

**MUNICIPALITY OF MONROE**

**EMPLOYEE HANDBOOK  
1996**

**(Updated March 1996)**

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## **MUNICIPAL HANDBOOK**

### Forward

The purpose of this booklet is to provide a source of general information for employees of the Municipality of Monroe. Throughout your career with Monroe, there may be questions about what will be required of you and what you may expect in return. This booklet is our attempt to answer some your questions.

Employment in any public service position is unique in many ways. Every citizen of the Municipality is your employer. Your neighbors, your friends, and those with whom you may disagree pay your salary. To the citizen, each employee represents the entire municipal government.

For these reasons, high standards of personal conduct are required of each employee. These standards are not difficult to maintain, as they are the same qualities we look for in others: namely honesty, patience, courtesy, and dedication to do the best possible work we can do.

## **SECTION I**

### Historically

On September 25, 1817, Monroe was first platted and became a village in Lemon Township, Butler County, Ohio. The village was named after the fifth president of the United States, James Monroe, who was inaugurated in 1817. In August 1907, Monroe was officially incorporated, with the papers being filed with the Secretary of State of Ohio. Until January, 1975, the Village of Monroe was governed by the laws of the State of Ohio. On May 7, 1974, the citizens of the village of Monroe approved a charter which allowed for the self government of village affairs. The type of government adopted was a Council-Mayor-Manager format. Since the passage of the first charter in 1974, the charter has had one revision, and on January 1, 1984, the form of government for the Municipality of Monroe changed to a Council-Manager format.

### Municipal Council

The Monroe Municipal Council consists of seven members, each elected at large by the voters. Each member serves a four year term and meetings are held on the first and third Tuesday of each month. A Mayor and Vice Mayor are selected from and by the members of Council for a two year term. This Council is responsible for the legislative action and policy decisions.

Monroe's Manager is appointed by the Council and is responsible for the administration of the municipal government. In this way, a professional and non-political administration is achieved and control is still maintained by the electorate.

The Municipal Council welcomes citizen input and provides the time for citizen's comments during each meeting. All meetings are open to the public as required by the Sunshine Law and interested citizens are encouraged to attend.

#### Office of the Municipal Manager

The Municipal Manager is the Chief Administrative Officer and head of the administrative branch of the municipal government. He is responsible to Council for proper administration of the affairs of the Municipality. He has the following specified powers and duties: to appoint and remove all officers and employees under his jurisdiction; to prepare and administer the budget; to submit recommendations to the Council concerning the affairs of the Municipality; to see that all laws and ordinances are enforced by the appropriate agencies; and to prepare reports on the present condition and future needs of the Municipality for Council and the general public.

#### Departments and Divisions of Government

After the Municipal Council has established policies and programs of public service, it is necessary to implement them. To accomplish this, services and programs of the Municipality are grouped together into departments. The Municipality has the following departments: Department of Finance, Department of Law, Department of Engineering and Inspection, Department of Fire, Department of Parks, Department of Police, Department of Streets, and Department of Utilities.

## **SECTION II**

#### Employment Procedures and Regulations

##### A) Personnel Board (Civil Service)

The Monroe Charter, Section 9.06, allows for the establishment of the Personnel Board. The Personnel Board consists of three members who are holding no compensated position within the Municipality. The Board administers and enforces the policy and procedural laws of the Municipality; establishes rules for the determination of merit and fitness as the basis for appointment and promotion of employees in the classified service of the Municipality; hears appeals from the appointed authority's decision relating to the classification or reclassification of any position in the classified service under the jurisdiction of such appointed authority; prepares, conducts and grades all competitive and non-competitive examinations for positions in the classified service.

The Personnel Board, as well as Council, takes into account the following equal employment policy: The Municipality believes in and practices a policy of nondiscrimination. Applicants and employees will be treated consistently and fairly. Appointments and promotions will be made on the basis of qualifications without regard to race, color, creed, national origin, sex, age, or occupational irrelevant physical requirements. Further, the Municipality will pursue a course of affirmative action and encourage the support of administrative action aimed at the same goal with proper consideration to insure that only qualified individuals are appointed and promoted. The Personnel Board meetings are open to the public and minutes of the meetings are open to the public for inspection.

Employees are hired by the Municipality in accordance with the personnel policy and procedural rules and regulations adopted. All municipal jobs are classified by duties and responsibilities and are paid according to the established pay ordinance.

#### B) Appointment

There are two types of classifications of jobs within the Municipality. They are the classified service and the unclassified service. All compensated positions in the service of the Municipality shall be in the classified service and shall be appointed pursuant to competitive exam as far as practicable.

