline records, attendance record, and the skills and job knowledge demonstrated by the applicant.~~

## **SECTION 3: EMPLOYMENT – STATUS AND RECORDS**

### **201 Employment Categories and Classifications**

*Effective Date: 01/20/2022*

The Fair Labor Standards Act (FLSA) is a federal law that sets minimum wage, overtime pay, recordkeeping, and child labor standards requirements for both employers and employees covered by the Act. As a federal law, it preempts state wage and hour requirements, unless the state guidelines are more beneficial to the employee.

The FLSA specifies that non-exempt employees must be paid at least the current federal minimum wage rate for the first 40 hours worked in a workweek (seven consecutive 24-hour periods) and must receive an overtime rate of at least time and one-half their regular rate of pay for all hours worked over 40 in a workweek.

The following employment categories are described so that employees understand their employment status and eligibility for certain benefits.

**Non-Exempt Employees:** Employees who are not expressly exempt from the federal Fair Labor Standards Act, which governs the payment of minimum wage and overtime to most employees will be paid at the overtime rate of time and one-half for hours worked over 40 hours in a workweek, if they have obtained supervisor direction or preapproval to work overtime. \*\*Police Department overtime is calculated in accordance with the specific process set forth in **Section 409** of this manual.

**Exempt Employees:** Employees who are expressly exempted from the FLSA requirements to pay minimum wage and overtime include those designated based on their job duties as executive, administrative, and professional, as well as select information technology personnel. They are paid a salary and no overtime for hours worked in excess of 40 hours in a workweek.

~~Persons employed by the Village of Yellow Springs are nonexempt employees except for the following, who are exempt employees:~~

- ~~1. Persons appointed directly by elected officials (Clerk of Council, Clerk of Mayor's Court, Solicitor, Treasurer, Village Manager);~~
- ~~2. Chief of Police, Finance Director, Zoning Administrator, Public Works Director, Community Outreach Specialist, Assistant VM~~

Persons hired in exempt positions may be transferred, reassigned, laid off, disciplined or removed at the discretion of the Village Manager, subject to the procedure set forth in this manual, ~~with the exception of employees listed in #1 above.~~

In addition to the above categories, each employee will belong to at least one other employment category:

## **201.1 Regular Full-time Employee**

*Effective Date: 01/20/2022*

Regular full-time employees are those who are not in a temporary or probationary status and who are regularly scheduled to work the Village's full-time schedule. Generally they are eligible for the Village of Yellow Springs' benefit package, subject to the terms, conditions and limitation of each benefit program. All new and rehired regular full-time employees are Probationary Employees and work on a probationary basis for a minimum of 12 months after their date of hire. Employees who are promoted or transferred within the Village of Yellow Springs must complete an additional secondary probationary period of twelve months with each reassignment to a new position.

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## 201.2 Regular Part-time Employee

*Effective Date: 01/20/2022*

Regular part-time employees are those who are not assigned to a temporary ~~or probationary~~ status and who ~~(may be, or)~~ are regularly scheduled to work less than the full-time work schedule. Regular part-time employees may be eligible for some benefits sponsored by the Village, subject to the terms, conditions and limitations of each benefit program.

All new and rehired regular part-time employees are Probationary Employees and work on a probationary basis for a minimum of 12 months after their date of hire. Employees who are promoted or transferred within the Village of Yellow Springs must complete an additional secondary probationary period of twelve months with each reassignment to a new position.

## 201.3 As Needed Employee

*Effective Date: 01/20/2022*

As needed employees are those who are not assigned to a temporary ~~or probationary~~ status and who work less than the full-time schedule but do not have regularly scheduled hours. All legally mandated benefits (such as pension and Worker's Compensation insurance) are provided to as needed employees. Some other Village sponsored benefits may also be available, subject to the terms, conditions and limitations of each benefit program.

All new and rehired as needed employees are Probationary Employees and work on a probationary basis for a minimum of 12 months after their date of hire. Employees who are promoted or transferred within the Village of Yellow Springs must complete an additional secondary probationary period of twelve months with each reassignment to a new position.

## 201.4 Temporary Employee

*Effective Date: 01/20/2022*

Temporary employees are those who are hired as interim replacements, to temporarily supplement the work force, to assist in the completion of a specific project, or as interns. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. All legally mandated benefits (such as pension and Worker's Compensation

insurance) are provided to temporary employees. Some other Village sponsored benefits may also be available, subject to the terms, conditions and limitations of each benefit program. All new and rehired temporary employees are Probationary Employees and work on a probationary basis for a minimum of 12 months after their date of hire. Employees who are promoted or transferred within the Village of Yellow Springs must complete an additional secondary probationary period of twelve months with each reassignment to a new position.

### **201.5 Volunteers**

*Effective Date: 01/20/2022*

~~Volunteers perform unpaid services for the Village, without expectation or receipt of compensation. For example, board and commission members appointed by Council are volunteers. Some volunteer positions may qualify for academic credit, or completion of court-ordered community service hours. Volunteers shall follow all rules for other employees when performing services for the Village.~~

### **202 Access to Personnel Files**

*Effective Date: 01/20/2022*

The Village of Yellow Springs maintains a personnel file for each employee and these files are the property of the Village. ~~The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases and other employment records.~~

Under Ohio's Public Records Law, public employee personnel files are public records open to inspection by employees as well as members of the public. ~~Copies are available upon request provided the cost of copies is paid. Certain personnel records are excluded from "public records" and remain confidential, including: social security numbers, criminal background checks, medical records and certain financial inquiries for which a record is made. Employees who wish to review their own file should contact the Village Manager or Human Resource Officer. With reasonable advance notice, employees may review their own personnel files in the presence of the Village Manager or Human Resource Officer. For further information on public records, please refer to the "Public Records Policy and Compliance" section of this Personnel Policy Manual.~~

~~Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited according to any other applicable law(s).~~

### **203 Employment Reference Checks**

*Effective Date: 01/20/2022*

~~The Village of Yellow Springs relies on the accuracy of the information you put on your employment application. It is absolutely necessary that you and your references give accurate and true information during the hiring process and employment. If we find that any information is misleading, false, or was left out on purpose, we may reject an applicant from further consideration. If the person was already hired, it could result in discipline including termination of employment.~~

~~To ensure that individuals who join the Village of Yellow Springs work force are qualified and have a strong potential to be productive and successful, it is our policy to conduct a background investigation, including reference and other checks, on all applicants who have reached the level of final consideration for employment. The Village reserves the right to discontinue consideration of any applicant, to withdraw an employment offer or to terminate a person who has already been hired, if the applicant or employee does not meet employment expectations upon completion of background investigation.~~

~~Only the Village Manager or Human Resource Officer is authorized to respond to reference check inquiries about current or former employees. Such inquiries should be submitted in writing. Except pursuant to public records requests, no employment data other than names and dates of employment will be released without a written authorization and release signed by the individual who is the subject of the inquiry; for example for security clearance inquiries or verification by financial institutions or the Ohio Public Employees Retirement System or Ohio Police and Fire Pension Fund. No one else at the Village of Yellow Springs is authorized to release such information. Any other employee who releases such information will be subject to disciplinary action if not authorized.~~

### **204 Personnel Data Changes**

*Effective Date: 01/20/2022*

~~(Deleted)~~

The Village is obligated to keep accurate personnel records. As soon as there is a change to your mailing address, telephone number, marital status, dependents' information, educational accomplishments, beneficiaries of your benefit plans, change of tax exemption and dependents, emergency contact info, etc. please contact [the Payroll Clerk. Failure to notify the Human Resource Officer Village of updates to your personnel data could have adverse consequences for you or your dependents.](#) [your supervisor, who will assist you in obtaining the appropriate form to update your information.](#)

## **205 Probationary Period**

*Effective Date: 01/20/2022*

This policy applies with respect to regular full-time ~~and~~ regular part-time, [as needed and temporary](#) positions. The probationary period is intended to give new employees, rehired employees, and newly transferred or promoted employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Village of Yellow Springs uses this period to evaluate employee capabilities, work habits and overall performance.

[During the probationary period, probationary employees can be discharged at any time, without cause and without a pre-disciplinary hearing.](#)

All new and rehired employees work on a probationary basis for a minimum of 12 months after their date of hire. Employees who are promoted or transferred within the Village of Yellow Springs must complete an additional secondary probationary period of six months with each reassignment to a new position. Any significant absence will automatically extend a probationary period by the length of the absence. Probation periods may be extended for a particular employee or position, within the Village Manager's discretion.

In cases of promotions or transfers within the Village, an employee who, in the sole judgment of the Village Manager, is not successful in the new position can be removed from that position at any time during the probationary period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the Village's needs.

Upon satisfactory completion of the probationary period, employees enter the “regular” employment classification.

During the probationary period, employees are eligible for those benefits that are required by law, and may also be eligible for other Village sponsored benefits, subject to the terms and conditions of each benefit program as outlined in Section 3 of this manual.

### **206 Employment Applications**

*Effective Date: 01/20/2022*

~~The Village of Yellow Springs relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsification, or material omissions in any of this information or data may result in the Village's exclusion of the individual from further~~

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## **SECTION 4: EMPLOYMENT – BENEFITS**

### **301 Benefits in General**

*Effective January 2022*

consideration for employment or if the person has been hired, discipline up to and including termination of employment.

## **207 Performance Evaluation**

*Effective Date: 01/20/2022*

Department heads and employees are strongly encouraged to discuss job performance and goals on an informal, day to day basis. Formal performance evaluations are conducted upon conclusion of an employee's probationary period in any new position and thereafter annually according to the schedule set by the Village Manager. This probationary period allows the supervisor and the employee to discuss and review the job responsibilities, standards and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals. The Village pay rates are defined in the form of a grid with numbered pay grades arranged vertically from low (on the bottom) to high, and with multiple lettered pay steps arranged horizontally from low (on the left) to high. Practice varies by department, but commonly a new employee is reviewed at the end of their probation period. If the review is exemplary they may be given a pay increase at that time. Future reviews and pay adjustments will happen on an annual basis thereafter, subject to the Finance Director's conformation that the pay adjustment is budgeted.

## **208 Pay Step Increases**

*Effective Date: 01/20/2022*

Under normal circumstances, all new employees shall begin their employment with the Village of Yellow Springs in the starting pay rate of the appropriate pay grade. The Village Manager may waive this requirement commensurate with experience. All pay plan increases shall be made solely on the basis of performance.

The total work performance of each employee shall be reviewed to determine whether or not a step increase is merited until such employee reaches the maximum rate for the applicable pay grade. The anniversary date shall be the date the employee began employment with the Village.

All employees must have a current work performance appraisal rating which exceeds expectations in order to be eligible for a step increase. The evaluation shall be accomplished using forms and procedures specified by the Village Manager.

Accelerated step increases submitted for consideration by a department head may be approved and granted by the Village Manager prior to the anniversary date when the employee's outstanding work performance merits such increases, and may also be applied retroactively in certain circumstances approved by the Village Manager.

## **EMPLOYMENT – BENEFITS**

### **301 Benefits in General**

*Effective Date: 01/20/2022*

Benefits eligibility is dependent upon a variety of factors, including employee classification. Supervisors or the Village Manager or Human Resource Officer can identify the programs for which an employee is eligible. Details of many of these programs can be found elsewhere in this manual.

The following benefit programs are available to all employees, subject to the requirements of each program:

- Auto Mileage Reimbursement
- Deferred Compensation Plan as approved by Council
- Employee Assistance Program
- Pension Plan, including Disability Benefits
- Wellness Program
- Workers' Compensation
- Medicare
- Unemployment Insurance

The following additional benefit programs are available through Policy Manual criteria to employees in certain job classifications:

- Use of Village Owned Car
- Bereavement Leave
- Dental Insurance
- Educational Financial Assistance
- Family Leave
- Holidays
- Jury Duty Leave
- Licensure Assistance
- Life Insurance
- Medical Insurance
- Medical Leave
- Membership Dues
- Personal Leave
- Sick Leave
- Swimming Pool Passes
- Uniforms
- Vacation Leave
- Voting Time Off

Some benefit programs require contributions from the employee, and some are fully funded by the Village of Yellow Springs.

Village employees are provided a wide range of benefits. A complete list of benefits for Village employees is maintained in the Village's Administration office. Questions regarding benefits or eligibility should be directed to the Human Resource Officer

## **302 Life Insurance**

*Effective Date: 01/20/2022*

The Village shall, for regular full-time employees, provide and pay premiums on group life insurance ~~in the principal sum of fifty thousand (\$50,000) per employee~~. Such life insurance shall be for employees only and not for dependents of employees and shall include an accidental death and dismemberment schedule. ~~Part-time employees may purchase life insurance in set increments through the Village but are responsible for full premium payment via payroll deduction.~~ Eligibility for life insurance shall be the same as eligibility for medical insurance coverage.

Group life insurance is provided for eligible employees. No extra payment in lieu of subscription will be made if an employee, for whatever reason, does not subscribe. Also available to all eligible employees is the opportunity to enroll in a voluntary life insurance policy paid for by the employee.

## **303 Medical Insurance**

*Effective Date: 01/20/2022*

The Village shall, for full-time employees, provide and pay partial premiums on a High-Deductible Health Savings Account benefit plan that includes coverage for routine and preventive care and prescription drugs. Such insurance shall also cover an employee's dependents.

~~Regular part-time employees who do not qualify for Village health benefits may opt in for medical insurance coverage through the Individual Coverage Health Reimbursement Arrangement ("IHCRA") with a portion of the premium paid by the Village in proportion to the employee's schedule compared to a full-time equivalent (FTE) in advance every month, based on anticipated schedule and market factors, and the remainder paid by the employee by payroll deduction. If the regular part-time employee does not work the anticipated schedule, or does not earn enough wages to pay the employee's portion of the premium amount from payroll deduction, the part-time employee shall reimburse the Village for the full premium payment within 10 days. Any eligible regular part-time employee may decline medical insurance coverage.~~

Effective January 1, 2027, if a ~~part-time~~full-time employee declines and provides proof of other adequate medical coverage (not extending to vision and dental) the Village ~~may~~will pay that employee an ~~one-time~~annual subsidy in an amount equal to 15 percent of the Village's annual premium cost for ~~single~~eligible coverage rounded to the nearest hundred dollars, to be paid quarterly at the end of each quarter. ~~As-needed part-time employees are not eligible for~~Eligible coverage is defined as the medical plan that the employee would otherwise qualify for if they had enrolled in the Village's health insurance-plan (e.g., a family plan).

Eligible full-time Village employees shall contribute to the cost of medical insurance at a rate of 15% by means of payroll deduction. Employees may not opt to cancel this coverage to save their contribution, unless the employee can show satisfactory proof of equivalent coverage from another source. Proof is to be submitted once a year to the Human Resource Officer payroll department. No extra payment in lieu of subscription will be made if an employee, for whatever reason, does not subscribe.

Eligible Village employees may choose to contribute to the Health Savings Account (HSA). Pre-tax contributions are made through payroll deduction and deposited to each employee's HSA to be used by the employee and family for eligible medical related expenses, including co-pays.

~~Elected officials of the Village are not employees as defined in this manual. However, Council Members and the Mayor may also opt in to Village medical insurance through IHCRA upon advance payment of the full monthly premiums, rather than payroll deduction. The Village shall not contribute to any portion of the cost of any elected officials' premium payments, or make any contributions to any elected official's HSA, but the elected official may make payroll deductions for deposit to an HSA.~~

~~By way of simplifying eligibility:~~

~~A. Full-time employees shall enroll in the group plan, or not enroll upon proof of other medical insurance coverage;~~

~~B. Regular part-time employees may participate in ICHRA or no plan; if proof of other coverage is provided, a one-time subsidy may be paid;~~

~~C. Elected officials may participate in ICHRA or not,~~

~~D. As needed/seasonal employees are not eligible for coverage.~~

## Swimming Pool Passes

All employees and members of their immediate families living in the same household are granted free admission to the Gaunt Park Swimming Pool during the regular season.

## **304 Paid Holidays**

*Effective Date: 01/20/2022*

The Village of Yellow Springs grants time off to all employees on the following holidays:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in May)
- Thanksgiving (fourth Thursday & Friday in November)
- Winter Holiday Eve (December 24)

- Winter Holiday (December 25)
- Floating Holiday (employee's choice) (Note: This day is calculated as a personal day on the employee's payroll check)

The following criteria are followed when administering holiday pay for eligible employees:

1. ~~4.~~ If a holiday falls on a Saturday, the preceding Friday will be observed as the holiday. If the holiday falls on a Sunday, the following Monday will be observed as the holiday, unless otherwise designated by the Village Manager.

- ~~4.2.~~ Holiday pay will be calculated based on the employee's straight time pay rate times the number of hours the employee would have normally worked on that day.
- ~~2.3.~~ Except for full-time employees of the Police Department, full-time and part-time non-exempt employees who work on a holiday will receive holiday pay and double their straight time rate for hours worked.
- ~~3.4.~~ As-needed employees who work on a holiday will receive their regular straight time pay. Time worked on the holiday will be counted as hours worked during the week. If the employee works more than 40 hours (including holiday work), he or she will be paid overtime for the hours worked over 40.
5. Regular full-time employees of the Police Department, because of rotation of hours and days off duty, are unable to observe holidays as specified above. They shall receive eight hours of holiday pay, or the salary equivalent for each of the specified holidays, such pay to be disbursed on or about December 1<sup>st</sup> of each year for all holidays falling in that calendar year.
6. Effective January 1, 2027 the above paragraph will be replaced with the following: Regular full-time employees of the Police Department, because of rotation of hours and days off duty, are unable to observe holidays as specified above. When working holidays, they shall receive time and a half. They shall also receive eight hours of holiday pay to be disbursed on or about December 1<sup>st</sup> of each year for all holidays falling in that calendar year.
- ~~4.~~
- ~~5.7.~~ If a holiday falls during an employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.
- ~~6.8.~~ Paid time off for holidays will be counted as hours worked for the ~~purposed~~purpose of determining whether overtime pay is owed.

### ~~305-Vacation~~305Vacation Leave

~~Effective Date: 07/01/2014~~

The Village of Yellow Springs will grant vacation time off with pay to full-time and part-time employees to provide opportunities for rest, relaxation and personal pursuits.

Full-time and probationary (in full-time position) employees shall accrue vacation as follows:

Length of Service	Bi-weekly accrual rate Days per Year	
Less than <del>five</del> <u>(5)</u> years of service <u>15</u> days	<del>3.08</del> <u>4.61</u> hours per pay	<del>40</del>
Over <del>five (5) years, but less than</del> Ten (10) complete years of service	<del>4.61</del> hours per pay	<del>15</del> days
Over <del>ten (10) years, but less than</del> days twenty (20) complete years of service	6.15 hours per pay	20
Over <del>twenty</del> <u>Twenty</u> (20) <u>complete</u> years, but less than hours per pay <del>24</del> <u>25</u> days	<u>of service or more</u>	<del>7.69</del> <u>6.46</u>

The Village will accept prior service credits for accrual calculation. Employees will be required to prove years of service with retirement statements or previous employer certification.

~~twenty-one (21) complete years of service~~  
Over ~~twenty-one (21) years, but less than~~ 22 days  
~~twenty-two (22) complete years of service~~

Over twenty-two (22) years, but less than ~~7.08 hours per pay~~ ~~23 days~~  
~~twenty-three (23) complete years of service~~

Over twenty-three (23) years, but less than ~~7.39 hours per pay~~ ~~24 days~~  
~~twenty-four (24) complete years of service~~

Over twenty-four (24) years ~~7.69 hours per pay~~ ~~25 days~~

Overtime hours shall not be used when computing an employee's vacation accrual. Probationary and regular part-time employees accrue vacation leave at a rate proportionate to the employee's part-time work schedule. For example, a part-time employee who is scheduled to work an average of 24 hours per week, will accrue vacation leave at the rate of .6 times the hours per pay listed above.

The following provisions shall be applicable in administering vacation time off for Village employees:

1. Employees can request use of vacation time after it has been earned. The Village Manager or Human Resource Officer is the only person authorized to grant vacation leave requests for department supervisors. Employees should request advance approval from their supervisors through the use of a leave request form. Responses to vacation leave requests will be made as soon as possible. Requests will be reviewed and granted or denied based on a number of factors, including Village organizational needs and staffing requirements.
2. Full-time and part-time employees can use vacation time in quarter hour increments.
3. Since the absence of employees impacts the organization, each day of vacation requested shall require at least a day of notice for each day requested: i.e., one day advance notice for one day of vacation, five days advance notice for five days of vacation. This notice requirement may be lengthened by the supervisor in the case of scheduling problems. [A department head may waive the notice requirement at their discretion based on operational needs.](#)
4. Vacation time off is paid at the employee's regular pay rate and does not include overtime or premium pay.
5. In the event that available vacation is not used by the end of the calendar year, employees may carry over a maximum of one hundred sixty (160) hours of accrued unused vacation leave to the

next calendar year. In cases when scheduling difficulties prevent a supervisor from approving vacation for an employee so that unused vacation leave is in excess of one hundred sixty (160) hours, the Village Manager may approve an extension for taking the excess vacation by six (6) months.

6. Upon termination of employment, including death, employees will be paid for unused vacation time that has been earned through the last day of work at his or her regular rate of pay at the time. In the event of death, the Village may require proof of a fiduciary appointment for final payment.

## 306 Sick Leave

*Effective Date: 01/20/2022*

Regular and probationary employees regularly scheduled to work 24 hours or more per week shall accrue sick leave and be eligible to use such sick leave accrual at a rate of four and six-tenths (4.6) hours of sick leave for each completed eighty (80) hours of service. For full-time employees, this equates to 15 eight-hour days per year; for part-time employees averaging 20 hours per week, this equates to 15 four-hour days per year. ~~Temporary employees are not entitled to paid sick leave. Part-time, seasonal and temporary employees hired after the effective date of this policy are not entitled to sick leave accumulation and are prohibited from carrying over any accrued sick leave from another public employer for use at the Village of Yellow Springs.~~

~~Eligibility commences the first day of the month following the date of hire.~~

Sick leave shall be used in increments of one-quarter (0.25) hour ~~on a last in/first-out basis.~~

The following provisions ~~are applicable~~ apply to all Village employees ~~regarding the usage of sick leave accrual:~~

1. An employee may use sick leave with the approval of ~~the~~ their supervisor ~~for~~ on account of absence due to ~~only~~ the following ~~specified reasons and for no other reasons.:~~

A. Illness or injury of ~~such~~ the employee.

~~B. Exposure of such employee to a contagious disease or quarantine of the employee or a household member. Subject to supervisor approval, an employee may use sick leave in combination with a reduced "work from home" schedule if circumstances permit, even if such reduction would otherwise reduce the employee's full-time schedule to a part-time schedule.~~

~~C.~~ B. Illness ~~in the~~ of a member of employee's immediate family ~~requiring the absence from work of~~ that requires the employee to provide care to the family member. The employee's "immediate family" means the employee's spouse, children, parents, spouse's parents and any other person living in the employee's household, unless ~~such provision~~ this requirement is specifically waived by the employee's supervisor and the Village Manager. Extended periods of sick leave shall be governed by the Family Medical Leave Act under Section 317.

