

BELLBROOK CITY COUNCIL AGENDA

September 28, 2020



REMOTE TELECONFERENCE MEETING**

Due to COVID-19, this meeting will be held via Zoom webinar teleconferencing. Live streaming of the meeting is available on the City's government channel (via Spectrum/Ch 5) and YouTube channel (Bellbrook City Hall).

Should any member of the public wish to speak they do so by logging in as an attendee following links at the end of this agenda. You may also submit comments by emailing the Clerk of Council at p.timmons@cityofbellbrook.org by 3 p.m. on 9/28/2020.

City of Bellbrook

15 E. Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666

F (937) 848-5190

www.cityofbellbrook.org

6:30 pm – Work Session - Information on Community Improvement Corporations (CIC's)(follow-up on Nov. 23)

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the minutes of September 14, 2020
5. Mayor's Announcements and Special Guest
 - **Trick or Treat 2020**
 - **Beautification Awards for 2020, presented by Michele and Rob Johnson**
6. Public Hearing of Ordinances
 - **Ordinance 2020-6** An Ordinance Adopting the Updated Comprehensive Plan for The City of Bellbrook. (Middlestetter)
7. Introduction of Ordinances
8. Resolutions
 - **Resolution 2020-X** A Resolution Approving the Replat of Lots 27A and 26B of the Highview Terrace Subdivision, Section 4. (Havens)
 - **Resolution 2020-Y** A Resolution Approving the Replat of Lots 1E, 3D, 4B, and Unplatted Lands Into Lots 1F, 4D, 4E, 4F, and 4G of Highview Terrace Subdivision, Sections 1 and 2 (Van Veldhuizen)
9. City Manager Report
10. Old Business
 - Family Resource Center Update on Coronavirus Relief Funds Received
11. New Business
 - Updates to the Personnel Policy Manual

12. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs
13. Clerk's Update
14. Open Discussion
15. Public Comment
16. **Adjournment**

Zoom Meeting Information:

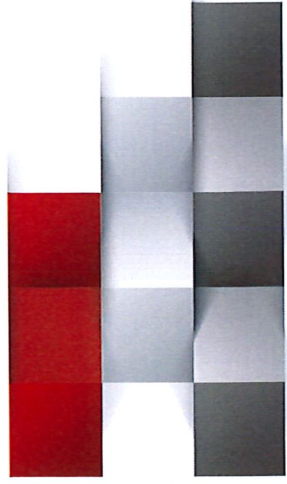
Website: www.zoom.us

Webinar ID: 858 6544 3044

Passcode: 324914

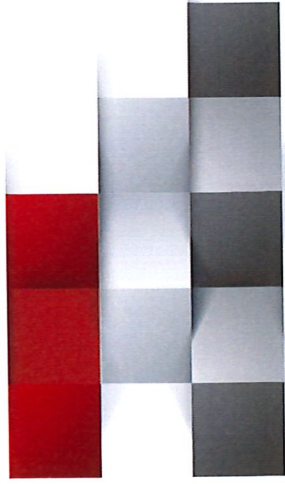
Future Agenda Items

- Work Sessions
 - October 12 – 6:30 pm - Fire Station Consolidation Results
 - October 26 – 6pm Work Session with Council – Administration and Service Departments
 - November 9 – 6pm Work Session with Council – Police, Fire and Capital
 - November 23 6pm – Work Session CIC and Fire Station Follow Up
- Legislative Items:
 - October 12 - Ordinance Adopting New Section 260 “Guidelines for Members of Boards, Commissions and Committees” to the Bellbrook Municipal Code Resolutions
 - October 12 - Ordinance Amending Section 18.20 (a) “Permitted Signs (General)” of the Bellbrook Zoning Code
 - October 12 –Ordinance Adopting the Revised City of Bellbrook Personnel Manual
 - November 23 – Introduction of Budget Ordinance
 - December 14 - Public Hearing of Budget Ordinance
- Legislation to be considered from Planning Board
 - Vacancy Registration Requirements
 - 18.20(B) – Sign Code
 - Article 14



What is a Community Improvement Corporation?