The selection procedure for classified service shall be conducted by and under the control and direction of the Personnel Board. The following priority is observed in filling supervisory positions: (1) from within the classified service and (2) from outside the classified service. In determining and eligible register, the Board will seek to measure each candidate's merit and fitness as provided in the Ohio Constitution. Merit and fitness will be determined on the basis of competitive examination. Depending on but not limited to factors such as nature, function and responsibility of the position to be filled, the Board may use any tests to determine an eligible register based on merit and fitness. When seeking applicants from outside the existing classified service, an appropriate public notice shall be given at least 14 days prior to the last date for excepting applications.

#### (C) Probationary Period

All classified appointments shall be for a probationary period as stated in the Charter, Section 9.10. No appointment or promotion shall be deemed finally made until the appointee has satisfactorily served the probationary period. Within 14 days before the end of the probationary period, or at the time of probationary separation, the appointing officer shall furnish the Board with a report indicating whether the performance of the employee is satisfactory. If the appointing authority's decision is to remove the appointee, his communication to the Board shall indicate the reason for such a decision. A probationary employee may be removed from his or her position at any time. In such event, an employee who has already achieved career status (an employee with "career

status" has passed the probationary period) will be returned to his or her former position with the Municipality, but may appeal this action to the Personnel Board and an employee who has not reached career status will be discharged with no right to appeal, provided, however, the Board may grant an informal hearing and make non-binding recommendations to the Municipal Manager.

D) Temporary Transfer

Any employee in the classified service may be assigned to other work that is implied by class title or set forth in any job description for a period not exceeding 30 days without notice to the Board. Such assignment shall involve no change in compensation. No person shall be employed for more than 30 days primarily on duties other than those implied in their job title or set forth in any job description, unless he is qualified through competitive examination and is appointed in accordance with the procedures and these rules. When an emergency exists, any employee may be assigned as required.

E) Layoff Procedure

Whenever a layoff becomes necessary, employees without career status shall be laid off first. Thereafter, the employee with the least amount of service within the affected division shall be laid off first, providing the remaining employees can perform the work. When a recall occurs, the oldest employee in length of service among those laid off shall be recalled first, provided: 1) recall occurs within one year of the layoff, 2) the employee reports for work within 14 calendar days upon receipt of notice to report, and 3) if it is outside his or her classification, the employee shall have the right to refuse any offer for employment without the loss of seniority.

F) Suspension

The appointing authority may suspend any employee without pay. The employee shall be furnished with a statement of facts on which the suspension is based. An employee who has achieved career status who is suspended in excess of five days at any time may appeal such suspension to the Personnel Board as provided in Section 10 of the Personnel Policies and Procedures. An employee suspended for five days or less has no right to appeal to the Personnel Board.

G) Demotion

The appointing authority may demote an employee from their classification to a lower classification because of incompetence or inefficiency. In such case, the appointing authority must first serve the employee with a written notice of demotion and give the employee five calendar days to file an explanation of his or her actions. When an employee becomes incapacitated for the performance of the duties of his position, he or she may be moved to a position where they are capable of performing in a class carrying a lower compensation. The employee shall first be served with a written notice of demotion

and have five calendar days in which to make and file an explanation. After receipt of notice of demotion by the appointing authority, such employee shall have the right of appeal to the Board from such action by the appointing authority, as set forth in Section 10 of the Personnel Policies and Procedures.

#### H) Dismissals

The discharge of a classified employee shall not be effective until the appointing authority shall have first served upon the employee a written notice of discharge stating the reasons for discharge. A copy of the notice of discharge shall be filed with the Board. An employee may be dismissed for such things as incompetency; inefficiency; neglect of duty; insubordination; immoral conduct; dishonesty; discourteous treatment of the public; absence from duty without permission; physical or mental incapacity, or for any other failure of good behavior; or as a result of accumulation of acts of lesser consequence pointing to the desirability of his or her removal. Any employee or any employee who has achieved career status, upon receipt of a written notice of a discharge, may appeal the dismissal to the Board as provided in Section 10 of the Personnel Policies and Procedures. A probationary employee shall have no right of appeal.

The Disciplinary Rules found in Appendix A of this Municipal Handbook were established to set forth the procedures and causes for which employees may be suspended, dismissed or terminated from Municipal employment (Ordinance No. 79-4 and amendments thereto). These rules will be enforced by the Municipal Manager or his designate.

#### I) Appeals

Any employee who has obtained career status may appeal disciplinary action. Disciplinary action shall be defined as suspension, demotion or dismissal. An employee may, within ten calendar days following the effective date of the disciplinary action, appeal the action. The appeal shall be in writing, shall set forth the reasons why the employee believes the disciplinary action should not have been taken, and shall be submitted to the Board. Prior to filing a written appeal, the employee shall have exhausted all other appeal procedures as established in the Disciplinary Rules. Appeals of disciplinary action shall follow the guidelines listed below:

1. Upon receipt of such written appeal, the Chairman of the Board shall set a time and place for hearing the appeal. Written notice shall be given by the Board to the aggrieved person, the Municipal Manager and the department head involved, of the time and place of hearing. The Board shall hear such appeal within 30 calendar days after receiving the appeal request and shall submit a written finding and decision within ten days of the hearing or any extension thereof.
2. The Board in its findings may affirm, disaffirm or modify the action and may order that restitution be made if deemed appropriate.