~~D.~~ C. Scheduled appointments with medical providers.

2. ~~2. Each employee~~ Employees shall notify ~~his / her~~ their immediate supervisor in case of absence from work as soon as the employee is aware of the ~~pending absence~~ impending need to use leave time (scheduled doctor appointment the following day, for example). In cases where the absence is ~~unexpected~~ unforeseeable, the employee shall provide notice as soon as possible and at least 30 minutes prior to the employee's scheduled starting time and in no case later than the regular starting time of the workday.

3. ~~3.~~ Sick leave from another Ohio public employer may be carried over upon receipt of confirmation of balance from the previous employer for full-time employees only. Unused sick leave ~~is allowed to~~can accumulate (roll over) without limit for each employee.

4. ~~4.~~ Except for disciplinary suspensions and absences of one day or less, employees on ~~leave~~leaves of absence without pay shall not accrue sick leave during the period of such absence. Fraudulent use or abuse of sick leave may result in disciplinary action.

5. ~~5.~~ Upon retirement and eligibility for the State of Ohio pension fund, ~~from Village service, employees shall receive payment for one-fourth of accrued but unused sick leave at his or her regular rate of pay at the time of retirement. For example, if the employee had 1,000 hours of accrued but unused sick leave at the time of retirement, he or she would receive payment for 250 hours of sick leave time. Payment will extinguish all accrued but unused sick leave.~~

or upon ~~6.~~ ~~Upon~~ separation from Village service with proper notice and in good standing, employees may elect:

(1) ~~(1) to~~ To receive payment for ~~one-fourth of~~ accrued but unused sick leave, ~~at his or her~~ 25% of the employee's regular rate of pay at the time of retirement or separation (any payment for sick time renders all sick leave hours lost for all purposes, including future transfer of sick leave to another Ohio state agency employer); or

(2) ~~(2) to~~ To transfer all accrued but unused sick leave to ~~the~~ new another Ohio ~~state agency~~public employer, in accordance with Ohio laws governing such transfers of sick leave time.

Transferred sick leave will not be paid out unless the employee is retiring from service to the Village. Any sick time that was transferred in from another public agency will only be eligible for payout if the employee has 5 (five) or more years of service with the Village.

Payment will extinguish all accrued but unused sick leave. For example, if the employee had 1,000 hours of accrued but unused sick leave at the time of retirement or separation, he or she would receive payment for no more than 250 hours of sick leave time, and all remaining hours would be forfeited and not eligible for transfer.

~~6. 7-~~ Upon the death of a current employee, the Village will pay to that employee's estate ~~one-fourth~~ one-fourth of the employee's accrued but unused sick leave, at his or her regular rate of pay as of last day of work. Payment will extinguish all accrued but unused sick leave.

~~7. 8-~~ The Village ~~has the right to verify the report of the attending physician concerning the illness of any employee~~ may request verification of medical documentation regarding the need for use of sick time, and to require ~~the an~~ employee to be ~~examined~~ evaluated by a physician appointed by the Village ~~to determine~~ if there is any reason to question the nature and extent of illness. A physician's certificate *may* also be required in the following instances:

- A. Absence due to illness of employee in excess of ~~five~~ three consecutive days.
- B. Absence due to illness of immediate family member which requires employee's presence.
- C. Absence occurring the day before or after a weekend or holiday or scheduled days off.
- D. Absence occurring on a holiday when the holiday is a scheduled work day.

~~8. 9-~~ Any employee absent from work for one calendar week or more due to illness, accident or injury, or off the active working payroll of the Village for any reason for over four (4) calendar weeks may be required to ~~submit a statement from his / her physician prior to his / her return to the active working payroll of the Village certifying the employee's~~ provide medical documentation of fitness for duty.

~~physical ability to fulfill the essential functions of the employee's job. The Village shall also have the right to have the employee examined by a physician appointed by the Village for such purpose. Reasonable accommodation will be made for employees with disabilities absent undue burden to the Village.~~

### **306.1 Transfer of Accumulated Sick Leave**

*Effective Date: 01/20/2022*

Eligible personnel with prior service with a public agency (state, county, municipality or village) who are employed by the Village of Yellow Springs may be entitled at the time of hire to have accumulated sick leave transferred to the Village in accordance with Ohio law. Any eligible employee is responsible at the time of hire to provide verification of such accumulated sick leave.

### **306.2 Sick Leave Donation**

*Effective Date: 01/20/2022*

Village employees are at times subjected to a serious injury or illness affecting themselves or immediate family members which depletes all available paid leave provided by the Village. ~~The Sick Leave Donation Policy allows~~ Village employees ~~to~~may voluntarily contribute sick leave hours to a sick leave donation bank for employees in need of assistance who have depleted all paid leave. ~~Procedures for implementation of the Sick Leave Donation Policy shall be developed by the Village Manager.~~

### **306.3 Parental Leave**

The Village offers Parental Leave to support employees in balancing their professional responsibilities with the important life event of welcoming a child into their family. This leave applies to both the birth of a child as well as the adoption of a child.

Parental Leave is available to all employees who give birth or adopt a child. Eligible employees may take up to four weeks (20 business days) of paid leave for parental purposes. The leave can be taken consecutively or intermittently, depending on the employee's needs and manager approval.

After the four-week period of paid leave, employees may choose to utilize any accrued sick time or vacation time to extend their leave. This decision is at the employee's discretion and must be communicated to their manager for proper documentation and approval.

Employees should notify their supervisor as early as possible regarding their expected leave dates, ideally 30 days in advance. Documentation, such as a birth certificate or adoption paperwork, may be requested to confirm eligibility for leave.

### **307 Personal Leave**

*Effective Date: 01/20/2022*

The Village provides a paid personal leave benefit per calendar year to probationary, regular full-time and part-time employees for periods of temporary absence due to personal reasons (example: legal appointments). For probationary and full-time employees, this is equal to 32 hours of paid personal leave per calendar year. For part-time employees, the number of hours of paid personal leave per year is proportionate to their scheduled work hours (e.g., an employee working an average of 24 hours per week will receive 19.25 hours of paid personal leave per calendar year). If a probationary employee separates from the Village for any reason during the probationary period, personal leave will not be paid out upon separation.

Paid personal leave can be used in minimum increments of one-quarter hour. Personal leave must be approved in advance of its usage by the employee's department head. ~~However, one personal leave absence per calendar year may be "instant" to allow for the unforeseen, necessary absence of the employee. The one "instant" usage of personal leave may be for a maximum of one full workday.~~

Personal leave must be used by the end of the calendar year in which it is received. It may not be carried over to the next calendar year.

## 308 Bereavement Leave

*Effective Date: 01/20/2022*

Each probationary, regular full-time and part-time employee will be granted up to ~~three~~ five (5) days (or shifts, as applicable) of paid bereavement leave in the event of death of the employee's spouse, children, or parents. The employee will be granted up to three (3) days (or shifts, as applicable) for the death of any of the following family members: brother, ~~sister~~ sister, grandparents, grandchildren or spouse's children, parents, brothers, sisters, grandparents or grandchildren or other persons living in the employee's household. ~~Consideration will also be given for any other person whose association with the employee was similar to any of the above relationships if appropriate arrangements can be made in a lesser amount of time, an employee may request less than three days.~~

~~The Village Manager may approve additional leave in individual cases, chargeable to the employee's vacation or personal leave, or sick leave if applicable, on an unpaid basis.~~

### 308.1 Longevity Pay

For employees employed by the Village on or before June 1, 2026, longevity pay is granted to regular full-time employees in recognition of their tenure with the Village on the following terms:

1. Longevity pay shall apply to all regular full-time employees who have completed six (6) or more years of service based on date of hire.
2. Longevity pay shall be computed on the basis of the employee's regular annual earning, exclusive of overtime or other premium payments, but including paid leave for holidays, vacation and illness.
3. The first longevity payment shall be an amount equal to one percent of base pay. For each additional year of completed service, four tenths of one percent shall be added to a maximum rate of six and two-tenths percent.
4. Longevity pay shall begin on the first day of the pay period in which an employee's anniversary date of employment occurs.

For employees hired or rehired by the Village after June 1, 2026, those employees will not be eligible for longevity pay over their tenure with the Village.

## 309 Jury Duty

*Effective Date: 01/20/2022*

Any Village employee regardless of status or scheduled hours of work is eligible for jury duty leave of absence subject to the following conditions:

1. The employee shall submit to his immediate supervisor the Court notice verifying his required attendance and participation for jury duty.

2. The Village shall supplement the jury duty pay received by the employee, if any, by providing the employee his full base wages for the period of jury duty leave..
3. While on approved jury duty leave, the employee's fringe benefits shall be maintained by the Village.
4. While on approved jury duty leave, the employee shall continue to accrue seniority and shall automatically return to his or her former position upon expiration of the jury duty leave.

### **310 Time Off to Vote**

*Effective Date: 01/20/2022*

The Village of Yellow Springs encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the Village will grant up to ~~three hours~~ one and one half (1.5) hour of paid time off to vote on the day of the election to vote. This time off may only be used on Election Day. Employees should request time off to vote from their supervisor at least two working days prior to Election Day. Advance notice is required so that necessary time off can be scheduled at the beginning or the end of the work shift, whichever provides the least disruption to the normal work schedule.

## 311 Workers' Compensation Insurance

*Effective Date: 01/20/2022*

All Village employees are covered under the benefits provided by Ohio's Bureau of Workers' Compensation, which provides both medical payments and lost time payments to employees who incur qualifying on-the-job injuries. The determination of valid claims and eligibility for benefits is made by the Bureau of Workers' Compensation and/or the Industrial Commission of Ohio. If you are injured in the course and scope of your employment, you must immediately report the injury to your supervisor (or, if unavailable, the Village Manager), as well as the HR ~~Officer~~[representative](#). If a doctor certifies that you must miss work because of a work related injury, notify your supervisor immediately. You must have a written release from your doctor to return to work. Please see ~~503~~ [the SAFETY section](#) in this Manual for more information regarding on the job injuries.

## 312 Social Security & Medicare

*Effective Date: 01/20/2022*

The Village does not withhold Social Security tax. All Village employees are required to be a part of and contribute to the relevant State of Ohio public pension plan.

If you retire or become disabled, you may receive a pension from the Ohio Public Employee Retirement System ("OPERS") or the Ohio Police and Fire Pension Fund, based on your position and earnings from the Village. If you do, and you are also entitled to a benefit from Social Security based on your own work from non-Village employment, or the work of your spouse, your government pension may affect the amount of the Social Security benefit you receive.

~~Under federal law, there are currently two ways a Social Security benefit may be affected by public employment. One is the "government pension offset" and applies only if you receive a government pension and are eligible for Social Security benefits as a spouse or widow(or). The other, also known as the "windfall elimination provision," affects how retirement or disability benefits are calculated if you receive a pension from work not covered by Social Security. The formula used to figure your benefit amount is modified, giving you a lower Social Security benefit. The amount of the reduction, if any, depends on your earnings and number of years in jobs in which you paid Social Security taxes, and the year you turn 62 or become disabled. To estimate the effect on a Social Security benefit, visit [www.socialsecurity.gov/WEP-CHART](http://www.socialsecurity.gov/WEP-CHART)—or~~

[www.socialsecurity.gov/WEP](http://www.socialsecurity.gov/WEP). Please visit [www.opers.org](http://www.opers.org), <https://www.opf.org/>, or <https://www.ssa.gov/benefits/retirement/planner/stateandlocal.html> to learn more.

The Village contributes toward your Medicare account in matching amounts equal to and in addition to the deductions on your paycheck for your contribution to this federal insurance program. Medicare is applicable for employees hired after April 1, 1986.

### 313 Educational ~~Assistance~~ Reimbursement

*Effective Date: 01/20/2022*

The Village has a stake in maintaining and improving employee skill and competence. For support of professional development in the form of training, licensure, membership in professional or trade associations, and related travel and incidental costs, there is no predetermined or set limit for payments directly related to the employee's job.

~~In addition to the above, supervisors may approve Village payment, as described below, for employee-initiated education or training which may be peripheral or unrelated to the employee's job duties.~~

Any educational program or course chosen must align with the employee's current job responsibilities or career progression within the Village.

Regular full-time employees are encouraged to participate in the educational assistance program for their own self development and to increase ~~the~~ efficiency and excellence of performance of the job. The educational assistance program shall entail the following:

Regular full-time employees, after completing ~~six months of employment~~ a probationary period, are eligible to participate in the educational assistance program, not to exceed \$500.00 per calendar year. Such assistance shall be tuition, fees and required books or other materials for any course of study, whether toward a degree or simply to acquire specific skills.

1. In addition to each calendar year's assistance, an employee may also use any unused portion of the immediately preceding year's assistance or may borrow against the immediately succeeding year's assistance, provided that both may not occur simultaneously in the same calendar year.
2. To maintain eligibility for educational assistance, employees must remain on the active payroll for at least 12 months after the date of reimbursement and be performing their job satisfactorily through completion of each course. If the employee fails to complete a course or does not receive a passing grade, any money paid for tuition fees, books and supplies, must be reimbursed to the Village. Evidence of satisfactory completion of courses (copy of certificate or grade report) must be received by the Village Manager or Human Resource Officer within thirty (30) days after completion of the course. If the employee fails to submit the certification or report within 30 days of the completion of the course, the amount of the payment will be

considered only a loan and the employee Village through payroll deduction.

3. Employees must discuss their participation in the educational assistance program with their supervisor prior to enrolling in a course. Final approval of course eligibility for the program rests with the Village Manager or the Human Resource Officer. -
4. While educational assistance is anticipated to enhance the employee's performance and / or professional abilities, the Village cannot guarantee that participation in formal education will entitle the employee to advancement (automatic or otherwise), a different job assignment, or pay increases.

5. If an employee voluntarily separates from Village employment within one year of the last educational assistance payment, the amount of the payment will be treated as a loan. Accordingly, the employee shall repay up to 100 percent of the original educational assistance payment through authorized wage deduction. If the wage deduction is insufficient to repay 100 percent of the original educational assistance payment, terms and conditions of the additional repayment will be negotiated with the Village Manager.
6. As a condition of participating in the educational assistance benefit, an employee will be required to sign an agreement authorizing the Village to deduct the amount of any reimbursement that the employee may owe to the Village pursuant to this program from the employee's wages, and containing other terms and conditions of the program.

### 314 Uniforms

*Effective Date: 01/20/2022*

When uniforms are provided, they are required for on-duty use only. The Village supplies uniforms for employees under the following conditions:

1. Where the employee is a full-time employee required by the Village to wear a uniform, the Village will pay the full cost of the uniform, subject to a maximum yearly expenditure determined by the department head.
2. Where the employee is a part-time employee required by the Village to wear uniforms, the Village may require the employee to pay all or part of the cost of the uniform.
3. The cleaning and maintenance of uniforms, as well as the expense of same, will be the responsibility of the individual.

3.4. All employees shall remember that when in uniform, the public perceives you as "on duty" and therefore your appearance and conduct reflect upon the Village at all times. When in uniform the standards within this manual apply to employee behavior.

### 315 Identification Cards

*Effective Date: 01/20/2022*

The Village will provide identification cards for full-time and part-time employees. An identification card will be issued as soon as practical after

hiring an employee and will be reissued upon expiration. Employees are required to carry their identification cards while on duty.

### **316 Attendance Bonus**

*Effective Date: 01/20/2022*

Regular full-time employees who have been employed by the Village for at least twelve (12) consecutive months and who have a sick leave balance of at least four hundred eighty (480) hours and who have not used more than twenty-four (24) hours of sick leave during the prior calendar year, shall be eligible to convert sick leave to vacation leave at a 3 to 1 conversion rate. A maximum of fifteen (15) days of sick leave may be converted to five (5) days of

vacation leave per year. Conversions must be approved by the Village Manager. Application for conversion must be submitted prior to January 31 of any year for consideration.

## 317 Family and Medical Leave (FMLA)

*Effective Date: 01/20/2022*

### Family and Medical Leave (FMLA)

#### A. A- General Provisions

~~The function of this policy is to provide employees with a general description of their rights under the Family and Medical Leave Act ("FMLA") during any period in which 29 CFR 825.108(d) applies. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.~~

~~Under this policy, the Village will grant~~As described below, the Family and Medical Leave Act ("FMLA") provides up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered ~~servicemember~~service member with a serious injury or illness) during a rolling 12-month period to eligible employees. ~~The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.~~

If you have any questions or concerns with this policy, ~~you must~~please promptly contact your supervisor, the Village Manager or Human Resource Officer. For ~~these~~ employees who do not meet the eligibility requirements of this policy, they may be eligible for other types of leave ~~may be available under other policies in this manual.~~

#### B. B- Eligibility

To qualify to take ~~family or medical leave under this policy~~FMLA, the employee must meet all of the following conditions:

- ~~1.~~ 1. The employee must have worked for the Village for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years, unless certain exceptions apply; and
- ~~2.~~ 2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence.

### **C. Types of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
2. The placement of a child for adoption or foster care and to care for the newly placed child.
3. To care for a spouse, child or parent with a serious health condition (described below).

4. The serious health condition (described below) of the employee.

#### D. "Serious Health Condition" Defined

~~An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.~~ A serious health condition is defined as requiring“:

1. inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider”<sub>2</sub>, or “
2. any period of incapacity lasting more than three (3) consecutive full calendar days that also involves:
  - a. two (2) or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity with both visits completed within 30 days,” or
  - b. illnesses of a chronic or long-term nature, resulting in recurring or lengthy absences.

Generally, a chronic or long-term health condition that would result in a period of three (3) consecutive days of incapacity with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

3. Any period of incapacity due to pregnancy, or for prenatal care.
4. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - (a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - (c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment, by a health care provider. Examples: Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Treatment for purposes of the above section includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

**What is not covered by the FMLA?** Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths is a serious health condition, provided all the other conditions above are met.

Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

NOTE: If your sick leave is not FMLA-qualifying but otherwise meets the Village's definition for sick leave, you may use your accrued sick leave or other form of paid time off during sick leave.

The Village will require an employee to ~~provide complete~~ a doctor's certification of the serious health condition. ~~The~~ within 15 days of the start of the leave. Please contact the Village Manager or HR for certification process is outlined in Section I of this policy forms.

FMLA leave commences on, and will be counted from, the first day of an approved absence ~~(paid or unpaid) by an FMLA-eligible employee for an FMLA-qualifying reason~~. Thus, if an employee takes time off for a condition that progresses into a serious health condition and the employee requests FMLA leave as provided under this policy, the Village may designate all or some portion of related leave taken as FMLA leave, to the extent that the earlier leave meets the necessary qualifications. The Village will inform the employee that leave is being designated as FMLA leave and the amount of leave counted against the employee's leave entitlement, or that it has determined that the leave is not FMLA protected.

## E. Leaves Related to Military Service

~~5- Qualifying~~ In addition to the above reasons for FMLA, certain employees may be entitled to request qualifying exigency leave for families of members to assist a family member who is a member of the National Guard or Reserves or of a regular component who serves in a branch of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending ~~call-up~~ call-up or order to covered active military duty, or who is already on covered active duty, may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

“Covered active duty” means:

(a) ~~(a)~~ in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

(b) ~~(b)~~ in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in [section 10 U.S.C. 101\(a\)\(13\)\(B\) of title 10, United States Code](#).

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as child for other types of FMLA leave, except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

Employees requesting leave based on a qualifying family member's short notice deployment leave (deployment with 7 days or less notice) must provide proof of the qualifying family member's deployment before leave is granted. Requests under this section will not require additional documentation and are not to exceed 7 days.

Employees requesting leave based on a qualifying family member's ~~short term~~ [short-term](#) Rest and Recuperation leave from a deployment ("R & R") must provide proof of the qualifying family member's "R & R" leave before leave is granted. Requests under this section will not require additional documentation and are not to exceed 5 days.

The Village will require an employee to provide certification for all other qualifying exigencies. The certification process is outlined in Section J of this policy.

*6. Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.*

~~A~~ [In addition, an](#) employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks in a single 12-month period *to care for that servicemember*. Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

The term "covered servicemember" means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise 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 member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness” means:

(a) ~~(a)~~ in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), ~~means~~ an injury or illness that was incurred by the member in line of duty on active

duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(b) (4) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, ~~means~~ a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Employees requesting ~~this type of FMLA leave~~ to care for a servicemember must provide certification of the family member or next-of-kin's injury, recovery or need for care. The certification process is outlined in Section K of this policy. This ~~is the only~~ type of FMLA leave ~~that may extend an employee's leave entitlement beyond 12 weeks~~ for up to 26 weeks. ~~Other types of FMLA leave are included with this type of leave for a maximum already taken for other FMLA circumstances will be deducted from the total~~ of 26 weeks.

#### **F. Requesting and Certifying FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to their supervisor. An FMLA request form will be provided to the employee. When the need for the leave is foreseeable, the employee must provide at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the Village's usual call-in procedures absent unusual circumstances. Failure to meet any of these notice requirements may result in delay of FMLA leave.

Designating a leave as "FMLA leave" is not something that an employee voluntarily elects or declines to use. If an eligible employee needs time off for any reason set forth above, the leave will be treated by the Village as FMLA leave. Department Heads have been provided with information to assist them in understanding when leaves are FMLA-qualifying. Department Heads should contact Payroll to first determine if an employee in need of leave is eligible for FMLA.

If the Village believes that an employee's absence is due to the reasons above, it will treat the leave as FMLA-qualifying. Regardless of whether the employee or the Village initiates the application of the FMLA, employees will be given a

packet of information and forms to be completed. The Finance Department will be notified of any qualifying leaves, so that accrued sick time or other time off can be properly allocated.

The Village will require certification for the employee's or family member's serious health condition. The employee must provide certification within 15 days of the request or provide a reasonable explanation for the delay. If the employee fails to do so, the leave may be denied and the employee's absence(s) will be counted in the normal attendance policy.

The Village will also require certification of the qualifying exigency for military family leave. This may include a copy of the military orders or other military communication, and, in some cases, additional information concerning the need for leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. If the employee fails to do so, the leave may be denied and the employee's absence(s) will be counted in the normal attendance policy.