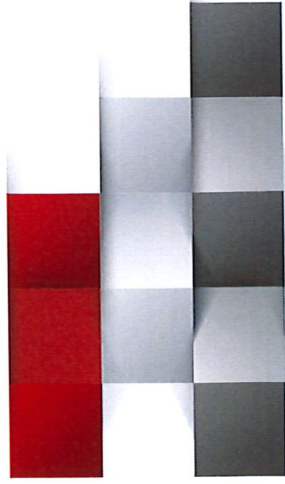
- Statutory creation - Ohio Revised Code Ch. 1724
- Created by City Council
- City Council can designate by City Council as the City's agency for Development
- At least two-fifths of governing board of a designated agency shall be elected or appointed officers of the City



Different Purposes for a CIC

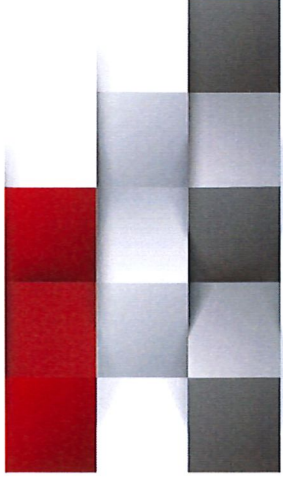
Economic Development Corporation

- organized for the purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of a community or area
- these corporations are the most common form of a “CIC”



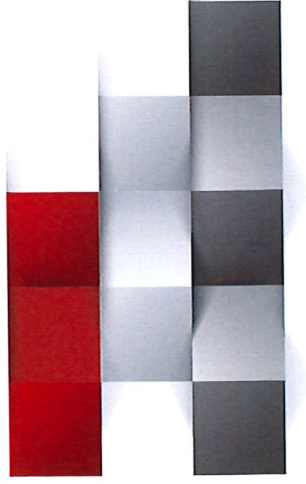
Formation of CIC

- File Articles of Incorporation with Secretary of State
 - The articles of incorporation of an economic development CIC must specify the territory where it proposes to operate because the territory of multiple CICs cannot overlap
- A CIC may be designated as an agent by a county, one or more townships, one or more municipalities, two or more adjoining counties, or any combination of them
- When a CIC is designated by a political subdivision, it becomes the agent to promote and encourage the establishment and growth of industrial, commercial, distribution, and research facilities in the jurisdiction



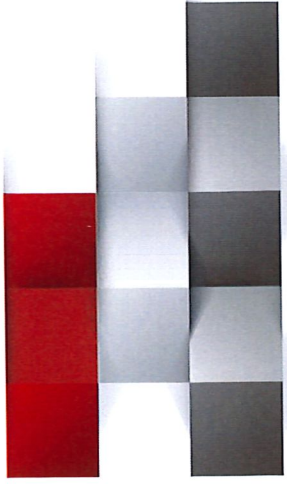
Formation Steps

- Council will need to approve the Articles of Incorporation
- Council will need to approve the purposes of the CIC
- Apply for Tax Exemption under Section 501(c)(3)
- Determine the size of the Board. Minimum being five persons



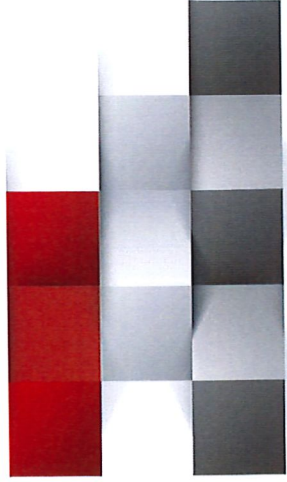
Extensive Powers of CIC per Ohio Revised Code

- Borrow money for any purpose of the CIC
- Provide loans to individuals or businesses
- Buy, lease, sell real or personal property
- Acquire the good will, business rights, real or personal property, and assets of an individual or business
- Charge fees to political subdivisions for services
- Enter into contracts with federal, state and local governments
- Apply for and administer grants
- Do all acts necessary or convenient to carry out statutory powers



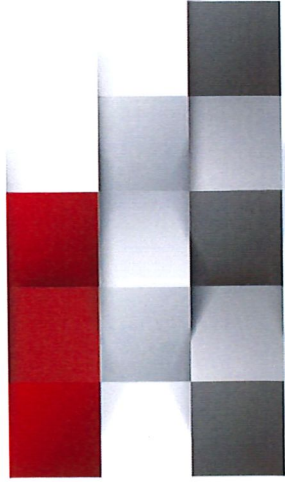
Annual Report

- Required to adhere to Auditor of State's rules
- Must be filed with the Auditor of State within 120 days of the end of the corporation's fiscal year
- Failure to do so can result in cancellation of Articles of Incorporation