#### J) Residency Requirement

The Municipality does not require that an employee live within the Municipal limits or other specified areas. However, in many cases it is within the Municipality's best interest for employees to live within a reasonable distance so that they may respond to emergency or call-back situations.

#### K) Resignation and Reinstatement

If you are thinking of resigning your job, discuss this with others before making a final decision. Your supervisor will be glad to talk over any problem which may lead you to consider resignation. If you do resign and then decide to return, you may be rehired if there is a vacancy in your classification and if you re-apply within one year of the effective date of your resignation.

In addition, you must have the approval of the department head and Municipal Manager, you must pass a physical examination, and your resignation must have been in "good standing". If you decide to leave the Municipality in good standing, you must give your department head at least two weeks written notice. Any employee who voluntarily leaves the Municipal service will receive vacation credit earned but not taken. Employees who are not retained at the end of their probationary period will not receive termination benefits.

#### Performance Evaluation

Each employee will receive a six month assessment of his or her work performance. Evaluations conducted by your immediate supervisor are important to both you as an employee and the supervisor whose responsibility it is to promote and maintain an effective staff. Many factors are involved in the performance of your job. Included are the quality and quantity of work, dependability, job knowledge and skill, and the ability to get along with others. These are just some of the factors used to assess competence and performance. A great deal of study and effort goes into the rating of employees; it is not an easy process. However, decisions are subjective and consequently there are often variations in opinions. Your supervisor is responsible for evaluating your performance as best as he or she can. Try to remember that the evaluation is not based on you as a person, but rather on the evidence of your performance on the job. Employees are required to sign their completed evaluation report. Your signature does not mean that you agree with the evaluation, but that you have had the opportunity to see and review the report. This evaluation or merit report is used in determining increases in compensation.

## SECTION III

### Employee Benefits

#### A) Federal Income Tax Withheld

All employees, by completing and submitting a W4 form to the Treasurer, will have federal income tax withheld and sent to the Federal Revenue Service for federal taxes. Should an employee desire a specific amount withheld, a written request may be submitted to the Treasurer for compliance with the employee's request.

#### B) State Income Tax

All employees will have state withholding taxes deducted from their pay which are held for quarterly submission to the State of Ohio Tax Department. Should an employee desire a specific amount withheld, a written request may be submitted to the Treasurer for compliance with the employee's request.

#### C) Pension Fund

As a Municipal employee, you are automatically enrolled in the Public Employees Retirement System. Under this program you do not contribute to social security or FICA while employed by the Municipality. Payroll deductions are made automatically for the pension system.

#### D) Credit Union

Employees are eligible to apply for membership into the Middletown City Employees Federal Credit Union. The purpose of the credit union is to foster money management habits designed to help its members through savings plans and low cost credit lending for legitimate purposes. The credit union is a non-profit organization chartered under federal law and owned solely by its members. The officers of the credit union are elected by the membership. The office is open weekdays from 8:00 A.M. until 5:00 P.M.

#### E) Ohio Municipal League Group Accident Plan

This plan provides protection in the event of accidental death, dismemberment, loss of sight, and limited permanent total disability. The coverage is in effect 24 hours a day, 365 days a year, at home or away, on or off the job, world-wide. There is no medical examination or other evidence of insurability required. The Municipality purchases this insurance for all full time employees.

#### F) Life, Dental and Health Insurance

Employees are covered by United Health Care of Ohio, Inc.. The Municipality purchases insurance for all full time employees and their dependents. The health insurance coverage

is for major medical and other miscellaneous coverages. Life insurance for all full time employees is in the amount of \$20,000. Also, dental insurance is carried for the benefit of all full time employees and their dependents.

G) Workmen's Compensation

If an employee is injured while on duty, he or she is required to fill out an injury or accident report form within 48 hours following the incident. An on-the-job injury should also be brought to the attention of the supervisor. Employees are financially covered by Workmen's Compensation for nearly every on-the-job injury requiring professional medical attention. However, failure to use safety equipment made available by the Municipality may disqualify workmen's compensation claims and may result in disciplinary action.

H) Uniforms

Uniforms are supplied for the full time Street and Water Department employees. There are six (6) changes per week and the Municipality shares 50% of the expense of these uniforms, the remaining 50% being covered by employee payroll deduction.