Similarly, the Village will require certification for employees needing to care for a servicemember with a serious injury or illness (including covered veterans), as described above. This may include a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. If the employee fails to do so, the leave may be denied and the employee's absence(s) will be counted in the normal attendance policy.

The Village may request recertification for the serious health condition of the employee or the employee's family member every 30 days and when circumstances have changed significantly, or if the employee receives information casting doubt on the reason for the absence, or if the employee seeks an extension of a previously approved leave.

The Village may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence that necessitates the use of intermittent leave.

Employees must provide recertification within 15 days of the request or provide a reasonable explanation for a delay. If the employee fails to do so, the leave may be denied and the employee's absence(s) will be treated as violations of the Attendance policy.

If a certification is deficient or incomplete, the employee will be given seven (7) days to cure the deficiencies and return the form to the Village. The leave request may be denied if the employee either fails to return the form by the seventh day, or returns the form without adequate corrections or clarifications. Similarly, if the form is incomplete or contains any discrepancy, the Village reserves the right to ask for a second opinion by a doctor of its choosing, at its own expense. If necessary to resolve a conflict between the original certification and the second opinion, the Village will require the opinion of a third doctor.

The Village and the employee will mutually select the third doctor, and the Village will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to FMLA leave and benefits pending the second and/or third opinion.

The Village may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion, or otherwise fails to cooperate in the second or third opinion processes.

**D. Amount of G. Counting and Using Leave**

~~An~~ Except as otherwise noted for leaves to care for a servicemember, an eligible employee can take up to 12 weeks of FMLA ~~leave due to circumstances (1) through (5) above~~ during any 12-month rolling period. The Village will measure the 12-month period as a rolling 12-month period measured backward from the date an employee ~~uses~~ last used any leave under this policy. Each time an employee takes leave, the Village will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is ~~entitled~~ able to take at that time.

~~An eligible employee can take up to 26 weeks of FMLA leave due to circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the Village will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.~~

If a husband and wife both work for the Village ~~and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife, they~~ may only take a combined total of 12 weeks of leave. If a husband and wife both work for the Village and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

Depending on the reason for taking leave, an employee may take FMLA leave as a block of time or in intermittent increments or, under certain circumstances.

**E. H. Employee Status and Benefits During Leave**

While an employee is on leave, the Village will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the Village will require the employee to reimburse the Village the amount it paid for the employee's health insurance premium during the leave period.

~~Under current Village policy, the employee pays a portion of the health care premium.~~ While on paid leave, the Village will continue to make the same payroll deductions from any paid period of FMLA, to collect the employee's share of the premium. ~~While on~~ During periods of unpaid leave, the employee must ~~continue~~ arrange to make this payment, ~~either~~ in person or by mail.

Arrangements must be made before the leave begins, unless the onset of the leave was not foreseeable. The payment must be received by the Village on or before the first (1<sup>st</sup>) day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The Village will provide 15 days' notification prior to the employee's loss of coverage.

If the employee fails to return to work after the period of leave has expired, other than due to a continuation of the serious health condition or circumstances beyond the employee's control, the Village shall seek reimbursement for the health insurance premiums paid for that employee during the period of leave.

The employee will not lose any other employment benefit accrued prior to the date on which leave begins, and is entitled to accrue seniority and employment benefits only during the paid leave period. Employment benefits during unpaid leave do not continue to accrue, except as otherwise specified in applicable benefits policies.

#### **F. I. Employee Status After Leave**

Employees on leave are required to report periodically (no less than once every two weeks) on the employee's status and intent to return to work. Employees who timely return to work after FMLA leave are entitled to reinstatement to the same position or a position with equivalent status, pay, benefits and other employment terms. However, an employee's rights with respect to benefits and employment are no greater than had the employee not

taken leave. Thus, an employee would not be entitled to reinstatement if, because of a layoff or other reason, he or she would not be employed at the time reinstatement is sought.

An employee who takes leave under this policy will be notified if required to provide a fitness for duty (FFD) clearance from the health care provider upon returning from leave, including intermittent leave under some circumstances.

Obtaining or remaining on leave under false pretenses may result in discipline, up to and including immediate termination of employment.

#### **G. J. Use of Paid and Unpaid Leave**

An employee who takes FMLA leave for any reason must exhaust all accrued but unused paid leave while on FMLA leave. ~~Pursuant to federal Department of Labor opinion FMLA 2010-1-A, issued March 14, 2010, By law, Village~~ employees may not “opt out” of FMLA leave or ask ~~the employer~~ to delay certification of FMLA leave until after paid leave is exhausted.

Employees taking leave based upon their own or a qualifying family member’s serious health condition are required to use paid time off prior to using the balance of the FMLA leave on an unpaid basis. The order of leave usage shall begin with sick leave until exhausted, followed by personal leave until

exhausted, and then vacation leave until exhausted. However, the employee cannot use accrued sick leave in any situation in which such leave could not normally be used pursuant to the policies in this Manual. All paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. The substitution of paid leave for unpaid leave does not extend the 12 (or 26) week entitlement.

Any leave for which workers' compensation benefits are paid (if the leave also qualifies for FMLA protection) will be designated as FMLA leave and will run concurrently with ~~not in addition to~~ FMLA. If an employee is absent ~~due to a~~ workers' compensation ~~leave~~injury or illness, the employee may be paid workers' compensation benefits instead of accrued sick leave.

#### **H. K. Intermittent Leave or a Reduced Work Schedule.**

Intermittent leave or a reduced work schedule may be used when it is medically necessary and substantiated. The request for intermittent leave or reduced work schedule should be made at the time the employee requests FMLA leave and should be accompanied by the Certificate of Healthcare Provider. Intermittent leave or a reduced work schedule may also be taken for the birth, adoption, or foster care placement of a child if an acceptable schedule can be agreed upon by the employee and his/her respective Department Head; however, final approval rests solely with the Village Manager and is final.

~~The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day or less periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember) over a 12-month period.~~

When determining the amount of intermittent FMLA leave available, the Village uses the normal work schedule for the employee. Generally, employees normally work 40 hours per week with occasional exceptions would be entitled to up to 480 hours of FMLA leave. Employees who consistently work overtime or who work less than 40 hours may have a higher or lower, respectively, average number of hours, which would be multiplied by 12 weeks to determine the total available hours.

~~The Village may~~Employees requesting the use of intermittent leave are asked to make medical appointments at times of day that are least disruptive to the Village's responsibilities to the public. Depending on its business needs, the Village reserves the right to temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

#### **K. Return to Work.**

An employee on leave is expected to return to work as indicated by the ending leave date on the approval request for FMLA leave form. If the employee needs additional medically certified leave, he/she must file a request for additional leave with the Village Manager as soon as possible and will be advised whether he/she is eligible for additional time off on a paid or unpaid basis. If the employee is able to return from leave earlier than expected, the employee should give the employer at least two (2) business days' notice where foreseeable. If the employee decides to terminate employment with the Village during the leave, the employee must notify the Village Manager immediately.

Employees returning to work should submit their Fitness for Duty certificate signed by their provider prior to but no later than their first scheduled day back to work. Employees who fail to report to work as scheduled will be considered to have voluntarily abandoned their position with the Village.

#### **L. Job Restoration.**

Except for persons designated as "key employees," an eligible employee who takes leave shall be entitled upon return from such leave to be restored: 1) to the position held by the employee when the leave commenced; or 2) to an equivalent position with equivalent pay, and other terms and conditions of employment.

For purposes of the FMLA, a "key employee" is an employee who is among the highest paid 10% of all the employees. If restoring a key person would cause substantial and grievous economic injury to the Village's operations, then the key employee may not necessarily be entitled to job restoration. Key employees whose positions may be subject to this provision will be so notified at the commencement of the leave.

Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child. ~~Intermittent and/or, may be taken on an intermittent basis or as a request for reduced schedule. Leave is not available for the birth, adoption or foster care of a child.~~

~~Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Village's operations.~~

Failure to meet any of these notice requirements may result in delay of FMLA leave.

#### **M. Employee Responsibilities.**

Employees eligible for FMLA leave have certain responsibilities to the Village:

1. The employee must provide the Village with 30 days of advance notice if the need for leave is foreseeable; or as soon as practicable if the need is unforeseeable, such as in the case of a medical emergency requiring

surgery or hospitalization. If leave is unforeseeable, the need for leave must be reported as soon as practicable (generally, within two (2) days of the occurrence that requires leave). The Village will provide requesting employees with a packet of information that contains forms to be completed by your medical provider(s). These forms should be completed in a timely manner and returned according to instructions to avoid delays in granting leave or leave pay.

2. An eligible employee will be advised of how much of the leave may be paid or unpaid, based on accrued time off and the Village's policy with respect to using available time off.
3. Employees must submit Certificates of Health Care Provider forms within 15 days of the commencement of the leave and must submit Recertification forms at least every 30 days. In some instances, they may be asked to provide forms every 15 days. Re-certification forms can be obtained from your Department Head. Failure to timely submit certification forms may result in leave rights being affected.
4. Employees should notify their Department Head as soon as possible about their anticipated return-to-work date. The Village may require a second medical opinion about an employee's fitness to return to duty, at its expense.

#### **I. Certification for the Employee's or Family Member's Serious Health Condition**

~~The Village will require certification for the employee's or family member's serious health condition. The employee must provide certification within 15 days of the request or provide a reasonable explanation for the delay. If the employee fails to do so, the leave may be denied and the employee's absence(s) will be counted in the normal attendance policy.~~

~~If the certification is deficient or incomplete, the employee will be given seven days to cure the deficiencies and return the form to the Village. The leave request may be denied if the employee either fails to return the form by the seventh day, or returns the form without adequate corrections or clarifications.~~

If there is any reason to doubt the completed certification, the Village has the right to ask for a second opinion by a doctor of its choosing at its own expense. If necessary to resolve a conflict between the original certification and the second opinion, the Village will require the opinion of a third doctor. The Village and the employee will mutually select the third doctor, and the Village will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to FMLA leave and benefits pending the second and/or third opinion.

The Village may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion, or otherwise fails to cooperate in the second or third opinion processes.

#### **J. Certification of Qualifying Exigency for Military Family Leave**

The Village will require certification of the qualifying exigency for military family leave. This may include a copy of the military orders or other military communication, and, in some cases, additional information concerning the need for leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. If the employee fails to do so, the leave may be denied and the employee's absence(s) will be counted in the normal attendance policy.

#### **K. Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave**

The Village will require certification for the serious injury or illness of the covered servicemember (including covered veterans). This may include a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the servicemember's injury or illness incurred on active military duty. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. If the employee fails to do so, the leave may be denied and the employee's absence(s) will be counted in the normal attendance policy.

#### **L. Recertification**

The Village may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the Village may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

The employee must provide recertification within 15 days of the request or provide a reasonable explanation for the delay. If the employee fails to do so, the leave may be denied and the employee's absence(s) will be counted in the normal attendance policy.

### **M. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to their supervisor. An FMLA request form will be provided to the employee. When the need for the leave is foreseeable, the employee must provide at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the Village's usual call-in procedures absent unusual circumstances. Failure to meet any of these notice requirements may result in delay of FMLA leave.

### **318 Medical Leave of Absence**

*Effective Date: 01/20/2022*

Regular full-time and regular part-time employees employed by the Village for at least twelve (12) months prior to requesting leave, may be granted a Medical Leave of absence in accordance with the following provisions:

1. The Medical Leave request shall be supported with certification from the employee's treating physician as to the nature and expected duration of disability and a statement that the disability precludes the employee from performing his / her job functions and that progress is being made toward the employee returning to work. The completion of the Request for Leave of Absence Form is not required for any illness or off-the-job injury of less than thirteen (13) calendar days' duration.
2. The Village shall require the employee applying for medical leave of absence to provide satisfactory medical evidence from a licensed physician verifying the employee's disability and need for leave. The Village maintains the right to request a second opinion from a physician of the Village's choosing, as to the nature and extent of any disability and / or if the employee is able to perform the essential functions of his or her job, with or without reasonable accommodation upon release to return to work at the end of such leave. If such second opinion disagrees with that of the employee's treating physician, the Village shall either accept the opinion of the employee's physician or require a third opinion by a physician designated jointly by the Village and employee and the third opinion shall be binding on the Village and employee. The Village shall pay for any second or third opinion it request under this provision.
3. Any employee returning from a medical leave of absence shall be required, prior to returning to work, to submit a doctor's certificate verifying the employee's ability to perform the essential functions of the job. The Village reserves the right to require an employee to remain on medical leave of absence until such time as the employee is fully released to perform the essential functions of the job with or without accommodations.
4. An employee returning to work within twelve (12) weeks of the beginning of a medical leave of absence shall be placed in his or her former job or its equivalent. An employee returning to work more than twelve (12) weeks after the beginning of a medical leave of absence shall be

placed in the former job, or its equivalent, if available (unless otherwise required by law). Equivalent jobs are those of substantially similar pay and benefits for which the employee is qualified (has the present ability to perform the essential functions of the job, with or without accommodation.)

5. ~~While on medical leave, the employee's seniority will continue to accumulate.~~
6. ~~While on paid medical leave, the employee's paid leave will continue to accumulate. While on unpaid medical leave, the employee will no longer accumulate paid leave.~~
7. ~~During the first six months of approved medical leave or while on paid medical leave, whichever is longer, the Village will maintain the employee's health insurance on the same basis as if the employee was actively at work. Thereafter, employees may elect to continue their health insurance benefits pursuant to COBRA.~~

### **319318 Unpaid Leave of Absence**

*Effective Date: 01/20/2022*

The Village may provide leave of absence without pay to eligible employees. Regular full-time and regular part-time employees are eligible to request unpaid leave. As soon as eligible employees become aware of the need for an unpaid leave of absence, they must request leave from the department head by submitting a leave request form. ~~The~~In considering the request, the Village Manager ~~or Human Resource Officer may or may not grant an unpaid leave, depending on~~will take into account the operational and organizational needs of the Village. Employees may have the option of continuing their health insurance while on ~~an~~ unpaid leave of absence in excess of 30 days, ~~pursuant to COBRA by~~ continuing to timely remit their share of the premium.

### **320 Military Leave**

*Effective Date: 01/20/2022*

The Village complies with applicable state and federal law concerning leaves for military service. Regular full-time and regular part-time employees who perform service (e.g., scheduled drills, training or activation) in the uniformed services (as defined by the Uniform Services Employment and Reemployment Rights Act of 1994 ("USERRA") or certain types of service in the National Disaster Medical System are entitled to a military leave of absence from their Village employment positions, subject to the limitations and restrictions set forth in state and federal laws and Village policy including Chapters 5903, 5906 and 5923 of the Ohio Revised Code.

Upon receiving an assignment for military service, employees should promptly provide notice to their supervisors prior to going on military duty, unless precluded by military necessity. Employees are encouraged to provide written notice, but oral notice is acceptable. Unless providing advance notice is precluded by military necessity, employees who fail to provide advance notice will not be entitled to the reemployment rights and benefits provided by USERRA.

For up to one month (up to 22 eight hour work days or up to 176 hours) per calendar year (January 1 through December 31), employees on leave under this policy will receive their normal full pay (minus any offset for compensation earned for military service). Documentation that verifies the military training leave and a copy of the employee's military earning statement must be provided to the Village. The remaining leave will be unpaid, however, employees may use any available vacation or personal time to cover the absence.

The Village will, at a minimum, maintain health insurance benefits for the first 30 days of military leave as if the employee was actively employed. If the employee's military leave is for 31 or more days, the employee will have the opportunity to continue health insurance coverage, similar to COBRA, for himself/herself and his/her eligible dependents for a period up to 24 months. During this extended period of continuation coverage, the employee will be responsible for the entire cost of military leave continuation coverage, but cannot be required to pay more than 102% of the full premium for coverage.

Benefits such as vacation, sick and personal paid time off or holiday pay will be suspended during the leave and will resume upon the service member's return to active employment. However, for the purposes of determining amount of vacation, sick and personal paid time off and other benefits, a returning service member will be treated as though he/she was continuously employed upon return to active employment.

Employees on military service of less than 31 days (e.g., two-week active duty training assignments or inactive duty training drills) are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time, and an 8-hour rest period. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws in regards to notification of and time frame in which they must return to work. Temporary employees do not have reinstatement rights under USERRA.

Under certain circumstances, employees are eligible to be reinstated to their previous position unless the Village determines that the circumstances have so changed as to make reemployment impossible or unreasonable. If on military leave for 90 days or less, eligible employees may be reinstated to their previous position. If on military leave for over 90 days, eligible employees may be reinstated to their previous position or a comparable one of like seniority, status or pay.

The period an individual has to make application for reemployment or report back to work after military leave is based on time spent on military duty. For military service of more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

### **321 Continuing Medical Coverage (COBRA)**

*Effective Date: 01/20/2022*

Under federal law, employees, their spouses and dependents have the option to elect to continue group health plan coverage, at their own expense, upon the occurrence of certain qualifying events that result in termination of coverage.

Those events include:

1. The death of the employee.
2. Termination of employment (except where the termination is for reasons of gross misconduct.)
3. Reduction in hours of work (going from full-time to part-time or long term leaves of absence.)
4. Divorce or separation of the covered employee from his / her spouse.
5. Loss of “dependent” status under the terms of the group health plan.
6. Total disability of the employee or any covered spouse or dependent.

In the event of divorce, legal separation or loss of “dependent” status, the employee must notify the Village within sixty (60) days in order for the employee’s spouse or dependents to have the right to elect continuation coverage. A full explanation of these rights and obligations is mailed to the employee when first covered by the group health plan.

### **322 Disability Retirement**

*Effective Date: 01/20/2022*

~~When an employee has been off work due to an injury or illness for twenty-four (24) months either on paid or unpaid status and no reasonable accommodation can be made that will enable the employee to return to work, the employee shall retire on disability or regular retirement, if eligible or shall have his /her employment with the Village terminated. Eligibility for regular or disability retirement is determined by the Public Employees Retirement System of Ohio or the Police and Firemen’s Disability and Pension Fund.~~

### **323 Retirement**

*Effective Date: 01/20/2022*

~~All Village employees shall be covered under the provisions of the Public Employees Retirement System, except that all eligible full-time uniformed police personnel shall be covered under the provisions of the Police and Firemen’s Disability and Pension Fund.~~

### **324 Swimming Pool Passes**

*Effective Date: 01/20/2022*

~~All employees and members of their immediate families living in the same household are granted free admission to the Gaunt Park Swimming Pool during the regular season.~~

### **325 VYS Sponsored Events**

*Effective Date: 01/20/2022*

~~From time to time, the Village or some department thereof, may sponsor events, meetings or activities for the benefit of employees, staff, officials, volunteers and members of boards, commissions or committees, including, but not limited to, seasonal celebration luncheons or parties, retirement luncheons or parties. Upon approval of the Village Manager, the Village may purchase such supplies, food, beverages and materials of any type as the Village Manager may deem appropriate for such events, meeting and / or activities. The Village Manager shall only approve expending funds for those events, meetings or activities that the Village Manager deems advance or promote the best interests of the Village. The Finance Director is authorized to expend Village funds for events, meetings and / or activities that have been approved by the Village Manager.~~

### **326 Years of Service Awards Recognition**

*Effective Date: 01/20/2022*

The Village Manager will ~~establish a Years of Service Awards Program in order to~~ recognize employee loyalty and longevity with the Village in ~~any~~ manner which is non-financial in nature.

## **SECTION 5: TIMEKEEPING AND PAYROLL**

### **401 Workweek and Workday**

*Effective Date: 01/20/2022*

A regular workweek for non-exempt employees, except police officers and clerk-dispatchers, shall consist of not more than forty (40) hours ~~in seven consecutive days (168 hours). A regular workday shall not be longer than ten hours~~ Your work schedule is set by your supervisor based on the needs of the Village. Regular workweeks and workdays shall be in accordance with schedules established or approved by ~~the Village Manager~~ your supervisor. Exceptions to the regular workweek and ~~work day~~ workday may occur, only with Village Manager approval, in rare circumstances due to emergencies and/or unforeseen increased workloads. At times, you may be required to work more hours, or a different schedule based on business demands.

### **402 Timekeeping**

#### **402 Timekeeping**

*Effective Date: 01/20/2022*

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the Village to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all of the time actually spent on the job performing assigned duties. Time is calculated to the nearest quarter-hour.

All employees should accurately record the time they begin and end their work as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reason. *Overtime work must*

*always be approved by the supervisor before it is performed. For police officers, overtime may be performed in cases where it is necessary to complete an arrest or paperwork needed immediately for the prosecutor or court. Any work that can be postponed until an officer's next shift will not be eligible for overtime. See Police Department General Orders.*

Altering, falsifying, or tampering with time records, or recording time on another employee's time record without their knowledge or consent, is considered fraud and will result in disciplinary action.

, up to and including termination. It is the employee's responsibility to sign his or her time records to certify the accuracy of all time recorded. The supervisor shall review and then initial the time record before submitting it for payroll processing.

## **403 Paydays**

*Effective Date: 01/20/2022*

Regular employees are paid biweekly on every other Thursday. Each paycheck statement will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a holiday, employees will receive pay no later than the first day of work ~~after~~before or after the regularly scheduled payday. Whenever a change in the scheduling of paydays is necessitated by the occurrence of a holiday during the week in which a payday occurs, employees will be notified in advance of such a change in the payday.

Employees are paid on a biweekly basis, resulting in 26 pay periods in most calendar years. Because a biweekly pay schedule does not align exactly with the calendar year, some calendar years will include 27 pay periods. When a 27th pay period occurs, employees will receive the same biweekly rate of pay based on their hourly rate on the 27<sup>th</sup> pay of the year as they would on any other pay period of the year.

Those employees who are working during the change to daylight saving time may work one hour less than a full shift due to clocks changing forward by one hour during the shift; however, this will still constitute an entire shift without the employee using any additional personal, vacation or compensatory time.

Those employees who are working during the end of daylight saving time may work one hour more than a full shift due to clocks changing backward by one hour during the shift; in this case the additional hour shall be counted toward the employee's hours for that pay period and may result in the employee earning overtime.

## **404 Direct Deposit of Pay**

*Effective Date: 01/20/2022*

Employees are required to have their pay directly deposited to their financial institution account. On payday, instead of a check, a payroll statement explaining how much you were paid and all the usual paycheck details will be available on this statement. Employees may split direct deposit disbursements into separate accounts at different financial institutions but must authorize the Village to do so in writing. Please secure and complete a direct deposit authorization form from Payroll to set up your direct deposit or to change your direct deposit account or financial institution.