Confidentiality of Information

- Any financial and proprietary information, including trade secrets, submitted by or on behalf of an entity to the community improvement corporation in connection with the relocation, location, expansion, improvement, or preservation of the business of that entity, or in the pursuit of any one or more of the purposes under division (B) of section [1724.01](#) of the Revised Code for which a county land reutilization corporation is organized, held or kept by the community improvement corporation, or by any political subdivision for which the community improvement corporation is acting as agent, is confidential information and is not a public record subject to section [149.43](#) of the Revised Code.



Confidentiality of Information

- Any other information submitted by or on behalf of an entity to the community improvement corporation in connection with the relocation, location, expansion, improvement, or preservation of the business of that entity held or kept by the community improvement corporation, or by any political subdivision for which the community improvement corporation is acting as agent, is confidential information and is not a public record subject to section [149.43](#) of the Revised Code, until the entity commits in writing to proceed with the relocation, location, expansion, improvement, preservation of its business, or other purpose under division (B) of section [1724.01](#) of the Revised Code.

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Regular Meeting
September 14, 2020

Due to the COVID-19 pandemic the September 14, 2020 City Council Meeting was conducted using Zoom's remote webinar platform.

PRESENT: T.J. Hoke
Ernie Havens
David Van Veldhuizen
Forrest Greenwood
Elaine Middlestetter
Nick Edwards
Mayor Mike Schweller

ALSO PRESENT: City Manager Melissa Dodd

REGULAR MEETING

Mayor Schweller called the regular meeting to order at 7:00 pm.

ROLL CALL

Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mayor Schweller, yes.

APPROVAL OF MINUTES

After polling the members of City Council about the regular meeting minutes of August 24, 2020 Mayor Schweller declared the minutes approved.

MAYOR'S ANNOUNCEMENTS

- Greene County Public Health Deputy Commissioner Noah Stuby

Mr. Stuby thanked the Council for allowing him to come speak about the Greene County Health Department and the 5-year renewal levy on the November ballot for .8 mill. That accounts for 33 percent of their budget. They work according to population-based health priorities.

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Programs and Services provided by GCPH Department include: environmental public health, communicable disease control, chronic disease and injury prevention services, and maternal, family and child health services. He reiterated that the levy is a renewal so it will not involve an increase in taxes.

Dr. Van Veldhuizen asked how many employees they have. Mr. Stuby answered that there are about 60 employees.

Mr. Hoke asked if the COVID pandemic has affected their monetary needs. Mr. Stuby said they have been receiving funds from the federal level. So far, they have spent over \$500,000 in the personnel time that has been spent on the COVID response which has included the contact tracing efforts.

Mr. Greenwood asked if they were involved with the vaccinations. Mr. Stuby answered that now Five Rivers handles the vaccination program.

Mayor Schweller announced a change to tonight's agenda. The work session to discuss CICs will be moved to September 28 due to the attorney's schedule.

PUBLIC HEARING OF ORDINANCES – none

INTRODUCTION OF ORDINANCES

Mrs. Middlestetter read **Ordinance 2020-6 An Ordinance Adopting the Updated Comprehensive Plan for the City of Bellbrook.**

The City Manager explained that in the past the comprehensive plan had been adopted and amended by both resolution and ordinance. To be consistent, any amendment or adoption of a comprehensive plan will be done through ordinance. This takes care of that and includes language that makes the current plan precede any previous legislation where there may be inconsistencies. There was also a change to a map on page 22 which removed a multi-use path line in Highview Terrace.

Mr. Hoke asked about the status of the open space easement being dedicated. Mrs. Dodd said there is not a definite timeline for the acquisition of that land or the creating of a path. She also stated that

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Minutes of Bellbrook City Council Regular Meeting
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she spoke with Mr. Havens about working with the Parks District since it would have to link up to Magee Park.

Mr. Hoke also asked about the long span of time between the 1974 Comprehensive Plan and the one adopted in 2019. Mrs. Dodd explained that she did not know why there was such a long gap. The Planning Board has been charged with the review and follow-through of projects identified by the Comprehensive Plan.