I) Holidays

Each full time employee is entitled to eight (10) paid holidays per calendar year. They are:

- New Years Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- The Day After Thanksgiving
- Christmas Day
- Christmas Eve or New Years Eve (Must Pick One)

J) Vacation

All employees holding job classifications designated as full time shall work six months from their date of hire before they are entitled to any vacation. Upon completion of six months, the employee shall be entitled to one week of vacation with pay to be taken during the balance of the following eighteen (18) months. On the January 1 following completion of the employees six month probation, an additional week of vacation shall be awarded. The employee shall then be awarded two weeks vacation on the following January 1. On January 1 following completion of ten (10) years of service, the employee

shall be entitled to three (3) weeks vacation; however, such employee may not take more than two weeks of said vacation at any one time except with permission of the Manager. On January 1 following the completion of twenty (20) years of service, the employee shall be entitled to four (4) weeks; however, such employee may not take more than two weeks of said vacation at any one time except with permission of the Manager. One week of vacation shall be considered five working days or 40 hours. Except for special permission granted by the Manager, no vacation time shall be accumulated from year to year.

#### K) Leave of Absence Policy

A leave of absence for full time employees may be granted after completion of one year of continuous employment with the Municipality. Reasons for approved leave of absence may include:

1. Sickness
2. Pregnancy
3. Personal Leave

##### (a) Sickness (Including Pregnancy) Leave

● It is the intent of this policy to allow for sickness, including pregnancy leave, for immediate employees only.

● Sickness or pregnancy leave may be granted without loss of seniority for a period of time not to exceed 120 days.

● During a leave of absence for sickness or pregnancy, all benefits will continue.

● A doctor's return-to-work release will be required before returning to work following sickness or pregnancy.

##### (b) Personal Leave

● The Municipal Manager or his designee may approve a personal leave of absence.

● Requests for a personal leave must be furnished in writing and contain the dates the leave is to begin and end, and the reason for the leave.

● In determining the approval for leave of absence, the Municipal Manager may consider the following: employee's past work record, convenience to the

Municipality, and the ability of the Municipality to find a suitable replacement if needed.

- Personal leave may be granted without loss of seniority for a period of time not to exceed 120 calendar days.
- During personal leave all benefits will terminate except for seniority as noted above. If allowed by insurance carrier, the employee may choose to prepay benefits.

#### L) Sick Leave

1. Full Time Salaried Employees: Each full time salaried employee shall be entitled to sick leave with full pay which shall be accumulated up to a maximum of 120 days based on the rate of one day for each full month of employment with the Municipality. Unused sick leave may not be converted into compensation when such employee leaves the employment of the Municipality.

2. Full Time Hourly Employees: All full time hourly employees shall be entitled to sick leave reimbursement at the employee's regular hourly rate which shall be accumulated up to a maximum of 120 days. All new full time hourly employees shall be awarded three (3) sick leave days after completion of their six month probation period. On January 1 following completion of the employee's six month probation, four (4) additional sick days shall be awarded. On each following January 1, all full time hourly employee will receive seven (7) sick leave days per calendar year. Full time hourly employees will be eligible for sick leave beginning with the first day of illness. A proper physician's certificate must be provided beginning with the second day of illness. Unused sick leave may not be converted into compensation when such employee leaves the employment of the Municipality. Sick leave shall be defined as time off by the employee for illness to himself or herself, including pregnancy.

The Manager reserves the right to give verbal and written warnings to any employee who is thought to be abusing the sick leave policy. Further disciplinary action must be taken if the abuse continues after the initial warning.

#### M) Maternity Leave

Maternity leave shall be granted to any employee on certification of her attending physician that she is no longer capable of performing her job-related duties due to her pregnancy. During the time she is released, accumulative sick leave may be fully utilized with maternity leave considered as an authorized use for sick leave.

If an employee wants to return to work after delivery and is physically able to do so, as certified by a physician, she may be reinstated to the position held prior to maternity leave. Reinstatement will occur after the postnatal care period and upon written consent of the

attending physician. Should the employee's position be abolished during maternity leave, the employee will be placed at the top of the appropriate eligibility list. Sick leave and vacation days will not accrue for any period of maternity leave without pay. The employee should inform her supervisor upon confirmation of pregnancy in time to provide for her temporary replacement.

N) Funeral Leave

All full time employees will be allowed up to three (3) regularly scheduled working days for funeral leave. Funeral leave may be used by an employee when a death occurs in the immediate family of the employee. For the purpose of this section, immediate family is defined as the spouse, parent, son or daughter of the employee. Deviations from this definition may be allowed at the Manager's discretion. One day of funeral leave may be granted by the Manager or his designate when the death is that of any other legal relative. Funeral leave shall not be charged to the sick leave balance of the employee.

O) Military Leave

Permanent full time employees who are members of any military reserve component are entitled to a leave of such time as they are required to perform military duties, not exceeding 31 calendar days in any calendar year. Leave for military training is without pay; however, vacation time may be used during this military training if the employee requests.

P) Personal Days

An employee who has accumulated 21 or more unused sick leave days shall be entitled to exchange a sick leave day for a personal day off with pay. No more than two personal days may be taken in any given calendar year. Personal days are intended to provide the employee with the opportunity to conduct personal business during regular working hours without the loss of pay and shall not be coupled with regularly scheduled vacation days.