## **405 Pay Advances**

*Effective Date: 01/20/2022*

~~The Village of Yellow Springs does not provide pay advances on unearned wages to employees.~~

## **406 Administrative Payroll Adjustments**

*Effective Date: 01/20/2022*

~~In the unlikely event of a payroll error, the employee must promptly bring the discrepancy to the attention of the Payroll Administrator or Finance Director so corrections can be made as quickly as possible, but in no event more than six months after a discrepancy as all adjustments are subject to auditing standards for oversight. Accuracy in filling out time cards or time sheets is critical and employees are encouraged to clearly mark events (e.g. call-ins) on their time cards to help insure accuracy in payroll.~~

## **407 Pay Deductions**

*Effective Date: 01/20/2022*

The law requires that the Village of Yellow Springs make certain deductions from every employee's compensation. Among these are applicable federal, state and local income taxes, the employee's share of medical, dental plan costs, pension contributions, and Medicare.

The Village of Yellow Springs offers programs and benefits beyond those required by law. Deferred compensation, flexible medical accounts, dependent adult and child expense accounts ~~and United Way deductions~~ are examples of other eligible deductions. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

## **408 Garnishments**

*Effective Date: 01/20/2022*

A garnishment is a court order or government agency demand which requires the Village to withhold a certain amount of money from a paycheck and send it to the specified person or agency. Wages can be garnished to pay child support, spousal support or alimony, tax debts, outstanding student loans, or money owed as a result of a judgment in a civil lawsuit. If the Village receives a garnishment order, the Village shall notify the employee of the garnishment at once. The Village is legally required to comply with garnishment orders. To dispute the amount of a garnishment, the employee must contact the court or agency which issued the order.

## **409 Longevity Pay**

*Effective Date: 01/20/2022*

~~Longevity pay is granted to regular full-time employees in recognition of their tenure with the Village on the following terms:~~

- ~~1. Longevity pay shall apply to all regular full time employees who have completed six (6) or more years of service based on date of hire.~~
- ~~2. Longevity pay shall be computed on the basis of the employee's regular annual earning, exclusive of overtime or other premium payments, but including paid leave for holidays, vacation and illness.~~

~~The first longevity payment shall be an amount equal to one percent of base pay. For each additional year of completed service, four tenths of one percent shall be added to a maximum rate of six and two tenths percent.~~

~~Longevity pay shall begin on the first day of the pay period in which an employee's anniversary date of employment occurs.~~

## **410 Overtime Compensation**

*Effective Date: 01/20/2022*

When operating requirements or other needs cannot be met during regularly scheduled work hours, employees will be given the opportunity to volunteer for overtime work assignments. In the event the Village is not able to meet its operational requirements by those who volunteer to work overtime, mandatory overtime will be assigned. Overtime work must receive prior authorization by the supervisor. Overtime will be distributed as equitably as is practical among employees qualified to perform the required work. Part-time and as-needed employees are normally not permitted to work overtime. In the event that overtime is worked by these employees, the conditions above and the rates below will apply.

Overtime compensation is paid to all non-exempt employees, in accordance with federal and state laws, based on hours worked. For purposes of calculating overtime, "hours worked" shall include paid time off for ~~sick~~, vacation and personal leave.

In accordance with the Fair Labor Standards Act, Regular Full-Time, Part-Time, and As-Needed non-exempt employees, except for Police Department employees, who work (through a combination of work and paid time off for ~~sick~~, vacation and personal leave) in excess of 40 hours in a week will be paid overtime at a rate of 1 1/2 times the employee's regular hourly rate.

Police Department Overtime- The Fair Labor Standards Act provides an exemption to the ordinary overtime pay requirements for employees engaged in law enforcement. Those employees are to be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the

number of hours that bears the same relationship to 171 hours as the number of days in the work period bears to 28. In other words, for police officers, overtime is not necessarily based on a time-and-a-half after 40 hours/week standard, but is instead prorated over a longer work period, with the overtime threshold calculated by (Days in Work Period / 28) x 171 hours. Law enforcement personnel are required to be paid overtime only after working more than that adjusted amount, not the standard 40 hours per week. YSPD utilizes a 14-day work period and pays overtime for hours worked over 80 hours in a work period.

Regular full-time employees may elect compensatory time off at the applicable overtime rate for each overtime hour worked in lieu of payment for overtime hours worked, up to a maximum accumulation of eighty (80) hours. Accrued compensatory time may be used by the employee for paid time off, subject only to reasonable advance notice to the supervisor. ~~Use of compensatory time shall not be denied, except where the requested absence would result in operational hardship.~~ Upon termination, accrued but unused compensatory time shall be paid at the employee's then hourly rate. Employees may also request a payout of accrued compensatory time at any time, subject to Finance Director approval. All accrued compensatory time will be paid out annually in the last paycheck of December.

#### **410 Special Event Pay**

The Village Manager shall have discretion to establish minimum compensation threshold for specific events, which may include a set minimum number of paid hours regardless of the actual hours worked.

#### **411 Call-In Pay**

*Effective Date: 01/20/2022*

Call-in pay applies only to regular full-time non-exempt Village employees. Call-in is defined as an occurrence when an employee is notified during his or her off-duty hours of the need to come to work. These provisions do not apply to scheduled overtime, which is defined as an occurrence when the notification of the need to work additional hours occurs during the employee's work hours.

Employees who have completed the work day and are called back to work from off-duty status shall be provided a minimum of two hours of pay at one and one-half (1.5) times their regular rate of pay. If the employee must work more than two hours, all additional time worked will be paid at one and one half (1.5) times the employee's rate of pay. A second or subsequent call-in within two hours from the first will be considered part of the first occurrence. With the exception of the Police Department, employees who are called in to work on Sundays and holidays shall be compensated at two times their regular rate of pay for time actually worked with a two hour minimum.

~~Required~~ Scheduled meetings, events or similar, such as a required attendance for in-service training is not considered as "call-in" for purposes of this policy, and is paid at the employee's regular rate of pay.

#### **412 Compensation to Police Officers for Court Appearances**

*Effective Date: 01/20/2022*

~~The following shall apply to police officers who are required to appear in court during their off duty time:~~

- ~~1. The police officer must contact the court prior to traveling to the court (within an hour of his/her scheduled appearance time) in order to verify that his/her presence is still required;~~
- ~~2. Assuming the police officer has confirmed his/her need to attend court in accordance with number one above, he/she will be provided a minimum of two hours of work at one and one half (1.5) times their rate of pay;~~
- ~~3. If the officer must remain for more than two hours, all additional time worked will be paid at one and one half times his / her regular rate of pay.~~

#### **413 Employment Termination**

*Effective Date: 01/20/2022*

~~Termination of employment can occur in the following ways:~~

- ~~1. RESIGNATION—initiated by an employee. Employees are expected to provide at least two weeks' notice of resignation in order to leave Village employment in good standing.~~
- ~~2. DISCHARGE—initiated by the Village.~~
- ~~3. RETIREMENT—initiated by the employee meeting age, length of service, and any other criteria for retirement.~~

4. ~~LAYOFF~~—initiated by the Village through a position reduction or elimination due to lack of work or for financial reasons.

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Effective January 2022

## **SECTION 5: WORKING CONDITIONS**

### **501 Work Schedules**

*Effective Date: 01/20/2022*

Work schedules for employees vary throughout our organization. Supervisors will ~~advise employees of their individual~~ set work schedules based on the needs of the Village. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

All full-time employees are provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees, with the exception of police department personnel, will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Normally, ~~lunch~~ meal breaks will be one-half (1/2) hour or one (1) hour in length. Employees are responsible for finding coverage for their duties if they need to take time off during their shift (e.g., 15-minute breaks). Employees are required to record the beginning and end of each day's meal period, ~~in the manner specified~~ as directed by the supervisor.

Rest periods, or breaks, will be scheduled in the morning and afternoon, one break per four hours of work, for not more than 15 minutes, as may be determined by the department head. Supervisors will advise employees of the regular rest period schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time. Employees who have recently given birth may also request reasonable time to nurse or express breast milk for up to a year after the birth and may request an appropriate space that is free from intrusion by other employees as well as members of the public. Lactation breaks, to the extent possible, should be concurrent with any other break period if the employee cannot perform work duties while nursing or expressing breast milk.

Any employee, including those who operate equipment or drive a truck in their assignment, shall not be required to work more than 12 consecutive hours ~~and employees shall~~ Employees must comply with all rules ~~for~~ regarding commercial driver's license work hour restrictions. ~~An employee shall not be permitted without the express agreement of the employee and supervisor to~~ and may not

work more than 16 consecutive hours or ~~more than~~ 16 hours ~~in~~within a 24-hour period without supervisor approval.

## **502 Notification of Absence**

*Effective Date: 01/20/2022*

Whenever an employee must be absent from work, it is the sole responsibility of the employee to notify his/her immediate supervisor prior to the beginning of his/her shift. The employee is required to notify the supervisor by according to the process established by their department's supervisor. Provisions governing absences due to sickness, approved leave of absence, vacation leave, etc. are covered under the appropriate heading in these policies. Any employee who is absent without approved leave, who fails to contact the immediate supervisor regarding his / her absence, or who fails to report for work at the scheduled time shall be subject to disciplinary measures. Any employee who is absent from work for three consecutive work days without authorized leave shall be considered to have resigned from his / her

employment with the Village. However, the department head, with the approval of the Village Manager, may waive this provision under extenuating circumstances.

## 503 Safety

*Effective Date: 01/20/2022*

**Employees must immediately report any unsafe condition to the appropriate supervisor.** To assist in providing a safe and healthy work environment for employees, customers, and visitors, the Village has established a workplace safety program. This program is a top priority for the Village. The Village Manager has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all employees.

The Village provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

All employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards, in accordance with the Public Employee Risk Reduction Act (PERRA).

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor, or bring them to the attention of a member of the safety committee. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes, and all reports can be made without fear of reprisal.

Each employee is expected to observe and obey safety rules and to exercise caution in all work activities. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify the Village Manager or the appropriate supervisor, as well as the Payroll Supervisor. Such reports are necessary to comply with PERRA laws and initiate workers' compensation benefits procedures.

The injured employee and ~~his or her~~their direct supervisor ~~are to obtain an Initial Injury Report Form from the Payroll Supervisor,~~must obtain and complete a First Report of Injury form, ensure it is signed, and sign the form and return it to the ~~Payroll Supervisor,~~designated internal Bureau of Workers' Compensation (BWC) contact before the end of the shift ~~after~~following any injury ~~occurs,~~ regardless of whether immediate medical attention is required. Supervisors are responsible for providing a copy to the ~~Payroll Supervisor,~~designated internal BWC contact IMMEDIATELY. The ~~Payroll Supervisor,~~internal BWC contact will provide the injured employee with a Workers' Compensation Information Card to take to all medical appointments related to this injury. The ~~Payroll Supervisor,~~internal BWC contact will complete the First Report of Injury Form ~~(FROI),~~ obtain the injured employees' signature and submit it to the Ohio Bureau of Workers' Compensation. The determination of valid claims and eligibility for benefits is made by the Bureau of Workers' Compensation and/or the Industrial Commission of Ohio.

## 504 Driving Safety

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All Village employees operating Village-Owned Vehicles (VOV) or equipment, or operating a Privately Owned Vehicle (POV) for authorized Village business, must follow all traffic laws and use safe driving practices. All drivers are required to comply with all applicable motor vehicle and traffic laws in the State of Ohio. Seat belts must be worn at all times, and only Village business-related passengers are allowed in Village vehicles. Vehicles should be inspected before use, with any unsafe conditions reported immediately.

Effective January 2022

Smoking and vaping are strictly prohibited in all Village-owned vehicles and equipment.

## 504 Driving Safety

*Effective Date: 01/20/2022*

All Village employees and authorized Village volunteers operating Village Owned Vehicle (VOV) or equipment, or operating a Privately Owned Vehicle (POV) for authorized Village business shall obey all Village, County, State, and Federal traffic rules, regulations, and laws, and shall exercise due caution and care.

1. Safe driving procedures and practices shall be observed at all times.
2. Persons driving or riding in a VOV or equipment, or a POV on authorized Village business shall fasten their seat belts before the vehicle is put in motion.
3. The number of persons permitted to ride in any vehicle shall be determined by the number of available working seat belts. Only persons on Village business are to be in the Village vehicles.
4. All drivers shall inspect vehicles and equipment (including checking of all fluid levels and backup alarm) before operating and immediately report any noted damage or unsafe conditions to the supervisor. If your immediate supervisor is not available, notify the department head. Any unsafe vehicles or equipment shall not be operated.
5. Drivers shall ensure that the windows, headlights, taillights, turn signals and windshield wipers are clean and operational at all times.
6. Turn signals shall be used by drivers to signal turns or lane changes.
7. No person shall mount or dismount any vehicle or equipment while it is in motion.
8. Passengers shall ride in seats or other areas specifically designed for such purposes.
9. No person shall hang any portion of the arms or legs over the side of the vehicle or equipment.
10. Materials and/or equipment shall be properly secured when transporting.
11. Over wide or over long loads shall: (1) not exceed the load capacity of the vehicle; (2) be secured to prevent falling, spillage, and shifting, and (3) not be moved during heavy traffic hours, after dark, and in inclement weather except in emergency situations and as directed by the supervisor.
12. Tailgates shall be up and locked when vehicles so equipped are in motion. If circumstances require the tailgate to remain open, red flags shall be attached to the outer corners of the tailgate. If a loaded vehicle has no tailgate, the driver of the vehicle shall ensure that the load is secured and that overhangs are properly marked in accordance with applicable laws.

- ~~13. Backing shall be avoided whenever possible. When backing is unavoidable, prior to backing all drivers shall:~~
- ~~14. Check and/or adjust rear view mirrors so there is a clear view behind the vehicle or equipment;~~
- ~~15. Use a second person, if practical, to assist with the appropriate voice and hand signals;~~
- ~~16. If alone and practical, perform a walk around check for obstructions and clearance behind the vehicle or equipment before backing;~~
- ~~17. Avoid backing into intersections, over pedestrian crosswalks, or around corners if possible;~~
- ~~18. Not leave ignition keys in a Village vehicle or equipment, or leave motor running while unattended, except for in an emergency situation. This wastes fuel and contributes to ozone gases;~~
- ~~19. Lock all Village vehicles or equipment when not in use;~~
- ~~20. Not block driveways or alleys with any vehicle or equipment except in an emergency situation or when doing repair work and with permission from the property owner where possible; and~~
- ~~21. Place an eighteen inch (18") red or orange cone or a reflective traffic triangle within ten feet of the front or rear corners of Village utility vehicles or heavy equipment if parking on any portion of the roadway. Remove the cone or triangle and check for obstructions before leaving the area.~~
- ~~22. Employees shall not operate any special equipment such as tractors, hi lifts, high rangers, graders, plows, cranes, or any unit with special devices added for specific jobs unless their knowledge and ability to safely operate such machines or equipment has been verified by the immediate supervisor.~~
- ~~23. Passengers shall ride only in seats designed for such use.~~
- ~~24. Heavy equipment, without exception, shall not be driven faster than its rated speed capacity as indicated in the equipment operation manual.~~
- ~~25. Right of way shall be given to all other motor vehicles.~~
- ~~26. Headlights shall be on at all times when driving on streets and roads.~~
- ~~27. The standard triangular reflective "slow moving" sign shall be displayed on the rear of the vehicle where it can be seen by other motorists.~~

~~28. Equipment with movable or removable windshields shall be operated with the windshield in the closed and locked position when traveling on public roads.~~

When driving, ensure that all necessary equipment (e.g., lights, mirrors, and wipers) is clean and functioning. Special equipment, such as tractors or cranes, may only be operated by employees with proper training and supervisor approval. Employees must avoid driving vehicles or equipment in unsafe conditions and should never leave vehicles unsecured.

Any employee found to be at fault in a vehicle incident involving Village property or while on Village business will be required to undergo a mandatory drug and alcohol screening.

A valid Commercial Driver's License (CDL) is required to operate any commercial vehicle as defined by state and federal regulations.

If there is more than one person in a vehicle (e.g., truck or equipment cab), a spotter must perform a walk-around inspection to check for hazards before the vehicle is moved or backed up. If the driver is alone, they must perform a solo walk-around before backing up to ensure clear visibility and identify any hazards. Always check mirrors and surroundings carefully. Never back up into intersections, crosswalks, or other hazardous areas.

Secure loads properly and use safety equipment such as reflective cones or triangles when parking on roadways. Always lock vehicles when not in use.

~~29. Portable or detachable doors shall not be removed from equipment unless it is necessary to perform the job and the mirrors remain usable without the doors.~~

## **505 Credit Card Usage Policy**

*Effective Date: 01/20/2022*

Use of Village-issued credit cards is limited to transactions for proper public purpose. Any

personal use is strictly forbidden.

Receipts are to be submitted within 48 hours, stamped with the proper expense account number and bear the supervisor's signature authorizing the transaction.

Village credit cards are issued only after employee signs acknowledging receipt of card and any other form issued by the Finance Director. The employee whose card bears his / her name is responsible for ensuring that only eligible purchases are made by his / her department, that Sales Tax

is not charged and that original receipts are submitted to the Finance Director in a timely manner.

## Rewards Programs

Points ~~or~~ "rewards", or other incentives received from vendors as ~~the~~ result of Village business shall be considered the property of the Village. These rewards must be used solely for the ~~future~~ benefit of the Village ~~only~~ and treated like cash receipts and expenditures. Employees should not personally benefit from any rewards or points accumulated through Village business transactions.

## Credit Card Reward Redemption

Any credit card rewards or points redeemed by department heads must be used strictly for official Village business purposes. Personal use of any redeemed rewards is strictly prohibited.

## **506 Use of Equipment**

*Effective Date: 01/20/2022*

When using Village equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees are required to immediately notify the supervisor if any equipment, machines or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action.

Village owned equipment shall not be used for personal use. ~~Non-exempt employees are prohibited to drive Village-owned vehicles outside of the Village limits unless authorized by their supervisor.~~

~~In limited circumstances, the Village Manager may approve the use of equipment owned by employees for Village purposes. Each employee who desires to use personally-owned equipment in the performance of job duties should check with a supervisor regarding~~

~~appropriate circumstances and the Village Manager shall notify the Village's insurer for any circumstance requiring liability coverage.~~

## **507 Use of Telephones & Cell Phones**

*Effective Date: 01/20/2022*

To ensure effective telephone communications, employees should always greet callers and speak in a courteous and professional manner. The Village uses voice mail for most employees and an employee's voice mail number may be offered to a caller as an option in the event that the individual is not available, and the caller wants to get a message to the employee immediately. If taking a message, please confirm information received from the caller, and hang up only after the caller has done so. If transferring a call, employees should first get the name of the caller and inform the party to whom they are transferring the call the name of the caller.

While some personal calls are necessary from time to time, employees must keep personal calls to a minimum number as well as minimum duration. Employees may want to request permission from the supervisor before making personal calls in order to not disrupt operational needs. Supervisors may use their discretion to determine if an employee is abusing time or Village equipment for personal communication; employees may be subject to disciplinary action.

Village of Yellow Springs cell phones are provided to improve customer service and to enhance business efficiency. Cell phones are not a personal benefit and should not be used as a primary mode of personal communication.

Using a cell phone while operating a motorized vehicle is strongly discouraged. Employees should plan to allow placement of calls prior to driving or while on

breaks. When an employee must use their cell phone, while driving, they should keep conversations brief, avoid unnecessary calls, and no calls should be made if driving is hazardous. If it is necessary for the employee to read or write while taking the call, the employee must pull off the road.

All employees should take time to become familiar with the various cell phone functions. The cell phone should be placed where it is easy to see

and reach. Employees should bear in mind that cell phone calls can be intercepted and should take proper precautions when discussing confidential information. However, cell phones provided by the Village may be subject to public records requests for any records on the phone, including the telephone number assigned, call logs, digital location data, text messages, photos, video and other records.

The Village requires the following employees to be accessible via cellular communication devices due to the nature of their roles and responsibilities:

Group 1: Village Manager, Chief of Police

Group 2: Assistant Village Manager, Public Works Director, Public Works Department Heads (Electric, Water, Sewer), Police Sergeants

Group 3: Finance Director, Planning & Zoning Director

The Village will provide employees in Groups 1, 2, and 3 with a Village-owned cell phone at no cost to the employee. These employees may alternatively choose to use their personal cell phone for Village business and receive a monthly reimbursement, according to the following schedule:

- Group 1 – \$60/month
- Group 2 – \$45/month
- Group 3 – \$25/month

Employees who opt for reimbursement must ensure their personal devices remain accessible and functional for Village-related communication during work hours and in accordance with Village expectations.

## **508 Use of Two-Way Radios**

*Effective Date: 01/20/2022*

The Village maintains a radio system for communications between the dispatch center in the Police Department and employees carrying portable radios and employees in vehicles equipped with mobile radios. The system's primary function is to maintain police

communications and police matters always have first priority. Public Works, Parks & Recreation, and other employees have use of the system also, and should use the non-repeater frequency whenever possible. Employees will be instructed by supervision as to proper radio use. The Police Department will also provide guidelines for radio use.

## **509 Computer and E-Mail Usage**

*Effective Date: 01/20/2022*

Computers, computer files, the E-mail system, the Internet, and software furnished to employees are the property of the Village and are intended for business use only and are not to be used for personal reasons. Employees should not access a file, install or copy any software, or retrieve any stored communication without authorization. Employees who use a computer and are logged into a Village operating system during normal work hours must log out of the system at the end of every work day.

The Village strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Village prohibits the use of computers and the E-mail and internet system in ways that would violate the Village's anti-harassment and discrimination policies. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed, even from a privately-owned device if the employee displays or transmits such content while on duty (including breaks). Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others based upon protected classifications.

[Use of personal websites, social media platforms, or video streaming services \(like YouTube\) during work hours for non-business purposes is prohibited](#)

The Village purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Village does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on the Village's area network or on multiple machines according to the software license agreement. The Village prohibits the illegal duplication of software and its related documentation.

## **510 Workplace Monitoring and Privacy**

[Effective Date: 01/20/2022](#)

As employees of a political subdivision, Village employees should understand that most of the documents used, created and/or stored in the work environment, including audio tapes, video tapes, E-mail and documents stored in files, desks and computers, are public records. Employees shall not use any of this equipment or storage for personal records. Supervisors, employees and other users of the equipment or storage can and may access such records. Employees shall not send, receive or store personal messages or records in or on Village equipment or storage devices.