## **SECTION IV**

### General Information

A) Pay Periods

Employees are paid on a bi-weekly basis. If the normal payday (every other Friday) falls on a holiday, the employee will receive his or her paycheck on the last working day preceding the Friday holiday. Under this pay system, employees normally receive 26 paychecks per calendar year.

B) Normal Working Hours

Normal working hours for full time Municipal employees are eight hours per day, five days per week, for a forty hour week. The five work days will normally be consecutive days so that time off will also fall on consecutive days.

C) Overtime

It is the policy of the Municipality that overtime work shall be discouraged. If a department head believes that work in excess of the established work week is required, he shall obtain the approval of the Manager prior to authorizing such overtime for any employee. When overtime is authorized by the Manager, time in excess of 40 hours per week shall be paid at one and one half times the employee's normal rate of pay.

D) Employee Safety

Although you are expected to learn all things about your job immediately, there are some things expected of you from the beginning. One of the latter is the prevention of accidents. Safety is largely a matter of good judgment and habit. Accidents are costly in several ways: in man-hours lost, the loss of equipment which may be damaged, and most of all the injury to yourself.

It is the Municipality's responsibility to provide safe working conditions for the various types of work. It is your responsibility to handle equipment and yourself in such a way as to avoid accidents by observing all safety rules and using available safety devices. Safety is everyone's job. You can help by reporting unsafe conditions or equipment and suggesting improvements which will make your work and the work of your fellow employees safer.

E) Personnel Record Changes

Each employee is responsible to insure his or her personnel records are kept current. Accurate employment records are important to assure you of all your benefits. Any change of name, address, phone number, marital status, names and number of your dependents, insurance or retirement beneficiaries, or next of kin, should be reported to the Department of Finance.

F) Telephones

Please remember that the Municipal Phone lines are for business purposes only. You are asked not to place calls or carry on conversations of a personal nature which would tie up outside lines.

## SECTION V

### A) Drug and Alcohol Testing Policy

1. The purpose of this Policy is to comply with all applicable federal regulations adopted by the Federal Highway Administration (FHWA) that mandate alcohol and drug testing and establish testing standards for covered, "safety-sensitive" employees that operate "commercial motor vehicles". This Policy supplements, but does not replace or change, all existing policies and agreements concerning the use of, and testing for, alcohol and drugs, unless otherwise required by law or regulation.
2. The Municipal Manager or his designee, hereafter "Manager", is the person designated to: (a) answer questions about these materials and the implementation of the FHWA regulations; (b) to receive confidential information regarding alcohol and drug testing results; and (c) receive confidential information from substance Abuse Professional.
3. The public expects our services to be delivered in the safest and most conscientious manner possible. Involvement with drugs and alcohol can adversely affect job performance and employee safety. The presence of drugs or alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with our objective of maintaining a drug and alcohol-free workplace.
4. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek assistance from the Employee Assistance Program. While we will be supportive of those who seek help voluntarily, the Manager will be equally firm in identifying and disciplining those who are, or continue to be, substance abusers and who do not seek help.

### B. Covered Employees

This Policy applies to all employees who operate a commercial motor vehicle to carry out their job duties or who are required as a condition of employment to possess and maintain a commercial driver's license (CDL). Participation in the Alcohol and Drug Testing Program is required for these employees and is considered to be a condition of employment. A "commercial motor vehicle" is a vehicle that:

1. Has a gross combined weight rating of 26,0001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or

3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

#### C. Safety-Sensitive Functions

The FHWA alcohol and drug rules apply to employees when performing safety-sensitive functions. "Safety-sensitive" functions under these rules include any of the following:

1. All time waiting to be dispatched;
2. All time inspecting, servicing or conditioning any commercial motor vehicle;
3. All time driving a commercial motor vehicle;
4. All other time spent in or on any commercial motor vehicle;
5. time waiting to be dispatched;
2. All time inspecting, servicing or conditioning any commercial motor vehicle;
3. All time driving a commercial motor vehicle;
4. All other time spent in or on any commercial motor vehicle;
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent dealing with a commercial motor vehicle accident; and
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

#### D. Prohibited Conduct

The FHWA regulations include the following rules on prohibited conduct:

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration 0.04 or greater (see paragraph I of this Polity on alcohol concentrations between .02 and .04);

2. No employee shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment;
3. No employee shall use alcohol while performing safety-sensitive functions;
4. No employee shall perform safety-sensitive functions within four hours after using alcohol;
5. No employee shall use alcohol for eight hours following an accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first;
6. No employee shall refuse to submit to a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, or follow-up alcohol or drug test; and
7. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any drug, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.

#### E. Supervisor Responsibilities

Supervisors must not permit an employee to perform safety-sensitive functions if they have actual knowledge that the employee:

1. Has a blood alcohol concentration of .02 or greater;
2. Has alcohol in the possession;
3. Is using alcohol on the job;
4. Has used alcohol within the past four hours;
5. Refused to submit to a alcohol or drug test required by this Policy;
6. Has used a controlled substance; or
7. Tested positive for drugs.

## F. Alcohol and Drug Testing

In addition to alcohol, the substances for which the employee will be tested include, but are not limited to, the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

Testing for alcohol concentration will be through the evidential breath testing procedure. Testing for controlled substances will be accomplished through urine sampling. The employee may be required to sign an authorization form permitting the medical facility to conduct the test and release the results to the Medical Review Officer and the Manager. An employee is subject to FHWA mandatory testing for alcohol and drugs under the following circumstances:

### 1. Pre-Employment/Pre-duty Testing

An applicant or newly hired employee must be tested for alcohol and drugs before the first time the driver performs any safety-sensitive function. In order to return to duty involving safety-sensitive functions, the driver must test with an alcohol concentration level of less than 0.02 and/or test negative for controlled substance use.

### 2. Post-Accident Testing

An employee must be tested for alcohol and drugs as soon as practicable following an accident involving a commercial motor vehicle, if:

a. The employee was performing a safety-sensitive function with respect to the vehicle, and the accident resulted in the loss of a human life (whether or not the driver caused the accident), or

b. The employee receives a citation under state or local law for a moving violation arising out of the accident.

In the case of post-accident testing for drugs, the driver must: (1) immediately notify the Manager of the accident (513-539-7374); and (2) remain readily available for testing. The Manager shall administer the tests as soon as possible, but not more than eight hours after the accident in the case of alcohol testing, and not more than 32 hours after the accident in the case of controlled substance testing. The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test shall be deemed to meet the requirements of this policy and the Manager may choose to use this type of test instead of performing one of its own.

### 3. Random Testing

Employees will be randomly selected for unannounced alcohol and drug testing. The minimum annual percentage rate for random alcohol testing will be 25% of the average number of driver positions. The minimum annual percentage for random drug testing will be 50% of the average number of driver positions. Employees will be selected on a random basis which assures that all drivers have an equal chance of being tested. The dates for testing will be spread out throughout the calendar year and will be unannounced. A driver shall only be tested while, just prior to, or just after performing safety-sensitive functions.

### 4. Reasonable Suspicion Testing

An employee must be tested for alcohol or drugs if there is reasonable suspicion that a driver has violated the rules on the use of alcohol or drugs. Reasonable suspicion will be based on specific, current, describable, observations concerning the appearance, behavior, speech or body odors of the employee made during, just preceding, or just after the period of the work day that the employee is performing a safety-sensitive function. The observation and determination that a reasonable suspicion exists will be made by a supervisor, manager or other city official trained in detecting the symptoms of alcohol and drug use. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

### 5. Return-to-Duty Testing

An employee must be tested for alcohol and drugs before returning to any safety-sensitive duties following a violation of the FHWA alcohol or drug rules.

### 6. Follow-up Testing

An employee who has been identified by a Substance Abuse Professional as needing assistance in resolving problems with alcohol or drugs and who has returned to duty is subject to a minimum of six follow-up alcohol or drug tests over the first 12 months following the return to duty. The Substance Abuse Professional may require the employee to undergo additional alcohol or drug testing for up to 60 months.

All alcohol and drug testing done under the FHWA rules will comply with 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. These procedures require separate screening and confirmation tests and a number of other procedures which are intended to protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.

## G. Refusal to Submit to Alcohol or Drug Test

1. The FHWA rules mandate that an employee submit to the alcohol and drug tests required by the FHWA rules. A refusal to submit is itself a violation of the FHWA rules.
2. A refusal to submit to an alcohol or drug test includes any of the following conduct:
  - a. Failure to provide adequate breath for alcohol testing, without a valid medical explanation, after the driver has received notice of the requirement for alcohol testing under the FHWA rules;
  - b. Failure to provide adequate urine for drug testing, without a valid medical explanation, after the driver has received notice of the requirement for drug testing under the FGWA rules;
  - c. Engaging in conduct that clearly obstructs the testing process; and
  - d. Failure to remain readily available for testing following an accident involving a commercial motor vehicle.
3. A refusal to take an alcohol or drug test required by the FHWA rules will have the following minimum consequences:
  - a. An applicant who refuses a pre-employment/pre-duty test will not be hired;
  - b. An employee who refuses a return-to-duty test will not be returned to duty; and
  - c. An employee who refuses a post-accident, random, reasonable suspicion, or follow-up test will be treated as if he/she had a positive test result, as described in Paragraph H, which follows.

An employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be removed from duty immediately and subject to discipline up to and including dismissal. Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

#### H. Employees Who Violate the FHWA Rules On Alcohol or Drugs Will:

1. Be removed from all safety-sensitive functions and placed on an unpaid leave of absence, unless otherwise determined by the Manager;
2. Be referred to and evaluated by a Substance Abuse Professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol or drugs;
3. Not be returned to work unless the driver passes a return-to-duty alcohol test (if the violation involved alcohol) or a return-to-duty drug test (if the violation involved drugs) and has properly followed any rehabilitation program prescribed by the Substance Abuse Profession; and
4. Be subject to FHWA-mandated unannounced follow-up drug and alcohol testing, including a minimum of six tests during the first 12 month following the driver's return to work.

These are the minimum consequences mandated by the FHWA rules. The Manager may take additional disciplinary action, up to and including dismissal, for conduct which violates work rules or policies.

#### I. Alcohol Test Result Between .02 and .04

A positive alcohol test is defined by the FHWA rules as a test finding an alcohol concentration of .04 or greater. However, if a driver's alcohol test finding is between .02 and .04, the driver must be removed from duty until the driver's next regularly scheduled duty period, but not less than 24 hours following the test.

#### J. Employee Requested Confirmation Testing

An employee who questions the results of a required drug test may request that an additional test be conducted at a different DHHS-certified laboratory. The test will be conducted on the split sample that was provided at the same time as the original sample. The cost of the second test will be borne by the employee, unless the second test invalidates the first.

The method of collecting, storing and testing the split sample is as prescribed by the procedures in 49 CFR Part 40. The employee's request for a split sample test must be made to the designated Medical Review Officer within 72 hours of notice of the initial test result. Requests after 72 hours will be accepted only if the delay was due to documentable facts that were beyond the control of the employee.

## K. Confidentiality

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be secured in a separate confidential folder in the Manager's office. The reports or test results may be disclosed to management on a need-to-know basis and to the tested employee upon request. The Manager may also disclose confidential information pertaining to an employee to the decision makers in a lawsuit of the employee, and arising from the results of an alcohol and/or controlled substance test administered under FHWA rules, or from the Manager's determination that the employee engaged in prohibited conduct.

## J. FHWA Mandated Alcohol/Drug Evaluation/Treatment

Employees who test positive for the presence of alcohol or illegal drugs will be referred to, and evaluated by, a Substance Abuse Professional (SAP). A Substance Abuse Professional is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of, and clinical experience in, the diagnosis and treatment of drug and alcohol-related disorders. The Substance Abuse Professional will evaluate each employee to determine what assistance, if any, the employee needs to resolve problems associated with prohibited substance abuse or misuse of alcohol.

Under certain circumstances, including positive alcohol or drug tests, employees may be required to undergo treatment for substance abuse. If an employee is not discharged, but is allowed to return to duty after such evaluation and/or treatment, he/she must properly follow the rehabilitation program prescribed by the substance Abuse Professional, must pass the return to duty alcohol and drug test(s) and be subject to unannounced follow-up tests for a period of one to five years, as determined by the Substance Abuse Professional or as required by federal law. Any employee who refuses treatment when required, or fails to comply with the Individualized Treatment Plan prescribed by the Substance Abuse Professional for treatment, aftercare, or return to duty, shall be subject to disciplinary action, up to and including discharge.

## Reference Source

1. Charter of the Municipality of Monroe - Contains all information pertinent to the governmental process of the Municipality.
2. Codified Ordinances of the Municipality of Monroe - Covers all employment provisions of municipal employees.
3. Policy and Procedures of the Municipality - Covers all aspects of the civil service process.

## Appendix A

### DISCIPLINARY RULES

#### I. Those Who May Take Disciplinary Actions

- a. Only those employees classified as Municipal officials, department or division supervisors, Assistant Manager or the Manager can take disciplinary action. (All such persons shall be classified as supervisors for the purpose of these rules).
- b. Any employee may register a grievance if desired. This grievance should be submitted to the employee's immediate supervisor.
- c. A written report must be submitted to the Municipal Manager by the person desiring action within 24 hours of the incident causing disciplinary action.

#### II. Limits on Degree of Disciplinary Action

- a. Any supervisor can, for just cause, impose temporary suspension upon any employee assigned to him or her up to a limit of two (2) working days for each separate incident constituting just cause.
- b. The Municipal Manager may, at his discretion, extend the period of suspension or permanently terminate any employee.
- c. Demotion or reclassification of an employee may be recommended for approval as a disciplinary measure. This may result in a corresponding reduction in pay.

### III. Review Process

Any employee can appeal a disciplinary action in writing to the Municipal Manager or his designate within 24 hours of notification of the disciplinary action. The final decision on any grievance shall be made by the Manager within three (3) working days of submission of grievance.