Workplace monitoring of communications may be conducted by the Village to ensure that required policies and procedures are being followed, issues or assignments are being handled in an efficient and timely manner, and citizens are being properly served.

## 511 Employee Social Networking/Social Media / On-Line Expressions

*Effective Date: 01/20/2022*

This policy addresses ~~Personal Web sites, Web logs (blogs), and~~ employee use of all forms of online interaction, including social networking or social media (i.e., Facebook, LinkedIn and similar sites) activities (collectively “on-line sites”), ~~all of which have become prevalent methods of self-expression in our culture~~ platforms. The Village respects the right of employees to use these mediums during their personal time. However, there are times when personal expression on on-line ~~sites that is about, or directed toward,~~ platforms that relates to the Village as an entity, and its employees or residents, may have a negative effect on the workplace. With this in mind, the following ~~activities are prohibited on on-line sites, regardless of when or where they occur~~ guidelines should be followed when engaging online :

- Personal social media account names should not be tied to the Village or create a likelihood of confusion about the source. This will help clarify that the individual who maintains such an account is not speaking officially on behalf of the Village or in his or her capacity as a public employee or elected official.
- Employees ~~are prohibited from utilizing~~ should avoid using on-line sites/platforms to make comments about, or directed toward, his/her co-workers that ~~are~~ can be construed as defamatory, and/or would violate the Village’s ~~sexual EEO or harassment, equal employment opportunity, workplace policies, would constitute~~ bullying, ~~and/or workplace or~~ violence policies, or any other policy ~~set forth~~ in this Policy Manual or conduct prohibited by law.
- If employees identify themselves as employees of the Village, employees must make it clear to ~~the~~ readers that the views expressed are the employee’s alone and that they do not ~~necessarily~~ reflect the views of the Village. Unless expressly authorized, employees ~~are~~ may not to speak on behalf of the Village.
- Employees who use social media on behalf of the Village should be honest, straightforward, and respectful. If they choose to comment on Village issues on personal pages, they are personally responsible for what they post and for any consequences arising therefrom. That includes defamatory statements made on social media.
- If an employee makes a mistake on a social media platform, corrections should be upfront and as timely as possible. Social media creates a permanent record of mistakes, so attempting to disguise a mistake may make things worse, and may run afoul of public records laws. Please consult the Village Manager or Law Director.

- On-line activities must not be ~~performed on~~conducted during work time and/or on Village equipment during non-work time, unless a Village employee's responsibilities include work on social media.

Village employees should bear in mind that the Ohio Public Records Law and other laws may cover the content of social media accounts.

The Village reserves the right to restrict or remove any content on its online platforms that are inconsistent with its online terms of use.

This policy ~~will~~is not ~~to~~ be construed ~~or applied in a manner that improperly interferes as~~ interfering with employees' rights under Section 7 of the National Labor Relations Act.

Employees who violate this policy will be subject to ~~serious~~ disciplinary measures, up to and including termination.

## **512 Tobacco**

*~~Effective Date: 01/20/2022~~*

In keeping with the Village of Yellow Springs' intent to provide a safe and healthy work environment, smoking and other forms of tobacco use in the workplace is discouraged. Nonsmoking areas are clearly designated where smoking is expressly prohibited, and employees are asked to respect these designations. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

The John Bryan Community Center is a smoke free facility and smoking is prohibited everywhere in the building. This policy applies equally to all employees, customers, and visitors. All Village vehicles and equipment are also designated as no smoking areas.

Employees are not permitted to use tobacco products during their working hours except during approved break periods. Supervisors may make exceptions, and employees will be notified of applicable exceptions.

The Village will assist employees who wish to quit smoking or other forms of tobacco use by facilitating access to recommended smoking or tobacco use cessation programs and materials.

## **513 Business Travel Expenses**

*Effective Date: 01/20/2022*

The Village of Yellow Springs will reimburse employees for allowable expenses incurred while traveling out of the Village on official Village business. All business travel must be approved in advance by the appropriate department head, and employees whose travel plans have been approved are responsible for making their own travel arrangements.

### Allowable Transportation Expenses

Employees ~~are encouraged to~~shall use a Village-owned vehicle if available for travel. Should a Village-owned vehicle not be available, an employee may use their own personal vehicle. Reimbursement for travel by privately owned vehicle is authorized not to exceed the rate based on prevailing IRS regulations. Mileage is only payable to one of two or more employees traveling on the same trip in the same vehicle. Rental of a vehicle is not reimbursable without prior approval (including Uber or Lyft, bus or taxi fare) but employees are to use the most economical means available in seeking transportation. For air fare, flight expenses are only reimbursable when the cost of such flight is less than the cost of automobile mileage, or where travel time is of significance in scheduling.

When an employee is to travel by air, payment or reimbursement is authorized at the lowest available rate. Airline reservations should be made as early as possible to take advantage of any potential discounted rates. Any frequent flyer credits earned by Village employees for travel on Village business cannot be used for personal travel. These credits must be applied towards future Village travel.

Reimbursement can be claimed for ferry, bridge, highway, and tunnel tolls. Reimbursement can be claimed for parking as well. Receipts are to be provided.

### Meals

Employees are expected to limit meal expenses to a reasonable amount. The Village of Yellow Springs will ~~reimburse actual cost of meals while on overnight travel status that are not otherwise included and paid for in the cost of the training or conference registration~~provide a per diem meal allowance in accordance with current IRS

regulations, with receipts required, rates. Per diem will only be provided for meals not otherwise included in the cost of registration, hotel accommodations, or other pre-paid arrangements.

If meals are provided by a hotel, conference, or event, employees will not be reimbursed for meals.

The Village Manager has discretion in approving meal reimbursements. Employees must attach a full itinerary or conference schedule for the trip, clearly indicating which meals were provided.

~~The Village is prohibited from reimbursing Sales Tax incurred at Ohio businesses. Therefore it is the employee's responsibility to obtain a Department of Taxation Sales Tax Exemption Form from the Finance Director prior to departure (for Ohio businesses).~~

Per the Village's Sales Tax Reimbursement Policy, the Village may reimburse sales tax up to a maximum of \$500. Employees are encouraged to use the Department of Taxation Sales Tax Exemption Certificate whenever possible. It is the employee's responsibility to obtain the certificate from the Finance Director prior to departure for Ohio businesses.

Non-reimbursable expenses are alcoholic beverages, entertainment, laundering/dry-cleaning, room service charges and expenses of spouses or other non-employees traveling with the employee, or any allowable expense if the employee fails to provide a receipt.

#### 51Transportation

Employees may be reimbursed for car rental, taxi fares, or other personal transportation costs at the supervisor's discretion, depending on the nature of the travel and availability of other transportation options. Any such reimbursements require prior supervisor approval.

Effective January 2022

Employees who are involved in an accident or injury while traveling on business must promptly report the incident to their immediate supervisor.

[Accompaniment and Personal Travel](#) With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Additional expenses incurred as a result of the presence of a companion are at the expense of the employee.

Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

#### [Post-Travel Reporting](#)

When travel is completed, employees shall submit completed travel expense reports to the supervisor *within 30 days or December 31, whichever comes first*. In no event will reimbursements for one year be reimbursed with funds from the following year. Reports should be accompanied by supporting receipts for all individual business expenses, including conference information and any agendas outlining events, dates, times, locations and any meals included. This includes expenses charged to a Village VISA purchase card and purchases paid for by employees. Travel Expense Forms are available on ~~the~~ [Shared Drive SharePoint](#).

When an employee is attending a conference which is within 60 miles of the Village, overnight accommodations will not be provided without advance written authorization of the supervisor.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.

### **514 Remote work policy**

The Village supports remote work, also known as “telework” or “work from home” as a model for employees to the extent it may improve work/life balance and increase productivity, and promote efficiency and savings. Any employee may be directed or permitted to work from a designated alternative work location due to circumstances such as inclement weather, quarantine, disability accommodations, and operational needs. All employees must adhere to the policies regarding use of technology and protection of data while teleworking. Teleworking is a management option and not an employee right

that an employee can expect or demand. Remote work does not affect any employee's basic terms and conditions of employment. Not every position is suited for teleworking, nor is every employee, so the Village Manager may choose to limit teleworking to employees in certain classifications, certain positions, or certain circumstances. Even if teleworking full-time is not an option, the Village may consider whether certain classifications or positions could telework part of the time, allowing an employee to reduce the number of hours in the office.

Occasional remote work, necessary to perform Village functions, is distinct from telework on a regular basis. Remote work may be an option for an employee who is absent from the workplace but can still perform job functions from an alternative location. Supervisors shall make a recommendation to the Village Manager for every position in the organizational chart as to whether the duties of any positions may be performed via remote work. Such

recommendations shall include considerations of job functions, cost effectiveness, scheduling, and the ability to monitor the employee. For example, the supervisor may take into account the employee's most recent performance evaluation, any history of poor information security practices or an employee's active disciplinary record. For jobs that regularly access or input sensitive data or personally identifiable information, the Village shall minimize any information security risks before determining that telework is not an option.

Any employee who chooses to work remotely is responsible for performance of all regular job duties, unless modified by the supervisor or in a written telework agreement and for communicating to their supervisor any circumstances that prevent the teleworker from being able to work remotely (e.g. power or Internet outage at the remote work location). The supervisor shall establish a plan with the employee to address such unexpected contingencies. The teleworker is also responsible for regular communication with coworkers and/or other individuals as necessary to complete job duties.

HR shall ensure that any employee performing remote work has access to information regarding setting up an ergonomic workstation at home or another location. Remote work locations should be reasonably quiet, free of distractions or any noises inconsistent with an office environment, and provide for privacy to prevent inadvertent disclosure of sensitive information (if applicable). HR shall also notify the Village's Information Technology provider of the remote work arrangements and ensure that the employee understands the need to follow protocols for information security.

If additional equipment and supplies are required, other than those that an employee normally maintains such as a laptop or other computer, the Village Manager may approve equipment, supplies and software as necessary, but the Village is under no obligation to reimburse a remote worker for any out of pocket expenses for supplies if the employee does not go through normal Village channels to request needed supplies or procure them from the Village offices.

Remote workers are solely responsible for the cost of maintenance, repair and operation of any personal equipment not provided by the Village, including furniture.

Remote workers shall also comply with applicable record retention schedules and the Village public records policy. Remote workers agree that regardless of whether a device is personal or Village-issued (e.g., laptop, smartphone, tablet), any records stored on a mobile device shall be considered records in transit and shall never be stored permanently on a personal mobile device.

Remote work may permit an employee to coordinate dependent care if the employee is a permanent primary caregiver for any individual during the employee's scheduled work hours. While the Village prefers alternative supervision or care outside of the remote work location, any such arrangement shall be disclosed to the Village by the employee prior to the initiation of remote work, and the Village Manager may approve only if an employee is able to complete assigned duties while also caring for a dependent (e.g. a sick child must stay home from school).

Remote work is covered by the State of Ohio workers' compensation laws for injuries occurring in the course of and arising out of the performance of the employee's official job duties. However, the remote worker shall be responsible for the employee's own damages, non-compensable injuries, and for any third party's damages, and injuries resulting from the employee's failure to comply with all safety and health rules and regulations and any violation of the Village's teleworking policy or applicable Ohio law.

Remote workers are responsible for the security and protection of any IT equipment and resources provided to them as well as ensuring such resources are only used by the remote worker (not other members of the household or anyone at other remote work locations).

The Village's IT provider shall periodically check any devices, software, or other Village assets to validate that up-to-date operating system software and security software are in use for antivirus, firewall, and other protection and that no unauthorized access has occurred; or that any authorized personal device is also operating securely.

The Village may prohibit employees with access to sensitive data or other concerns from participating in remote work if the risk outweighs the benefit to the Village. Remote workers shall immediately report any lost, stolen or potentially compromised IT equipment, compromised accounts, and/or Village data directly to the Village Manager.

While removable media and devices are extensively used for storing and transporting data, some of the characteristics that make them convenient can also introduce security risks to the Village infrastructure. Therefore, any use of "removable media" including but not limited to optical disks (DVD, CD), memory cards or flash drives should only be approved after the employee separately executes acknowledgement of receiving the most up-to-date version of the Removable Media Best Practice Checklist maintained by the Village Manager, published by the Ohio Public Entities Pool.

## **EMPLOYEE CONDUCT**

### **601 Employer / Employee Expectations**

*Effective Date: 01/20/2022*

To ensure orderly operations and provide the best possible work environment, the Village of Yellow Springs expects Employees to follow rules of conduct and work rules that will protect the interests and safety of all employees, the organization and the general public.

## 602 Substance-Free Workplace

*Effective Date: 01/20/2022*

### General Overview.

All employees are ~~covered by our~~ subject to the Village's Substance-Free Workplace Program. The Village of Yellow Springs recognizes the adverse effect that employee use or abuse of drugs, narcotics and or alcoholic beverages can have on the workplace. The safety and health of the employee, ~~employees~~ co-workers, visitors and persons served by the employee are threatened by those who are

impaired by substances of abuse. Absenteeism, lack of productivity and an increased risk of deficient services can result from substance abuse. The Village of Yellow Springs and employee may face liability from lawsuits filed by members of the public for wrongful acts committed (or omitted) while the employee is impaired. The financial well-being, the strength and the ability of the Village to service its community is diminished by substance abuse among its employees.

All employees are responsible for their conduct, even where misconduct may be related directly or indirectly to chemical abuse and or dependency ~~and therefore, chemically.~~ Chemically dependent and / or ~~abusive~~ employees abusing controlled substances are encouraged to get help *before* it ~~causes~~ problems with their work. ~~The Village of Yellow Springs recognizes that chemical abuse and or dependency is an illness and therefore, reasonable accommodation in the form of becomes a problem at work.~~

### Prohibited Conduct.

~~rehabilitation in lieu of discipline is available through the employee Assistance Program (EAP) maintained by the Village of Yellow Springs for its employees with drug or alcohol problems.~~

~~Non random drug and alcohol testing shall be given to employees whose supervisors have reasonable suspicion of drug and alcohol use or abuse patterns of behavior. Refusal to submit to drug testing, including attempts to alter a specimen, will result in a Group III Offense action by the Village of Yellow Springs. All employees who have a Commercial Driver's License (CDL) must comply with all state and federal testing requirements. Positive drug or alcohol testing results shall result in mandatory referral to the EAP for rehabilitation with subsequent monitoring of return to work agreements in lieu of discipline.~~

~~Mandatory treatment in lieu of discipline shall be offered only once to each Village of Yellow Springs employee and voluntary treatment, whether through the EAP or other source, is encouraged and has no impact on the availability of rehabilitations as an option to discipline.~~

The Village of Yellow Springs prohibits the ~~unlawful~~ manufacture, distribution, dispensing, possession or use of any controlled substance ~~(drugs) or alcohol~~ on the Village of Yellow Springs properties at any time and while participating in any Village-sponsored activity or function ~~excluding the lawful use of.~~ For purposes of this policy, the term “controlled substances (i.e., prescribed medications-)” includes:

- Illegal drugs
- Marijuana, regardless of whether it is legal under state law
- The use of medications prescribed for others, or used in a manner not consistent with the prescribed use. Prescription medications must be kept in the prescription container (by statute) to avoid misunderstandings.

- The use of over-the-counter medications in a way other than as directed by the manufacturer or a medical provider, or that may cause effects which impair the employee's ability to safely perform the essential functions of their job (e.g., drowsiness, reduced response time, etc.).

~~No~~In addition, no employee shall operate any vehicle or any equipment owned, rented or leased by the Village of Yellow Springs while impaired or under the influence of a ~~controlled substance (drug), alcoholic beverage, and including any prescribed medication that may cause effects which impair the employee's ability to safely perform the essential functions of safely operating vehicles or equipment and is so stated on the prescription container or contained in the medication's warning label.~~Controlled Substance or alcohol

~~Prescription medications are "controlled substances" covered by the Policy and many "over the counter" medications can produce mood altering symptoms similar to those associated with illicit drug use; therefore, any use of such medications by employees during work hours where an employee's work performance may be adversely affected shall be reported to the immediate supervisor to avoid misunderstandings. Prescription medications must be kept in the prescription container (by statute) to avoid misunderstandings.~~

## 5.5 Reporting Convictions.

~~Effective January 2022~~

Employees convicted of violating any federal, state or local criminal drug statute where the violation occurred on Village of Yellow Springs premises and / or during work hours, including traffic offenses, must report the conviction to the Village Manager within five (5) working days of the conviction. Such convictions will result in the employee's immediate termination, or a requirement that the employee satisfactorily participate in ~~(and successfully complete)~~ rehabilitation as recommended by the EAP.

### Testing.

Testing will be triggered in the following instances:

1. Post-offer/pre-employment testing.
2. When supervisors or other credible evidence indicates there is reason to suspect an employee is impaired or under the influence of drugs or alcohol.
3. When an employee has been involved in a work-related incident that resulted in property damage or personal injury.
4. When an employee is subject to federal testing requirements in connection with licensure, such as CDL drivers.
5. When employees are the subject of a last-chance agreement, in which random testing over the course of a year may be made a condition of the agreement.

Refusal to submit to drug testing, including attempts to alter a specimen, will result in a Group III Offense action by the Village of Yellow Springs.

Positive drug or alcohol testing results shall result in mandatory referral to the EAP for rehabilitation with subsequent monitoring of return-to-work agreements in lieu of discipline.

### Getting Help

Any employee whose personal life is adversely affected by drug or alcohol dependency or substance abuse is encouraged to contact the Village Manager in confidence. Every effort will be made to assist an employee who seeks out help or who voluntarily participates in the Village's Employee Assistance Program or similar program. However, employees who first violate this policy against substance abuse and *then* seek voluntary assistance will not avoid corrective action, up to and including termination. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should consult with the Village Manager without fear of reprisal.

For employees seeking treatment, whether voluntarily or by reason of mandatory rehabilitation in lieu of discipline, the regular ~~Employee~~employee benefits, otherwise available to the employee shall apply. Any available employee leave (sick leave, personal leave, vacation leave), accident disability policy benefits, and health insurance benefits are available to ~~Employees~~employees seeking rehabilitation in accordance with the terms of the applicable policy. The Village Manager shall develop ~~any~~ procedures in compliance with this policy. The terms of this policy shall be followed unless superseded by any mandated state or federal laws.

Mandatory treatment in lieu of discipline shall be offered only once to each Village of Yellow Springs employee and voluntary treatment, whether through the EAP or other source, is encouraged and has no impact on the availability of rehabilitations as an option to discipline.

### **Education and Assistance.**

Educational programs will be provided from time to time to help employees understand the negative effects of substance abuse.

Alcoholism and drug dependencies can often be treated successfully with an individual's commitment. The Village will support employees who seek to overcome an addiction to alcohol or drugs or who struggle with related problems.

The Village's Employee Assistance Program (EAP) is a voluntary option to help employees deal with work or personal issues. In cases of substance abuse, management may be notified by the EAP that an employee is medically restricted or that an employee has failed to comply with a mandated treatment program.

### **Consequences of Violating this Policy.**

Violation of this policy may result in testing to confirm the presence or absence of Controlled Substances, and may result in discipline, up to and including termination. Depending on the circumstances, criminal or civil legal action may also follow.

### **602.1 Medical Marijuana**

Under Ohio law, employers are not required to accommodate an employee's use or possession of medical marijuana in or out of the workplace. To minimize workplace risks, liability and potential litigation, the Village of Yellow Springs prohibits employees from possessing, being impaired by or under the influence of medical marijuana while working. If an employee has qualified to use medical marijuana under Ohio law, based on one or more

statutorily qualifying conditions; has registered with the state; and had a treating physician recommend medical marijuana, the employee may present such evidence as an affirmative defense for alleged violations of the Substance Free Workplace policy. Particularly recognizing that marijuana use results in positive tests which may not indicate influence or impairment, each situation will be evaluated on a case-by-case basis using objective criteria and applicable law. While the Village of Yellow Springs attempts to accommodate off-duty medical marijuana use by qualified employees in a manner consistent with other medication use, employees in safety-sensitive positions and those with commercial driver's licenses remain subject to state and federal testing requirements which do not recognize medical marijuana use as lawful. Recreational use of marijuana remains prohibited.

### **603 Conflict Resolution**

*Effective Date: 01/20/2022*

Conflicts between individuals should not impede Village operations. The Village of Yellow Springs recognizes that conflict is a natural occurrence between human beings and the absence of conflict would not allow differing opinions to be voiced. The Village of Yellow Springs also realizes that the way to solve conflict is for the people involved to calmly speak to each other in an attempt to understand each other's views and to find a solution to their conflict.

To assure that conflict is resolved and not used destructively, all employees including supervisors when involved in a conflict which may range from a minor misunderstanding to a

major disagreement are strongly encouraged to speak in private with the other person(s) involved within twenty-four (24) hours.

Supervisors are only used to mediate in conflicts when efforts by the employees to resolve the conflict have failed. Supervisors should have to mediate only on rare occasions since most employees can resolve their own conflicts by resolving problems directly with the other employee involved. Supervisors are authorized to take steps necessary to maintain operations.

If the supervisor is unable to get the parties to resolve the conflict, the next supervisory level will meet with the employees and the supervisor to resolve the conflict.

Disruptive behaviors which show that a conflict is continuing and either no attempt has been made to resolve it or the conflict still has not been resolved will not be tolerated in the workplace. These behaviors are considered Group I Offenses and include, but are not limited to the following:

- A. Refusing to speak to the opposing party in order to attempt to resolve the conflict
- B. Making snide remarks
- C. Refusing to cooperate to work with the opposing party
- D. Any gossiping regarding the specific situation
- E. Any arguing with the opposing party in private or public
- F. Any action that can be considered damaging or a detriment to the opposing party

Employees who continue the conflict and make no concerted attempt to resolve conflicts will be counseled initially, but need to understand that these behaviors are considered Group I Offenses and disciplinary measures will ensue.

If employees are still dissatisfied with the final resolution of the conflict then employees are encouraged to utilize the grievance procedures outlined in this Manual.

#### **604 Discharge from Employment**

*Effective Date: 01/20/2022*

Regular full-time and regular part-time non-probationary employees may be disciplined or discharged for cause. If an employee disagrees with the discipline or discharge imposed by the Village, the employee may appeal the decision pursuant to the Village's grievance procedure.