IV. Cause -- Disciplinary actions shall be governed by the Ohio Revised Code to the extent it does not conflict with this Ordinance or the Charter. Specific infractions are as follows:

- a. Stealing
- b. Willful destruction or misuse of Municipal property.
- c. Drinking alcohol or under the influence of controlled substances or intoxicants during working hours.
- d. Fighting
- e. Profanity
- f. Improper dress
- g. Unexcused absence
- h. Failure to perform assigned duties
- i. Insubordination
- j. Improper conduct with customers or other employees
- k. Any crime involving moral turpitude
- l. Violation of Seat Belt Statute

The above itemized causes are further defined below:

(Each incident of cause will be deemed to have occurred when there is a preponderance of evidence that such incident occurred in the reasonable view of the Manager).

a. Stealing

Anyone committing such an act will be dealt with as follows:

1. Immediate discharge
2. Prosecuted to the full extent of the law

b. Willful Destruction of Municipal Property

Anyone willfully destroying or misusing Municipal property shall be subject to disciplinary action. Included under this section shall be the following:

1. Willful destruction of Municipal property
  2. Improper operation of Municipal equipment
  3. Unauthorized use of Municipal equipment

c. Drinking of Controlled Substance

1. Drinking shall include any alcoholic beverage including beer, whiskey, etc. and will not be dependent on the amount consumed or the individuals ability or inability to handle same.
2. Anyone drinking or under the influence of controlled substances or intoxicants during working hours will be suspended a minimum of two (2) working days without pay.
3. Anyone caught operating a Municipal vehicle while under the influence will be suspended a minimum of five (5) working days.
4. A second infraction of this restriction shall be just cause for dismissal.

d. Fighting

All Municipal employees are expected to conduct themselves in an adult, courteous manner at all times. The aggressor(s) in any fight will be subject to disciplinary action.

e. Profanity

Anyone using profanity in any manner offensive to the public customers or fellow employees will be subject to disciplinary action.

f. Improper Dress

1. Those employees who are provided uniforms are expected to wear them and maintain them in suitable condition and are not to wear them in a way which offends the public image of the Municipality, such as bars, etc.
2. Employees shall remain fully dressed at all times unless specifically authorized by his supervisor. Shirts shall remain on and buttoned while in the Municipal vehicles and during the normal performance of assigned duties.

Exceptions (if authorized by the Manager):

- a) Grass cutting
- b) Inspection on construction sites
- c) Any other time authorized by the Manager

g. Unexcused Absence

Any employee who is unable to report for work on any day will be considered absent and subject to disciplinary action unless the office is notified by 8:45 A.M. of that day and/or sufficient cause for failure to notify is shown. Unexcused absences cannot be tolerated.

h. Failure to Perform Assigned Duties

Any employees who fails to perform an assigned duty shall be subject to disciplinary action.

All employees are expected to give the Municipality a full honest day of labor. If any employee is unable to perform his or her assigned duties in a proper and efficient manner, he or she should request a transfer to a different position.

If a duty is assigned to a crew rather than an individual employee, each member of that crew shall be equally responsible if an infraction is found.

It is the supervisor's responsibility to assign work and to see that it is done properly. Accordingly, the supervisor has the right to penalize for infractions or he himself will be subject to disciplinary action.

i. Insubordination

Everyone must submit to properly administered authority and show the proper respect and cooperation to his or her supervisor.

j. Improper Conduct

As public servants, all Municipal employees have an obligation to serve its customers and the general public in a polite and congenial manner. Municipal employees should be prepared to take verbal abuse without retaliating.

k. Sexual Harassment

The Municipality of Monroe reaffirms its commitment to make an environment free of inappropriate and disrespectful conduct toward any employee. Sexual harassment is adverse to this environment. It is therefore the policy of the Municipality of Monroe that no employee may sexually harass any other.

Sexual harassment is defined as any behavior which is not welcome, which is personally offensive, which interferes with the work or well-being of another, and is based on sex. Unwelcome sexual advances, requests for sexual favors, or any other verbal or physical contact of a sexual nature constitute harassment and are, therefore, prohibited under this policy.

No supervisor shall base any personnel decision or recommendation explicitly or implicitly on a subordinate's submission to or rejection of such conduct.

Every supervisor is responsible for (1) eliminating and avoiding such conduct within his area of responsibility; and (2) investigating and where warranted taking action in case of any verified harassment by any subordinate, or against any subordinate.

In addition to filing a complaint with the immediate supervisor, any employee who personally feels he or she has been sexually harassed may take the complaint to the Municipal Manager and/or the Personnel Board.

Anyone who is found to have violated this policy may be disciplined. In cases of serious harassment, a violator may be terminated even on first offense. In this connection, it should be noted that the Municipality of Monroe may be held legally liable for acts of sexual harassment by its employees unless it takes steps to resolve such complaints.

1. Violation of Seat Belt Statute (under definitions)

It will be the policy of the Administration of the Municipality of Monroe to encourage vehicular safety through compliance with the Ohio seat belt statute. All employees and front seat passengers in all municipal vehicles shall comply with the seat belt statute. Failure to comply with this law shall result in disciplinary action.