Whenever it is determined that an employee may be disciplined for cause, resulting in a loss of pay, a pre-disciplinary conference will be scheduled to give the employee an opportunity to

~~offer an explanation of the alleged misconduct. Such discipline must be issued by the Village Manager, after recommendation from a supervisor. The following procedure will be used:~~

- ~~1. At least 24 hours prior to the scheduled starting time of the conference, the employee will be provided a written outline of the charges which may be the basis for disciplinary action. The employee must choose to (a) appear at the conference to present an oral or written statement in his or her defense; (b) appear at the conference and have a chosen representative present an oral or written statement in the employee's defense; or (3) elect in writing to waive the opportunity to have a pre-disciplinary conference. At the pre-disciplinary conference, the employee, or a representative of the employee, will be given an opportunity to respond to the allegations of misconduct which were outlined in writing to the employee. Failure to respond truthfully may result in disciplinary action.~~
- ~~2. At the conference, the employee may present any testimony or documents which explain whether or not the alleged conduct occurred. The employee may be represented by a representative of his or her choosing. No conference will be delayed more than 24 hours to enable an employee representative to attend. The meeting may be held using remote meeting technology.~~
- ~~3. Pre-disciplinary conferences will be held by a neutral person designated by the Village Manager or Human Resource Officer. The neutral person could be a department head not directly in the employee's chain of command, or other person. The employee shall provide a list of witnesses to the neutral as far in advance as possible, but not later than one (1) hour prior to the pre-disciplinary conference. It is the employee's responsibility to notify witnesses that their attendance is desired. The employee or representative will be permitted to confront and cross-examine witnesses.~~
- ~~4. The neutral will issue a written report following the pre-disciplinary conference, and include in the report a conclusion as to whether or not the alleged conduct occurred. A copy of the neutral's report will be provided to the employee and the Village Manager. The Village Manager will review all of the facts of the case presented in the pre-disciplinary conference report, and will determine what disciplinary action will be implemented, if any.~~

## **605 Fitness for Duty**

*Effective Date: 01/20/2022*

The Village's Fitness for Duty Policy is a multi-faceted approach to achieving a healthy, safe drug-free workplace through training of employees. Along with the Employee Assistance Program (EAP), education on the importance of proper physical and mental conditioning as well as the dangers of substance abuse will be emphasized.

All post-offer, pre-placement physical examinations provided by the Village will include a complete evaluation including drug testing.

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Effective January 2022

If a supervisor believes that an employee is not fit to perform his/her duties, the employee may be sent home, relieved of certain duties, assigned to different duties, requested to take a medical examination, or asked for an explanation.

An employee may be required to have a physical or mental examination when mandated by state or federal law, following observation by the supervisor that the employee's fitness may be impaired, or when the employee fails to meet measured performance criteria. The EAP provided by the Village is available to any employee at any time to assist in physical or mental treatment.

## **606 ~~Grievance Procedure~~ Employee Concerns and Complaint Resolution**

*Effective Date: 01/20/2022*

It is the Village's policy to provide an effective and acceptable means for ~~its~~ employees to ~~bring problems and complaints (grievances) concerning their well-being~~ address any concerns, comments, or questions regarding their work environment, job duties, or treatment. ~~If any employee has a concern of issue, the first step is to bring it to the attention of Village supervision and/or management. This procedure applies to all employees, except that probationary, seasonal and part-time employees may not grieve discipline or discharge.~~ their immediate supervisor. If the supervisor is unable to resolve the issue, the supervisor or the employee or both may take the issue to their department head and then to the Village Manager if necessary. If the Village Manager is the subject of a complaint, the employee may bring the grievance to the attention of the Village Solicitor and the Village Solicitor, or his or her designee, shall assist in resolving the issue. The Village is committed to maintaining a respectful and open environment and encourages employees to share any issues or suggestions for improvement.

~~A grievance shall be defined as any complaint or problem that causes an employee to feel dissatisfaction when he/she believes that:~~

~~A. He/she has not been treated fairly or equitably regarding any term or condition of employment; or~~

~~B. A mistake has been made in the application or administration of any rule, plan or policy.~~

~~All grievances shall be promptly handled. To be considered, a grievance must be filed at the first step within seven days (exclusive of Saturdays, Sundays and holidays) of its occurrence. When an employee first becomes aware (or in the exercise of reasonable diligence should have become aware) of its occurrence at a later date, the grievance must be filed within seven days of such time. In all cases grievances must be filed in writing within 30 calendar days after the occurrence of the action which is being grieved.~~

### Step 1. Immediate Supervisor

~~The employee should bring the grievance to the attention of the immediate supervisor. The immediate supervisor will promptly investigate the complaint, and will give the employee a response no later than 7 workdays after the filing of the grievance.~~

Step 2. Supervisor/Department Head

~~If the response of the immediate supervisor does not resolve the grievance, the employee may bring the grievance to the attention of the next supervisory level within five workdays of the response to Step 1. If the grievance is appealed to Step 2, the supervisor who responded to Step 1 will be included in the effort to resolve the grievance. An appropriate investigation will~~

be conducted, and the supervisor/department head will give the employee a response no later than 7 workdays after Step 2 has been initiated by the employee.

### Step 3. Village Manager

If Step 2 does not resolve the grievance, the employee may bring the grievance to the attention of the Village Manager within five workdays of the response to Step 2. The Village Manager will give a final written response to the grievance within seven (7) workdays after review of all information provided by the parties to the grievance, and in no case later than 30 workdays from the Village Manager's receipt of the grievance. The decision of the Village Manager is final.

#### Additional Provisions:

- A. All grievances, and all responses, must be in writing.
- B. In the event the employer fails to respond within the time requirements of Steps 1 and 2, the grievant is entitled to proceed immediately to the next Step.
- C. If any grievance is not taken to the next Step within 5 workdays, the matter will be considered to be resolved.
- D. Any time lines/deadlines may be extended at any point by mutual, written consent.
- E. No decision rendered at Steps 1 and 2 may have the effect of changing any rule, plan or policy. A decision may, however, recommend such a change.
- F. Employees may select one other employee to assist in the presentation and processing of grievances. This employee cannot be an individual in the employee's supervisory line of authority. The other employee may assist at any or all steps of the procedure.
- G. In rendering grievance decisions, the immediate supervisor or his/her supervisor may consult with any employee, whether a party to the grievance or not.
- H. During the grievance process and/or any time thereafter, a claim made by an employee of retaliation by a supervisor related to the grievance will be investigated by the Village Manager.

## **607 Sexual and Other Forms of Harassment**

Effective Date: \_\_\_\_\_/2023

The Village is committed to providing a workplace free from this unlawful conduct, and maintains a policy that strictly prohibits inappropriate behavior, including harassment of any type.

Effective Date: 01/20/2022

It is against the policies of the Village, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. The Village is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment.



Sexual harassment is a form of sex discrimination ~~and means~~ that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to, the following, when such acts or behavior come within one of the above definitions:

1. Either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
2. Touching or grabbing ~~a sexual~~ any part of an employee's body;
- ~~3. Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;~~
- ~~4.~~ 3. Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters to another;
- ~~5.~~ 4. Writing or continuing to write sexually suggestive notes or letters to another;
5. Telling sexual jokes or using sexually vulgar or explicit language in the presence of another;
6. Comments about a person's body in a sexually offensive manner
7. Harassing acts or behavior directed against a person on the basis of ~~his or her~~ their sex or sexual orientation or gender identity; and
8. Off-duty conduct ~~which~~ that falls within the above definition and affects the work environment.

~~What an employee should do if he or she believes he or she has been harassed:~~

~~Any employee who believes that she or he has been the target of sexual~~ Employees who believe they have experienced or observed harassment or discrimination on the basis of sex or gender, or any other factor listed in the Equal Opportunity policy MUST immediately report the conduct to ~~his / her~~ supervisor. ~~If the employee~~

~~is not comfortable reporting to his / her~~their supervisor, ~~or the supervisor is the subject of the complaint, the employee may complain to his / her~~their department head, the Village Manager, or the Village Manager's Human Resource Officer. Employees are also encouraged, if comfortable in doing so, to tell the offender to stop the unwelcome conduct. Reporting the situation will cause prompt action on the part of the supervisor or other person to whom the report is made.

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Effective January 2022

~~What the Village will do if it learns of possible sexual harassment:~~

~~In the event~~ When the Village receives a complaint of sexual or other harassment, or otherwise has reason to believe that ~~sexual~~ harassment is may be occurring, it will ~~take all necessary steps to ensure that the matter is promptly investigated and addressed.~~ The Village is committed to taking action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint promptly investigate the allegations and determine what, if any, action is needed to remedy the complained-of conduct. Every supervisor is responsible for promptly ~~responding to, or reporting,~~ escalating every complaint or suspected acts of sexual harassment. ~~Supervisors shall report to the Village Manager. Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.~~ Any employee who learns of the investigation of a complaint shall not take any retaliatory action of any kind toward any person involved in the investigation.

If the allegation of sexual harassment is found to be ~~credible~~ substantiated, the Village will take ~~appropriate~~ prompt remedial action, which may include corrective action, up to and including termination. The Village will inform the complainant and the accused person ~~of the results of the investigation and what actions will be taken~~ as to whether the complaint was substantiated, and of any efforts to ensure that the harassment/inappropriate conduct will cease and that no retaliation will occur. Any employee, or supervisor, who has been found ~~by the employer to have harassed another employee~~ to have engaged in inappropriate conduct in violation of this policy may be subject to disciplinary action, up to and including termination.

~~Retaliation of any kind against another for filing and/or supporting a complaint of sexual harassment is illegal and will not be tolerated~~ The Village does not tolerate any retaliation toward any employee who has made a complaint or participated as a witness in the investigation. Retaliation includes, but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc. ~~In addition to reporting the initial harassment, any employee who feels he or she has been retaliated against for making or supporting a complaint, or for participating in an investigation under this policy, must also immediately report the retaliation to his or her~~ Any concern about retaliation should be promptly reported to one's supervisor, or to the department head or Village Manager, or the Village Manager's Human Resource Officer.-

Other Forms of Harassment:

~~Sexual harassment is but one type of workplace discrimination. If an employee believes that he or she is being discriminated against or harassed on the basis of race, color, religion, national origin, ancestry, age, disability, military or veteran status, sexual orientation, gender~~

~~identity, genetic information or sex (gender), the employee should report the situation to his or her supervisor, department head, the Village Manager, or the Village Manager's Human Resource Officer. Any concerns will be promptly investigated. All employees should understand the importance of reporting discriminatory conduct. Employees who engage in discrimination or harassment should be aware they will be subject to disciplinary measures, up to and including termination.~~

## **608 Workplace Bullying**

*Effective Date: 01/20/2022*

The Village of Yellow Springs considers workplace bullying unacceptable and will not tolerate it under any circumstances.

Workplace bullying ~~is~~includes behavior that harms, intimidates, offends, degrades or humiliates an employee, ~~possibly in front of other employees, or in front of the public that the Village serves.~~ Workplace bullying ~~may cause the loss of trained~~can lead to losing valuable and talented employees, ~~reduce~~reducing productivity and morale, and ~~create~~creating safety and other risks.

~~The Village strongly believes all~~All employees should be able to work in an environment free from bullying. ~~Any employee~~ Employees who ~~feels~~feel that ~~he or she is~~they have been the subject of or observed bullying should promptly report this to ~~his/her~~their supervisor, department head, or the Village Manager or his/her Human Resource Officer. Any reports of workplace bullying will be treated seriously and investigated promptly, ~~confidentially (to the extent possible) and impartially. There will be no retaliation~~ and fairly. Retaliation against any employee making a good faith report of workplace bullying or participating in an investigation of such a report will not be tolerated, and should also be reported.

~~Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, reprimand, transfer, counseling, demotion or discharge, depending on the circumstances.~~

Appropriate disciplinary action, up to and including termination, will be taken against anyone who has engaged in bullying another employee.

## **609 Workplace Violence**

*Effective Date: 01/20/2022*

The Village of Yellow Springs does not tolerate ~~violence within its workplace or anywhere while employees are working. No person employed with the Village shall be the instigator of, or participant in,~~ workplace violence ~~conduct~~. Workplace violence includes acts or threats of violence, including conduct that is ~~sufficiently severe, offensive, or intimidating to alter the employment conditions of~~OR can create a hostile, abusive or intimidating work environment for one or more ~~of its~~ employees. Examples include, but are not limited, to the following:

- A. ~~All threats~~A. Threats or acts of violence occurring on work premises, regardless of the relationship between the Village and ~~the parties~~those involved in the incident.
- B. ~~All threats~~B. Threats or acts of violence occurring off ~~the~~ work premises ~~during the employee's work time or anytime,~~ involving someone who is acting in the capacity of a representative of the Village.

- ~~C. All threats~~ C. Threats or acts of violence occurring off ~~the~~ work premises involving an employee of the Village, if the threats or acts affect or interfere with the legitimate interests of the Village.
- ~~D. Any acts~~ D. Acts or threats resulting in the conviction of an employee under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the Village.

Specific examples of conduct, which may be considered threats or acts of violence, include but are not limited to:

1. ~~Physical assault of an individual (hitting~~Hitting, shoving, kicking, or otherwise making unwelcome physical contact).
2. 2. Threatening harm to individuals, their family, friends, associates, or property.
3. 3. Verbal assault for the purposes of intimidation and/or coercion.
4. 4. The intentional destruction or threat of destruction of Village or personal property.
5. 5. Callous or intentional disregard for the physical safety or well-being of others;
6. 6. Display of any weapon or ~~the brandishing of any~~ object that could reasonably be perceived as a weapon, including firearms or explosives ~~(police officers and others authorized by the Village Manager are exceptions),~~ so as to intimidate or cause fear in others; and
7. 7. Any other conduct that a reasonable person would perceive as constituting violence, intimidation, or a threat of violence.

All instances of workplace violence, including ~~weapon~~weapons possession, shall be reported immediately to one's supervisor or the ~~Village~~ Village's Human Resource Officer. Supervisors shall ~~be required to take appropriate, immediate action to curtail any such behavior or comments~~ take any intermediary steps to immediately eliminate threats and shall promptly consult with the Village Administrator about the proper course of action, including but not limited also consulting with the Chief of Police as to whether charges should be brought. Any known concealed weapon possession or potentially violent situations shall be reported immediately to the police department by the supervisor.

Supervisors may require an evaluation of the offending employee by the Village's Employee Assistance Program (EAP) along with either coaching or progressive discipline depending upon the severity of the offense.

## **610 Return of Property**

*Effective Date: 01/20/2022*

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All Village property must be returned by employees on or before, as requested by the Village, their last day of work. Where permitted by applicable laws, the Village may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Village may also take all action deemed appropriate to recover or protect its property.

## **611 Safety / Security Inspections**

*Effective Date: 01/20/2022*

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the Village. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Village at any time, either with or without prior notice.

## **612 Solicitation**

*Effective Date: 01/20/2022*

In an effort to assure a productive and harmonious work environment, persons not employed by the Village of Yellow Springs may not solicit or distribute literature in the workplace at any time for any purpose.

The Village recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

Examples of impermissible forms of solicitation include:

1. The collection of money, goods, or gifts for religious, political, or social groups;
2. The sale of goods, services, or subscriptions outside the scope of official organization business

In addition, the posting of written solicitations on employee bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

1. Employee announcements
2. Internal memoranda
3. Job openings
4. Organization announcements

## **EMPLOYEE DISCIPLINARY ACTION**

### **701 Disciplinary Procedures**

*Effective Date: 01/20/2022*

From time to time, problems may arise that relate to unacceptable work performance, unacceptable attitude or language, or behavior that disrupts productivity or offends community sensibilities and may require corrective action on the part of supervisors. The disciplinary action taken will depend

upon the seriousness of the offense, and the willingness of the employee to make amends and correct the problematic behavior.

Employees shall be advised by their supervisor(s) of expected satisfactory job behavior, the types of conduct determined by the Village to be unacceptable and the penalties for such unacceptable behavior. Disciplinary action shall *usually* be progressive; however, depending on the severity of the offense, may proceed immediately to termination of employment.

Discipline shall be applied uniformly and consistently. An employee's immediate supervisor shall be responsible for the initiation of disciplinary action.

The Village of Yellow Springs' own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future.

The Village Manager may place an employee on administrative leave with pay, but only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the Village Manager completes the predisciplinary process, investigates the alleged infraction, and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's base rate of pay.

## **702 Progressive Discipline**

*Effective Date: 01/20/2022*

Subject to exceptions for unusual circumstances, including the severity of the offense, the Village will typically follow an established system of progressive discipline when correcting unsatisfactory job behavior. The Village of Yellow Springs has adopted a discipline policy as a guide for the uniform administration of discipline. It is not to be construed as a delegation of or a limitation on the statutory rights of the Village of Yellow Springs as set forth in the Ohio Revised Code or the home rule rights of the Village pursuant to the Village Charter.

## **703 Unacceptable Behaviors**

*Effective Date: 01/20/2022*

Incompetency, inefficiency, dishonesty, drunkenness, offenses of moral turpitude as defined by Ohio law, insubordination, discourteous treatment of the public, neglect of duty, absence without leave, and any other failure of good behavior or any other acts of misfeasance, malfeasance, or nonfeasance in office shall be cause for disciplinary action.

## **704 Progressive Discipline Steps**

*Effective Date: 01/20/2022*

There are four steps to the progressive discipline process. These steps are usually taken in order, but the Village of Yellow Springs reserves the right to skip any step depending on the seriousness of the offense. ~~If more than twenty-four (24) months have passed since the last disciplinary action, the process will normally start over.~~  
The levels of progressive discipline are:

1. Verbal Warning (Instruction and Cautioning) ~~(May be issued by supervisor or above)~~
2. Written Reprimand ~~(May be issued by supervisor or above)~~
3. Suspension, Demotion ~~(only by Village Manager)~~
4. Termination ~~(only by Village Manager)~~

## 705 Cause for Discipline

*Effective Date: 01/20/2022*

Whenever the Village of Yellow Springs determines that an employee may be disciplined for cause which may result in a suspension, reduction or termination, a pre-disciplinary

conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged misconduct.

## 706 Pre-Disciplinary Conference

*Effective Date: 01/20/2022*

A pre-disciplinary conference will be conducted by ~~a Hearing Officer. See Section 604~~[the Village Manager](#).

## 707 Pre-Disciplinary Conference Procedures

*Effective Date: 01/20/2022*

~~1.~~ ~~4.~~ The following procedure will be followed in conducting a pre-disciplinary conference: Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the Village Manager or designee will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee must choose to:

- A. Appear at the conference to present an oral or written statement in his defense;
- B. Appear at the conference and have a chosen representative present an oral or written statement in defense of the employee;
- C. Elect to waive, in writing, the opportunity to have a pre-disciplinary conference.

~~2.~~ ~~2.~~ At the pre-disciplinary conference, the ~~Hearing Officer~~[Village Manager](#) will ask the employee or his representative to respond to the allegation of misconduct which was outlined to the employee. ~~Failure to respond or to respond truthfully during the hearing may result in disciplinary action following a subsequent conference.~~

~~The~~ ~~3.~~ ~~At the conference the~~ employee may present ~~to the Village Manager~~ any testimony, witnesses, or documents which explain whether or not the alleged misconduct occurred. The employee may be represented by any person he chooses. The employee shall provide a list of witnesses to the ~~Hearing Officer~~[Village Manager](#) as far in advance as possible, but not later than four (4) hours prior to the pre-disciplinary conference. It is the

employee's responsibility to notify witnesses that their attendance is desired.

~~4. The employee or representative will be permitted to cross-examine any witnesses present at the hearing. The Hearing Officer shall prepare a written report, concluding whether or not the alleged misconduct occurred. The Village Manager will decide what discipline if any is appropriate. A copy of the final report will be provided to the employee within ten (10) calendar days following its preparation.~~

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3. Within five (5) calendar days of the pre-disciplinary conference, the Village Manager will determine what discipline, if any, is appropriate. The Village Manager will prepare written findings as to whether the alleged misconduct did or did not occur, as well as appropriate discipline.

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## 708 Offense Categories

Effective Date: 01/20/2022

There are three (3) basic groups of offenses for which disciplinary action may be taken. This discipline policy provides general guidelines for specific offenses, however, the examples of specific offenses given in any grouping are not all inclusive, and serve merely as a non-binding guide.

**Group I Offenses:** ~~Events or action by an employee that if not corrected by supervisory authority can create disruption and inefficiency in the workplace.~~

### Group I Offenses:

In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.

**Group II Offenses:** ~~Events or action by an employee~~

Group II Offenses may be defined as those infractions which are of a more serious nature that if not corrected by supervisory authority can create major disruption and severe problems in the workplace than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a more serious and longer lasting impact against the organization than the Group I Offenses.

**Group III Offenses:** ~~Event or action by an employee~~ Group III Offenses may be defined as those infractions which are of a very serious and/or possibly a criminal nature that if not corrected by a supervisory authority can result in extreme disruption extreme problems in the workplace and/or which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses, if left undisciplined by proper authority, may have a long lasting and serious adverse impact on the organization.

## 709 Group I Offenses

Effective Date: 01/20/2022

First Offense	Instruction and <del>Cautioning</del> <u>Verbal Reprimand</u>
Second Offense	Written Reprimand
<u>Third Offense</u>	One (1) to three (3) day suspension without pay
<u>Fourth Offense</u>	Five (5) to fifteen (15) day suspension without pay

Fifth Offense

Termination

## 710 Examples of Group I Offenses

Effective Date: 01/20/2022

Examples of Group I offenses include, but are not limited to the following:

A. ~~Discourteous treatment of the public.~~

B. ~~Failure to "report off" work for any~~ Unauthorized absence from work (e.g., tardiness) (neglect of duty, failure of good behavior, or nonfeasance).

C. ~~Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period (neglect of duty, failure of good behavior, nonfeasance.)~~

D. ~~Leaving the~~ 2. Disregarding job or duties, neglect of work area, reading for pleasure during ~~the regular~~ working hours ~~without authorization~~ (neglect of duty, failure of good behavior, or nonfeasance).

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~~E. Making preparation to leave work without specific prior authorization before the lunch period, or before any official break time, or before the specified quitting time (inefficiency / neglect of duty / failure of good behavior.)~~

~~F. ~~Neglect or carelessness in signing~~3. Failure to properly and completely clock/sign in or out (inefficiency-~~2~~, neglect of duty-~~2~~, or failure of good behavior-~~1~~nonfeasance-~~1~~).~~

4. Failure to properly “report off” work for any absence or failure to timely notify the proper party of absence (neglect of duty, failure of good behavior, or nonfeasance).

~~G. ~~Unauthorized absence from work~~5. Leaving a post of continuous operations prior to being relieved by employee of incoming shift (neglect of duty ~~1~~or failure of good behavior-~~1~~).~~

~~H. 6. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping (inefficiency-~~2~~, neglect of duty-~~2~~, or failure of good behavior-~~1~~).~~

7. Failure to observe official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

8. Failure to report accidents, injuries, or equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

9. Discourteous treatment of the public (discourteous treatment of public or failure of good behavior).

10. Inattention to the needs of the public (discourteous treatment of public or failure of good behavior).

~~I. 11. Distracting the attention of ~~other, unnecessarily~~others, unnecessary shouting, ~~demonstrating~~use of profane or other inappropriate language, misuse of two-way radios, or otherwise causing ~~disruption~~disruptions on the job (inefficiency-~~2~~, neglect of duty-~~2~~, or failure of good behavior-~~1~~).~~

~~J. 12. Malicious mischief, horseplay, wrestling, or other undesirable or potentially harmful conduct (inefficiency, immoral conduct, ~~including use of profane or abusive language (inefficiency /~~discourteous treatment of public-~~1~~, or failure of good behavior-~~1~~).~~

- K. ~~Threatening, intimidating, coercing, or interfering with~~ 13. Interfering with the work performance of subordinates or other employees or causing other disruptions of the workplace (inefficiency ~~or~~ neglect of duty ~~or~~ failure of good behavior).
- L. 14. Failure to cooperate with other employees as required by job duties (inefficiency ~~or~~ neglect of duty ~~or~~ failure of good behavior ~~or~~ nonfeasance).
- 15. Neglect of or careless failure to observe employer rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
- M. ~~Failure to use reasonable care of Village of Yellow Springs property or equipment without authorization~~ (dishonesty ~~or~~ 16. Excessive garnishments (failure of good behavior ~~or~~ nonfeasance).
- N. 17. Use or possession of another employee's working equipment or property without ~~authorization~~ approval (dishonesty ~~or~~ failure of good behavior).
- O. ~~Neglect or carelessness in observance of safety rules or disregard of common safety practices~~ (inefficiency / neglect of duty / failure of good behavior / nonfeasance).
- P. ~~Failure to observe department rules~~ 18. Unauthorized use of the employer's telephone for other than business purposes (inefficiency ~~or~~ neglect of duty ~~or~~ failure of good behavior ~~or~~ nonfeasance).
- Q. 19. Obliging the Village of Yellow Springs employer for any minor expense, service, or performance without ~~proper~~ prior authorization (dishonesty ~~or~~ neglect of duty, failure of good behavior ~~or~~ misfeasance / malfeasance).
- R. ~~Failure to report accident, injury~~ 20. Neglect of or careless failure to care for employer property or equipment ~~damage~~ (inefficiency ~~or~~ neglect of duty ~~or~~ failure of good behavior ~~or~~ nonfeasance).

S. ~~Disregarding job duties by neglect of work or reading for pleasure during working hours~~  
 (inefficiency / neglect of duty / failure of good behavior / nonfeasance.)

- ~~T.~~ Unsatisfactory work or 21. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required standard of performance standards, etc.) (inefficiency-<sub>1</sub>, neglect of duty-<sub>1</sub>, failure of good behavior-<sub>1</sub>, or nonfeasance).
- ~~U.~~ Unauthorized use of telephone for other than business purposes 22. Neglect of or careless failure to prepare required reports or documents (inefficiency-<sub>1</sub>, neglect of duty-<sub>1</sub>, failure of good behavior-<sub>1</sub>, malfeasance-<sub>1</sub>, or nonfeasance).
- 23. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the employer (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
- 24. Failure to commence duties at the beginning of the work shift, or leaving work prior to the end of the work shift (inefficiency, neglect of duty, or failure of good behavior).
- 25. Leaving the job or work area during the regular working hours without authorization (neglect of duty, failure of good behavior, or nonfeasance).
- 26. Making preparations to leave work without specific prior authorization before the lunch period, any official break period, or specified quitting time (neglect of duty, failure of good behavior, or nonfeasance).
- 27. Establishing a pattern use of sick leave or other misuse or abuse of sick leave (neglect of duty, malfeasance, failure of good behavior).

## 711 Group II Offenses

Effective Date: 01/20/2022

<u>First Offense</u>	Instruction and one (1) to three (3) day suspension without pay
<u>Second Offense</u>	Five (5) to fifteen (15) day suspension without pay Termination
<u>Third Offense</u>	Termination

## 712 Examples of Group II Offenses

Effective Date: 01/20/2022

Examples of Group II offenses include, but are not limited to the following:

- A. ~~Sleeping during working hours (inefficiency / Failure to report off work (neglect of duty-<sub>2</sub> failure of good behavior-<sub>2</sub> or nonfeasance-<sub>2</sub>).~~
- B. ~~Reporting for work or working while unfit for duty (incompetence / failure of good behavior-<sub>2</sub>).~~
- 2. ~~Leaving the job or work area during regular work hours without authorization (neglect of duty, nonfeasance or failure of good behavior).~~
- C. ~~Conduct violating common decency, e.g., sexual harassment (failure of good behavior / malfeasance-<sub>2</sub>).~~
- D. ~~3. Unauthorized use of Village of Yellow Springs property or equipment (dishonesty / absence from work (e.g., unauthorized leave without pay) (neglect of duty-<sub>2</sub> nonfeasance or failure of good behavior / malfeasance-<sub>2</sub>).~~
- 4. ~~Discourteous treatment of the public (discourteous treatment of public or failure of good behavior).~~
- E. ~~Performing private work on Village of Yellow Springs time (inefficiency-<sub>2</sub> 5. Conduct violating morality or common decency (immoral conduct, neglect of duty-<sub>2</sub> failure of good behavior-<sub>2</sub> or malfeasance-<sub>2</sub>).~~
- F. ~~Willful failure to sign in or out when required (inefficiency / neglect of duty / failure of good behavior / nonfeasance-<sub>2</sub>).~~
- 6. ~~Disregarding job duties and neglecting work by sleeping, reading for pleasure, playing cards, viewing T.V., etc. when there are work duties to be completed (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).~~
- 7. ~~Reporting to work or working while unfit for duty (incompetence or failure of good behavior). This may be a Group III Offense for CDL holders.~~
- G. ~~8. Failure to report for overtime work-<sub>2</sub> without ~~good reason~~proper excuse, after being scheduled to work according to overtime policy (inefficiency-<sub>2</sub> neglect of duty-<sub>2</sub> failure of good behavior-<sub>2</sub> or nonfeasance-<sub>2</sub>).~~
- H. ~~9. Willful ~~failure to make~~refusal to clock/sign in or out when required reports (inefficiency-<sub>2</sub> neglect of duty-<sub>2</sub> failure of good behavior-<sub>2</sub> or nonfeasance-<sub>2</sub>).~~
- I. ~~Solicitation on Village of Yellow Springs property without authorization (failure of good behavior / misfeasance / malfeasance-<sub>2</sub>).~~
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- 10. ~~Performing private work on employer time (inefficiency, neglect of duty, failure of good behavior, or misfeasance).~~

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11. Neglect or careless failure to observe official safety rules, or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
12. Threatening, intimidating, or coercing subordinates, other employees, or general public (inefficiency, neglect of duty, or failure of good behavior).
13. Use of abusive or offensive language or gestures toward subordinates, other employees, residents or the general public (immoral conduct, insubordination, failure of good behavior, or malfeasance).
14. ~~The making or publishing of false, vicious and/or malicious statements concerning other employees, supervisors/residents, the Village of Yellow Springs/employer, or its operations and/or violation of the Employee Social Networking/On-Line Expressions Policy. Nothing in this provision prohibits lawful exercise of Section 7 rights under the NLRA or Ohio equivalent (dishonesty, failure of good behavior, or malfeasance).~~
15. Solicitation or distribution on employer property in violation of the solicitation and distribution policy (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
16. Willful disregard of the employer's rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance, or nonfeasance).
17. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
18. Neglect or carelessness in the use of employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
19. Obligating the employer for a major expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
20. Unauthorized use of employer property or equipment, including the unauthorized reproduction of this manual or the employee handbook (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
21. Negligent failure to report accidents, injuries, or equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
22. A traffic violation or accident while driving an employer vehicle which evidences recklessness by the employee (inefficiency, neglect of duty, failure of good behavior, or misfeasance).

- K. ~~23. Refusing to provide testimony when accidents are being investigated or when any departmental investigations are being conducted~~in court, during a public hearing (SPBR, SERB, etc.) or any other official hearing, investigation, or proceeding involving the employer (insubordination, failure of good behavior, or nonfeasance).
- L. ~~Giving false~~24. Refusing to provide testimony during a complaint or grievance or information concerning any investigation or hearing (dishonesty ~~(insubordination, failure of good behavior, malfeasance, or nonfeasance).~~
- 25. Possession or storage of alcoholic beverages on the employer's premises (neglect of duty, drunkenness, failure of good behavior, or malfeasance).
- M. ~~26. Unauthorized posting or removal of notices or signs from bulletin boards~~presence on the employer's property (failure of good behavior or misfeasance / malfeasance).
  - N. ~~Distributing or posting written or printed matter of any description on Village of Yellow Springs premises in violation of the Solicitation Policy in this Manual (failure of good behavior / misfeasance / malfeasance.)~~
- O. ~~Willful disregard of department rules~~27. Habitual neglect of timely completion of required reports or documents (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance, or nonfeasance).
- P. ~~Use of abusive or threatening language toward supervisors (insubordination / failure of good behavior / malfeasance.)~~
- 28. Willful failure to timely complete required reports and documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
- Q. ~~Unlawful political activity in violation of Ohio laws and Village Charter or ordinances~~29. Unauthorized posting or removal of notices or documents on or from bulletin boards (failure of good behavior, malfeasance, misfeasance).

### 713 Group III Offenses

Effective Date: 01/20/2022

Up to and including termination

### 714 Examples of Group III Offenses

Effective Date: 01/20/2022

Examples of offenses include, but are not limited to the following:

- A. ~~Wanton or willful neglect in the performance of assigned duties, or in the care, use, or custody of any Village of Yellow Springs city property or equipment (inefficiency / neglect of duty / failure of good behavior / misfeasance / malfeasance.)~~



B. Abuse or deliberate destruction in any manner of ~~Village of Yellow Springs~~city property, tools ~~or~~, equipment, or the property of employees (inefficiency ~~,~~ neglect of duty ~~,~~ failure of good behavior ~~,~~ misfeasance ~~,~~ or malfeasance.)

C. 2. Signing/clocking or altering other employees' another employee's time sheets/time cards, time sheets or unauthorized altering of own time card or sheet/time card, or having one's time sheet/time card signed/clocked or altered by another (dishonesty ~~,~~ failure of good behavior ~~,~~ or malfeasance.)

D. ~~Giving false testimony of any kind in any official investigation (dishonesty / failure of good behavior / misfeasance / malfeasance.)~~

3. Unauthorized absence from work jeopardizing the health and safety of other employees or citizens of Shelby and/or interfering with necessary city operations (neglect of duty, failure of good behavior, nonfeasance).

~~E. 4. Falsifying or testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying any Village of Yellow Springs records (dishonesty / failure of good behavior / misfeasance / malfeasance.)~~

F. city records, including work performance reports; or giving Giving false information or withholding pertinent information called for in any investigation or any Village of Yellow Springs record making application for employment (dishonesty ~~,~~ failure of good behavior ~~,~~ misfeasance ~~,~~ malfeasance ~~,~~ or neglect of duty).

G. 5. Making false claims or misrepresentations in an attempt to obtain any Village of Yellow Springs benefit (dishonesty ~~,~~ failure of good behavior ~~,~~ neglect of duty, or malfeasance.)

H. 6. Gambling during working hours (inefficiency ~~,~~ neglect of duty ~~,~~ failure of good behavior ~~,~~ misfeasance, or malfeasance.)

I. 7. Stealing or similar conduct, including destroying, damaging or, concealing, or converting any property of the Village of Yellow Springs employer or of other employees, or rendering such property unusable for Village purposes (dishonesty ~~,~~ failure of good behavior ~~,~~ or malfeasance.)

J. 8. The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or the sale of alcohol or a controlled substance which takes place in whole or in part in the Village of Yellow Springs workplace and or violation of the reporting regulations under the Drug Free Workplace Act or applicable Ohio laws (drunkenness / criminal, immoral conduct ~~,~~ neglect of duty, failure of good behavior ~~,~~ or malfeasance.)

K. ~~Being in under the influence of, or drinking alcoholic beverages on the job (neglect of duty / drunkenness / criminal conduct / failure of good behavior / malfeasance.)~~

- L. ~~Fighting, taunting,~~ 9. Abusing, fighting, or attempting to injure injury to other employees or persons; threatening, physically abusing, or intimidating other employees, supervisorscitizens, or persons (discourteous treatment of the public /criminal conduct/, neglect of duty, failure of good behavior/, or malfeasance-).
- M. 10. Carrying or possession of firearms, explosives, or weapons on Village Property in a manner contrary to lawcity property at any time (failure of good behavior /criminal conduct /or malfeasance /nonfeasance-).
- N. ~~Violating quarantine or isolation protocols after a diagnosis of~~ 11. Knowingly concealing a communicable serious disease, such as TB, which endangersmay endanger other employees or the public (neglect of duty/, failure of good behavior /nonfeasance/, misfeasance, or malfeasance-).  
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- 12. Misuse, removal, or destruction of city records or information without prior authorization or misusing, removing, destroying or revealing documents or information of a confidential nature or revealing such information without prior and appropriate authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).

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~~O. Misuse, dissemination or removal of Village of Yellow Springs records (including unredacted police records or nonpublic records) without prior authorization (dishonesty / failure of good behavior / malfeasance / criminal conduct.)~~

~~P. 13. Instigating, leading, or participating in any ~~unlawful~~illegal walkout, strike, ~~sit down or stand in~~sitdown, stand-in, sympathy strike, call-in, slow-down, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the ~~Village of Yellow Springs work areas. Nothing in this provision prohibits lawful exercise of Section 7 rights under the NLRA or Ohio equivalent~~employer's premises in violation of R.C. Chapter 4117 (neglect of duty, ~~failure of good behavior, or misfeasance / malfeasance~~).~~

~~Q. 14. Dishonesty or any dishonest action. Some examples of what is meant by “dishonesty” or “dishonest action” are: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the city or other employees without authorization; inserting slugs in vending machines without paying the proper charge therein; making false or misleading statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work; incurring an unauthorized debt on behalf of the city. The foregoing are examples only, and do not limit the terms “~~dishonesty~~dishonest” or “dishonest action.” (dishonesty ~~or~~ malfeasance).~~

~~R. 15. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the ~~supervisors~~supervisor (insubordination, ~~neglect of duty, failure of good behavior, or nonfeasance~~).~~

~~S. An unexcused absence of more than three (3) consecutive days without notification shall be deemed job abandonment (failure of good behavior / neglect of duty / inefficiency / misfeasance / malfeasance.)~~

16. Providing false testimony, statements, or information in any official employer, court or administrative investigation, hearing, or proceeding (dishonesty, failure of good behavior, malfeasance, or neglect of duty).

17. Driving a motor vehicle on duty or employer business without a valid, applicable operator's license (dishonesty, failure of good behavior, malfeasance, or neglect of duty).

18. Failure to promptly report a traffic violation, traffic related violation, or chargeable accident (dishonesty, failure of good behavior, malfeasance, or neglect of duty).

- 19. Willful failure to comply with/enforce safety practices and procedures resulting in a safety hazard to self, co-workers, and/or the general public (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
- 20. Being convicted of a “felony” within the meaning of R.C. 124.34, even if prior discipline has been issued for the underlying conduct.
- 21. Engaging in off-duty employment activities which the employer has determined to be an interest or time conflict (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
- 22. Refusal, without legitimate reason, to work during emergency situations or conditions (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
- 23. Knowingly or intentionally giving false or misleading information on a work-related report which threatens the safety and security of the employer, its operations, or employees (dishonesty, failure of good behavior, misfeasance, or malfeasance).

~~U. Downloading, viewing or being in possession of pornography or other sexually explicit content (digital or any other medium) while on duty or using Village property to access such content; this prohibition applies even if using a privately owned device, except in the context of legitimate law enforcement investigations, (criminal conduct / failure of good behavior / malfeasance.)~~

**MISCELLANEOUS**

- 24. Willfully demeaning, verbally abusing, and/or humiliating a citizen, employee, or other person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).

**801 Suggestion Program**

*Effective Date: 01/20/2022*

Employees of the Village of Yellow Springs may submit suggestions for practical work-improvement or cost savings ideas.

A suggestion is an idea that will benefit the Village by solving a problem, reducing costs, improving operations or procedures, enhancing customer service, eliminating waste or spoilage, or making the Village a better or safer place to work. Statements of problems without

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- 25. Committing an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability (immoral conduct, neglect of duty, failure of good behavior, or malfeasance).

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26. Engaging in unauthorized political activity as provided in the political activity section of this manual (failure of good behavior, malfeasance).  
~~accompanying solutions, or recommendations concerning co-workers and management are not appropriate suggestions.~~
27. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment, or tools of the employer or another employee (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
28. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee, or otherwise using one's position, identification, name, photograph, or title for personal gain, or otherwise violating the employer's code of conduct or Ohio's ethics laws for public employees (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
29. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
31. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position (dishonesty, failure of good behavior, or malfeasance).
32. Intentional misuse of employer or other public funds (dishonesty, neglect of duty, failure of good behavior, or malfeasance).

~~All suggestions should contain a description of the problem or condition to be improved, a detailed explanation of the solution or improvement, and the reasons why it should be implemented.~~

~~Suggestions may be submitted to a supervisor, department head, or Village Manager. As soon as possible, the employee will be notified of the adoption or rejection of the suggestion.~~

### ACKNOWLEDGMENT OF RECEIPT

I have received and read this Employee Manual carefully, and I agree to adhere to all rules, policies and responsibilities herein set forth. I understand it is my responsibility to seek clarification of any rule, policy, or benefit described in this policy and procedure manual which I do not understand. I have entered my employment relationship with the Village of Yellow Springs, Ohio, voluntarily and acknowledge that there is no specified length of employment. I acknowledge that no oral or written

statements or representations regarding my employment can alter the foregoing. I also acknowledge that no Department Head or employee has the authority to enter into an employment agreement – express or implied – providing for some other term of employment, unless done in writing and signed by the Village Manager or President of Council and me.

I understand that policies contained in this Employee Manual are intended to comply with local, state, and federal laws, and changes in these laws that affect or modify a policy shall take precedence over that policy. This Employee Manual may be periodically updated to reflect these changes and those resulting from revisions made by the Village.

The Manual or any other written or verbal communication by the Village is not intended as and does not create a contract or guarantee of employment. Unless otherwise stated in a written contract of employment signed by the Village Manager or Council President and me, I understand that I may terminate my employment at any time, and that the Village may do so for any of the reasons enumerated in this Manual or permitted by law.

~~Special recognition will be given to employees who submit a suggestion that is implemented and results in quantifiable cost reduction or other savings.~~

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~~802~~ Employee ~~Incentive Program~~ Name (printed)

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~~Effective~~ Employee Signature \_\_\_\_\_ Date: ~~01/20/2022~~

~~The Village Manager shall develop a formal incentive program to address incentives and subsequent rewards and/or recognition for ideas presented/implemented by individual employees or groups of employees.~~



<b>Summary report:</b>	
<b>Litera Compare for Word 11.9.1.1 Document comparison done on 1/23/2026 8:55:14 AM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> Personnel Policy Manual 0001.docx	
<b>Modified filename:</b> PPM 1.21.26.docx	
<b>Changes:</b>	
<u>Add</u>	921
<u>Delete</u>	1494
<u>Move From</u>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<u>Table Delete</u>	0
<u>Table moves to</u>	0
<u>Table moves from</u>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>2415</b>



## LEGISLATIVE MEMO

- Agenda Item:** First Reading of Ordinance 2026-06
- Title:** First Reading of Ordinance 2026-06 Amending Chapter 252.06 “Personnel Policy Manual” of the Codified Ordinances of the Village of Yellow Springs, Ohio
- Submitted by:** Johnnie Burns, Village Manager; Elyse Giardullo, Assistant Village Manager
- Scope/Description:** Village Administration has completed a comprehensive review and redline of the Village’s Personnel Policy Manual (PPM). The purpose of this review was to clarify existing policies, ensure alignment with current administrative practices, improve recruitment and retention efforts, and update provisions where appropriate. The proposed amendments include a range of administrative, procedural, and policy updates intended to modernize the PPM and ensure consistency across departments. The redline version reflects collaborative input and review from the Village Manager, Assistant Village Manager, Village Solicitor, HR Director, Finance Director, and Chief of Police. This item represents the first reading of the ordinance.
- Stakeholder Impact:** **Village Employees:** The fully redlined Personnel Policy Manual, along with a supporting memorandum outlining all significant changes, was shared with staff for review. Employees were invited to provide feedback and attend open office hours to discuss the proposed updates. Feedback received was limited and did not indicate significant concerns with the proposed revisions. The feedback provided was spread across various policy areas rather than focused on any single provision, suggesting no widespread concern with a particular change. The current version reflects the updates identified through the administrative review process, along with consideration of staff input.
- Budget Impact:** While many updates are administrative, several changes may have financial implications, including paid parental leave, increased vacation accrual, and potential cellular phone reimbursements. These may be partially offset by anticipated savings from medical insurance opt-out incentives and reduced leave payout obligations. Certain provisions are proposed to take effect January 1, 2027, to avoid impacts to the current year budget. Overall, the fiscal impact will depend on the extent to which employees utilize the updated benefits; however, the Village anticipates a minimal net impact to the budget. Any remaining impacts will be managed within existing appropriations or addressed through future budget planning.
- Exhibits:** **Exhibit A:** Ordinance 2026-06 (Redlined Personnel Policy Manual Updates)
- Recommendation:** First Reading; no action required at this time. Any substantive changes made following this reading would require an additional first reading of the ordinance.



***Our Mission** is to enhance the dignity and quality of life for seniors in Yellow Springs and Miami Township and to foster interaction among them with the total community.*

April 7, 2026

Village of Yellow Springs  
100 Dayton Street  
Yellow Springs, OH 45387

To Manager Burns and Council Trustees,

Thank you for including support of Yellow Springs Senior Citizens, Inc. "YSSC" in the Village budget for 2026. As presented during the Council meetings last fall, YSSC supports the good of the entire community in ways that no other organization could easily replace. I am enclosing with this letter a list of our services, activities and linkages that help people of all ages make connections, get support to navigate challenges and have access to services that support their needs.

In 1959, as YSSC was being initiated, YS Village Council provided our first facility, the former Opera House. That building was demolished the following year, but the Village continued to provide funding to pay rent elsewhere in town until we were able to purchase 227 Xenia Avenue in 1978 thanks to generous support of donors. For nearly 50 years, the building has provided a home for Senior Center programs and classes, while serving the broader community by hosting weekend markets, community meetings, lectures and more. The building has undergone numerous expansions and renovations to better serve the community, including the addition of the Great Room in 1994, but Senior Center programs outgrew the current location over 20 years ago.

At just 3,700 square feet, the current building is inadequate to effectively serve the community's growing senior population. The layout of the building creates logistical challenges and with only two classrooms, the space limits program offerings. Additionally, anyone with a mobility device must use the outdoor ramp to transition between levels of the building, including to the restroom. Limited handicapped parking reduces access for many of our members.

The Yellow Springs Senior Center has a contract to purchase the former lumberyard at 108 Cliff Street. The location is along the bike path and will include a large deck for outdoor recreation activities. The 10,000 square foot building will be repurposed into a new Senior Center. Additionally, the potential exists to add an upper level, providing space for future expansion or to allow community partners to co-locate. Making use of this vacant building will also revitalize a segment of the central business district while expanding YSSC's capacity to serve the community.

YSSC requests that the Village of Yellow Springs provide financial support for the purchase of 108 Cliff St as the next home of YSSC. The designated amount of \$32,000 from the Village would help us get close to the Phase I goal of \$850,000 which will cover the purchase of the lot, schematic design phase and consultant fees. There are incentives in our purchase contract to close the sale as quickly as possible. As we progress through the design phase the final project budget will be developed. There will be future opportunities for naming rights and giving levels to be recognized, as yet to be identified. This grant from the Village would be considered as a part of such a giving level in the final project.

This project will support the Village's goal of creating a welcoming community, particularly as the Center is a place where all are welcome. YSSC's services and programs help to support those with physical, financial, or other struggles. We look forward to being in a location that strengthens our affiliation with the Village and allows us to increase opportunities for residents.

Sincerely,

A handwritten signature in cursive script, appearing to read "Caroline Mullin".

Caroline Mullin  
Executive Director, Yellow Springs Senior Citizens, Inc.  
[cmullin@ysseniors.org](mailto:cmullin@ysseniors.org)

## **Yellow Springs Senior Citizens, Inc. Supports the Village and Miami Township**

1. Free transportation for medical needs, personal appointments and some programs
2. Recreational activities for all ages, almost all are free
  - a. Continuing education with classes and evening programs
3. Cooling / Warming shelter
4. Socialization
  - a. Loneliness and social isolation have also been shown to increase the risk for premature death by 26% and 29% respectively.
  - b. Number of visits to YSSC in first 6 months of 2025: 7,605
5. Wellness
  - a. Vaccine clinic for COVID and Flu
  - b. Speakers on health topics
  - c. Exercise programs
6. Nutrition
  - a. Potlucks; Free weekly lunch; Access to Who's Hungry transportation
7. Welcoming new community members
  - a. Attractive location to be retired
  - b. Frequent requests from visitors about housing options
  - c. Recommend and frequent local eateries and establishments
  - d. Hub for community resources and information
  - e. Promote local Arts programs and individual artists
8. Shuttle service / group outings
9. Support of police and fire departments, Village services
  - a. Education on scam prevention, use of technology / phones / computers
  - b. Linkage to emergency contacts when necessary
  - c. Review and update Flour & Sugar list annually
10. Help residents qualify for financial assistance / SNAP / YS Equity / Housing / HEAP
11. Employing 18 people, 85% live in 45387
12. Homemaker services to 60+ individuals in town
13. Handyman services for those who can't afford to pay
14. Respect and advocacy for elders in the community
  - a. 40% of population is over 60 – double the county, state, national average
  - b. Number of members: 685
15. Age-Friendly Community certification and ongoing linkage and representation
16. Livable Equitable Age Friendly Process
17. Linkage to GCCOA / Senior Services Levy funds
18. Volunteer activities – 176 volunteers during 2024
  - a. Includes YS Schools community services, intergenerational activities
19. Provide two apartment rental units for local employees
20. Great Room free rental for non-profit groups
21. Free loaned supplies: Computer tablets, trikes, durable medical equipment
22. Medicare consultation: Free, unbiased, saving thousands of dollars annually
23. Tom's Grocery store shopping / local stores delivery service and local errands
24. Notable public events including Flash Mob, Art on the Lawn, Earth Day
25. No age restrictions, except for Bingo
26. Partner with Antioch College and other local businesses
27. Solicit, survey, advocate and document ongoing community needs
28. Publish and distribute community content (social media, newsletters, Ripples literary journal)



Yellow Springs Senior Center

# History of Village Support of YSSC

## 1959

YSSC opened. Keys of the Opera House given to Senior Citizens Committee, rent free for one year. Village Council's challenge to Dr. Arthur Morgan: "turn on the heat, give him the keys and see what he can do". Up until that time the Township had half a share in the Opera House

## 1967

Federal funding of 3-year \$18,000 grant required matching funds from the community. Village Council match counted as paying rent and utilities of YSSC's facility

## 1970

Village Council allocated \$10,000 (about 1/3 of YSSC budget) to continue program through December 1970. Miami Twp Community Chest also allocates \$2,000 annually

## 1978

YSSC purchases current facility at 227 Xenia Ave. Village Council debates how to support program other than rent. Nov, 1978 Village Council allocated \$4,031 to YSSC for 1979, the amount YSSC stated was minimum needed to meet expenses

## 1981

Village halted support to YSSC stating a Council policy excluding private organizations from awards of public money

## 1960

Opera House deemed unfit and was torn down, YSSC moved to current location of the Emporium Cafe, opened a thrift shop. Village seems to have continued to cover rent & utilities

## 1968

YSSC profiled nationally by Associate Press as a model agency "one of the best in the country"  
"The reason for its excellence lies in the involvement of so many different parts of the community...young people, business people, government people, almost everyone"

## 1972

YSSC selected as one of 300 model communities to serve as demonstration for expansion of the Older Americans Act. Matching funds from the community are required

## 1979

Village Council grants \$4,400 to YSSC for 1980 budget. YSSC's first Executive Director, Rev. Dr Wesley Matthews, initiates Greene County's Council on Aging

## 1987

Community Council (Twp?) allocated United Way funds of \$10,650 for Motor Meals / YSSC

# Comparison of Greene County Community Support of Senior Centers

Community	Population Total (2023)	% 60+	Senior Center	Transport Services	Support Services	Homemaker Services	Activities & Classes	Municipal Support	What Type of Support
Beavercreek	56,277	24.7%	y	y	n	n	y	y	Umbrella of Parks and Recreation, Staff are city employees
Fairborn	34,506	20.9%	y	y	y	y	y	y	6.2% of annual budget
Xenia	25,555	26.6%	y	y	y	y	y	y	Bldg. shared w/ YMCA and Clark State, City garage for vehicle fleet
Bellbrook	7,344	25.6%	y	n	n	n	y	y	Included in Community Parks & Rec
Cedarville	3,759	7.8%	y	n	n	n	y	y	2K each year and part own bldg.
Yellow Springs / Miami TWP	3,655 / 4,949	39.7% / 40%	y	y	y	y	y	NO	
Jamestown	2,241	24.8%	y	n	n	n	y	y	Run by GCCOA, Silvercreek Twp owns Historical Soc. Utilities
Spring Valley	598	32%*	y	n	n	n	y	y	Township owns bldg.; Spring Valley covers 22% of their budget
Bowersville	237	40%	y	n	n	n	y	y	Village-owns bldg.—CLOSED
Clifton	136	24%*	y	n	n	n	y	y	Space owned by the Village

References: Karen Puterbaugh, Executive Director, Greene County Council on Aging; [www.data.census.gov](http://www.data.census.gov) 2023 data

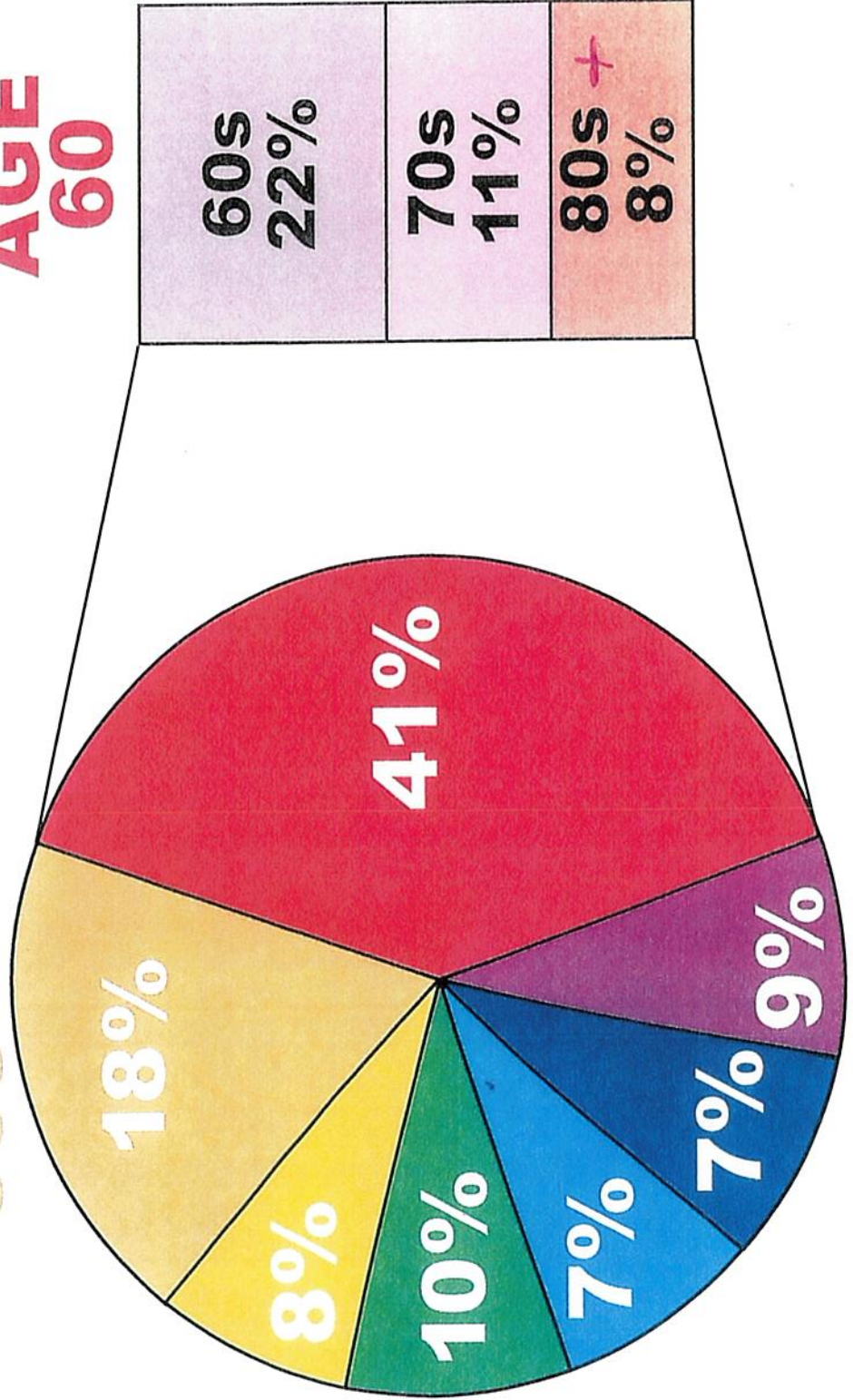
\*Denotes large margin of error in data

## **Yellow Springs Senior Citizens, Inc. Supports the Village and Miami Township**

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# 45387

**OVER  
AGE  
60**



- 0-9
- 10-19
- 20-29
- 30-39
- 40-49
- 50-59
- 60+

# Miami Valley Age-Friendly Network

## Summary of Economic Benefits of Over 50 Population

Compiled by A. Biondo, Del Mar Encore Fellow, The Dayton Foundation

### Source

NOTE: The information provided is not original work by The Dayton Foundation or Miami Valley Regional Planning Commission, but rather a digest version of work done by American Association of Retired People (AARP) and their sources.

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Age-Friendly Communities are beneficial in many ways to older adults and those who aspire to be older adults someday. Communities are Age-Friendly because they make themselves more “livable” for all ages through opportunities for Transportation, Socialization, Housing, Civic Engagement and more.

Yes, but what is the ROI? The Return On Investment of time and resources?  
The answer is sometimes less obvious. This summary intends to bring to light some of the Economic Benefit to communities by becoming Age-Friendly.

The premise of being an Age-Friendly Community is to have citizens *remain in the community* as they age, or to *move there* as they age.

“As people live longer and healthier lives, they are contributing to communities and fueling economic growth well past the traditional retirement age.” (Age Friendly Rhode Island, January 30, 2020)

Evidence compiled by AARP shows that when older adults reside in a community, they can have a significant economic benefit. Following is a brief **summary of the highlights** of research done by AARP and others illustrating this economic benefit.

### The Over 50 Segment Is Growing

- There are four generations aged over 50 in the USA.
- The millennials will be there in 5 years, 2030.
- Gen Z hits age 50 in 25 years, 2050.
- About 35% of the US population is over 50, or about 117.4 million people. This is projected to grow to 132.3 million by 2030.

### Economic Might and Contribution

“If you ask where the money is—in America, 70% of disposable income is held by people 60 and over.” (Michael W. Hodin, CEO of Global Coalition on Aging.)

Of each \$1.00 spent, 56 cents is from those over 50.

“Consumer spending contributes nearly 70% of GDP, and the 50-plus population is driving a disproportionately high share of this expenditure.”

The 35% of the population over 50 contributes \$8.3 Trillion to the US GDP, as of 2018. Projected to reach \$12.6 Trillion in five years.

Direct spending by people age 50 and older amounted to \$7.6 Trillion of the total of \$13.5 Trillion 2018 GDP.

*“Each and every business stands to gain from tapping into the 50-plus market opportunity.”*

### **Taxes**

“The 50-plus population has an outsized impact on GDP, jobs and wages and salaries, which in turn drives the tax revenue of federal, state and local governments.”

Older adults contribute to tax revenues both directly (paid by individuals) and indirectly (result of all their economic activities).

“The growing reliance of...governments on the 50-plus taxpayer—both directly...and indirectly—provides a factual counter-narrative to the presumption that aging economies pose a risk to public finances. In reality, this outlook suggests entirely the opposite.”

Direct income tax revenue from this cohort is forecast to increase by an annual average of 4.7% in 2020-2050.

### **Work Force**

In 2018, people age 50 and older supported 88.6 million jobs in the U.S. By 2050 that number is projected to be 102.8 million jobs.

Over 5.1 million people over 50 work in education.

Some 40% of people over age 65 want to work into their 70's.

In a 2017 survey of 1802 corporate employers...72% agreed that many of their employees intended to work past 65.

The Transamerica Center for Retirement Studies shows that just 39% of employers accommodate flexible work schedules and arrangements.

### **Societal Contributions from Older Adults**

The 50-plus cohort plays a central role in supporting families and communities, whether it is through volunteering, caregiving or contributing charitable donations.

The AARP Longevity Economy outlook found that people aged 50-plus contributed \$745 Billion worth of unpaid activities such as volunteering and caregiving.

In addition, people aged 50-plus made \$97 Billion in charitable contributions in 2018. They spent \$135 Billion on educational services, including for their children and grandchildren.

### **Summary Conclusion of Potential Economic Benefits**

To restate, the expected and natural question from community leaders may be, *“Why should our community (city, township, county) put time and resources into becoming Age-Friendly?”*

The answer lies in the sheer size of the older population, that is only getting larger, and, the volume of economic contributions made by that segment of the population. The “pie” is huge. Perhaps, community leaders want to ask a follow up question, *“Why would we **not** want a slice of that huge pie?”*

The potential, beneficial economic impact of being Age-Friendly—to attracting and keeping older adult residents—seems to be obvious from the information summarized in this paper. By taking conscientious, purposeful steps to make a community age-friendly, for all ages, a community should expect long-term financial and economic returns on their investment to become Age-Friendly.

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## **Not Yet an Age-Friendly Community? Steps to Become Age-Friendly**

It is not hard. A few simple steps with support from the top of the municipal organization, and a community is well on its way. Following are the simple steps to getting started, and to implementing Age-Friendly improvements:

1. Register with AARP <https://www.aarp.org/livable-communities/network-age-friendly-communities/info-2014/sample-letters.html>
  - a. Fill out online application: providing community details, policies, programs and services, interest in joining the network, etc.
  - b. Provide a letter of commitment signed by the community's highest elected leader.
  - c. Pass a resolution to reflect council, board or commission support necessary to pursue the work
2. Organize a Core Team/Steering Committee and Stakeholder Group
  - a. You will need community support to establish and implement goals over the next 3-5 years. It's especially useful to consider engaging early on to establish your core team/steering committee and stakeholders
  - b. Involve older people
  - c. Assess current age-friendliness of the community
3. Conduct a community needs assessment
  - a. Implement a stand-alone age-friendly survey, or
  - b. Incorporate into existing community survey or planning effort (Comprehensive or Strategic Plan), or
  - c. Hold public listening sessions or focus groups
4. Create an Action Plan- Year 2
5. Implement Action Plan- Years 3-5
6. “Rinse” and Repeat!

For more information--

- Age-Friendly Network Training Videos: <https://www.aarp.org/livable-communities/network-age-friendly-communities/age-friendly-training-videos/>

## Sources

AARP “The Longevity Economy Outlook”

AARP “The Economic Impact of Age Discrimination”

Charles Wallace, “How companies are adapting to aging populations around the world with new products, new personnel policies and new marketing tactics.”

Age Friendly Rhode Island, January 30, 2020

## AARP Citations:

Accius, Jean, and Joo Yeoun Suh. *The Longevity Economy® Outlook: How People Ages 50 and Older Are Fueling Economic Growth, Stimulating Jobs, and Creating Opportunities for All*. Washington, DC: AARP Thought Leadership, December 2019. <https://doi.org/10.26419/int.00042.001>

Accius, Jean, and Joo Yeoun Suh. *The Economic Impact of Age Discrimination: How Discriminating Against Older Workers Could Cost the U.S. Economy \$850 Billion*. Washington, DC: AARP Thought Leadership, January 2020. <https://doi.org/10.26419/int.00042.003>

Accius, Jean, and Joo Yeoun Suh. *The Economic Impact of Supporting Working Family Caregivers*. Washington, DC: AARP Thought Leadership, March 2021. <https://doi.org/10.26419/int.00042.006>

Accius, Jean and Erwin Tan. *Our Collective Future: The Economic Impact of Unequal Life Expectancy*. Washington, DC: AARP Thought Leadership, February 2022. <https://doi.org/10.26419/int.00042.008>

Accius, Jean, Justin Ladner, and Staci Alexander. *The Global Longevity Economy® Outlook: People Age 50 and Older are Making Unprecedented Economic Contributions and Creating Opportunity for Every Generation*. Washington, DC: AARP Thought Leadership, November 2022. <https://doi.org/10.26419/int.00052.001>

# Sponsorship of Major Projects or Initiatives – Request Form

Deadline: Monday, September 22, 2025 at 5:00 PM

***IMPORTANT:** Requests of this type must be sponsored by a Council Member, and only the sponsoring Council Member may submit this form.*

**Date:** September 19, 2025

**Council Member Sponsor Name:** Brian Housh

**Applicant / Organization Name:** YS Senior Citizens, Inc.

**Organization Contact Person:** Caroline Mullin

**Email:** cmullin@ysseniors.org

**Phone:** 937.767.5751

**Project / Initiative Title:** Senior Services & Support

**Project Description** (Include target population, timeline, location, tools, expertise, etc.):

Yellow Springs Senior Citizens, Inc, initiated in 1959 from a Village Council charge, has ever since been an integral part of the community. Services provided to hundreds of individuals each month (about 40% of 45387 are 60+) help maintain health, improve access to benefits, increase social ties and provide meaningful engagement. Our Mission is to enhance the dignity and quality of life for seniors in Yellow Springs and Miami Township and to foster interaction among them with the total community.

**Alignment with Village Goals & Values** (Which Village goal or value does this project help fulfill? Please identify objectives and expected outcomes):

Community inclusiveness is at the heart of YSSC and we are a welcoming place for all people. Free classes, rides, meals, recreation and most services provide that anyone is eligible to participate. All walks of life are comfortable and accepted without judgment. Free membership is provided as needed. YSSC's help links the community to service and fiscal assistance programs, providing help that maintains independence or helps through life's transitions, often addressing affordability challenges. YS Village supports recreation specifically for youth, but is not supporting similar recreation for seniors.

**Collaboration** (Are there additional organizations or individuals involved? If yes, provide details):

YSSC has working partnerships with the Village and Township (particularly emergency services), dozens of non-profit agencies, Antioch College and provides volunteer opportunities for people of all ages (176 volunteers provided 5500 hours of service in 2024). There were over 16,000 visits to YSSC in 2024. YSSC has been integral in the process of becoming an Age Friendly Community and the ongoing work to maintain the credentials, funding and progress because of that linkage. Potential shared use of our Transit van, future building and wider access to supportive services will benefit anyone in the community. YSSC is a reason many people move to the community.

**Support Requested:**

Financial Sponsorship – Amount requested: \$ 60,000

In-Kind Support – Describe needs:

**Sustainability & Funding** (What funds will be required to sustain this project? How will ongoing support be achieved?):

The Village was the key supporter of YSSC for the first third (over 20 years) of our agency. Since 1982 there has been little to no support from the Village. \$60,000 from the Village would help YSSC recover from running a deficit since 2022, using our reserves to meet operating expenses. Higher expenses include costs to operate vehicles, new technology for remote programming, increased professional fees (audit, consultants) higher staffing costs (aiming for competitive wages and sufficient hours to match the growing demand and population needing our services).

**Other Funding Sources** (Detail other funding sources supporting this project, if any):

For annual operating expenses, YSSC relies on the generosity of the community and grants (36%), County Senior Services Levy funding (26%), apartment rental (4%), dues (3%) and income from homemaker services (28%). Dividends from endowments, when available, supplement our income (3%). YSSC is the only senior center in Greene County without some form of civic funding (not including Senior Services Levy funds which are provided to all Greene County communities in proportion to the population). \$60K would be about 7% of our 2026 budget.

**Submission Instructions**

Please submit your form to Judy Kintner, Clerk of Council, but no later than Monday, September 22, 2025 at 5PM. Email: [judy.kintner@yellowsprings.gov](mailto:judy.kintner@yellowsprings.gov)