Mrs. Middlestetter made a motion to introduce **Ordinance 2020-6 An Ordinance Adopting the Updated Comprehensive Plan for the City of Bellbrook**. Mr. Edwards seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mayor Schweller, yes. The motion passed 7-0.

RESOLUTIONS - none

CITY MANAGER REPORT

The City Manager announced that on Thursday the 10th the City received a second round of Coronavirus Relief Funds in the amount of \$60,308.14. This brings the total received to \$180,924.42. We are continuing to look for the best ways to utilize the money.

Mrs. Dodd announced that the City received the second half settlement of property taxes in August and there were no decreases in what was received for 2020. In fact, property taxes received were more than budgeted to the tune of \$32k additional to the General Fund, \$66,000 to the Police Fund and \$52,000 to the Fire Fund. This was certainly unexpected to exceed budgeted figures this year. This totals approximately \$150,000 more than budgeted. Since the pandemic will have lasting effects, Mrs. Dodd is cautiously optimistic.

Notice to negotiate from the fire union was received this week also. These negotiations will be starting soon as their current contract expires, November 30, 2020. She does not anticipate having to delay them as we did the police negotiations. Mrs. Dodd requested feedback from Council on how the information is shared with Council since going through the same process recently. If there are any improvements that can be made or if Council would like information presented differently, they should let the City Manager know.

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The City Manager informed Council that the 2021 budget discussions will be scheduled for two work sessions with ordinance presentations for planning purposes:

October 26 – 6pm Work Session with Council – Administration and Service Departments

November 9 – 6pm Work Session with Council – Police, Fire and Capital

November 23 – Introduction of Budget Ordinance

December 14 - Public Hearing of Budget Ordinance

Mayor Schweller asked if the N. Belleview culvert project is still on track to be complete by October 31.

Mrs. Dodd answered that they had not heard anything different from the contractor.

OLD BUSINESS - none

NEW BUSINESS -

The City Manager presented information about a grant program from the Ohio EPA to provide electric vehicle charging stations. The cost of a charger is about \$12,000 and the cost of the electric connection can be around \$3,000. The City would like to be considered for the installation of two dual electric vehicle charging stations that would be located on City-owned property and would be eligible for reimbursement for the actual station and the infrastructure needed to connect it. One would be at the Library and one at the City administration building. Several representatives visited Bellbrook to inspect the proposed sites.

She added that one of the EPA's requirements is that they are equipped to accept payments. We could choose to waive the electric fee since it is nominal, or we could structure the rate any way that we want. For example, there could be a flat fee, or the first 15 minutes could be free. That can be decided if we get the chargers. At this point she opined that they really don't know about the kind of usage they would get.

A letter of commitment will need to accompany the application for consideration by September 28 if Council wishes to proceed.

The Mayor asked if Council would be in favor of submitting a letter of commitment. All members were in favor. The City Manager said she would submit a letter.

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COMMITTEE REPORTS

Service – none

Safety – Mr. Hoke reported that he rode along with Police Officer Stephanie Bennington. He thanked her for her time. He was happy to see the positive interactions that our Police and citizens have. He suggested an article in an upcoming city newsletter on tips for discouraging crime such as outdoor lighting, trimming hedges, and locking cars.

Finance – none

Community Affairs – Mrs. Middlestetter reported that the Committee will be meeting next week to review updates to the ordinances concerning the administration of boards and commissions.

CLERK'S REPORT

Mrs. Timmons announced that future items for September include presentation of the Beautification Awards. Work sessions will be scheduled on Community Improvement Corporations and fire station consolidation. She also listed several Ordinances and Resolutions that are being written.

COMMENTS

Mr. Greenwood asked that Council consider changes to the truck routes through downtown. The number of large trucks through downtown has increased significantly which has made the situation worse for residents and businesses. The problems include excessive speed, dust, and debris. He added that anytime he has asked business owners what could be done to improve business downtown they always mention the truck traffic. The main sources of the trucks are the businesses on Ferry Road and the gravel pit on St Rt 42. In the past Council has taken steps to alleviate traffic situations such as the gate in Sable Ridge and stop signs and speed bumps on Kensington.

Mayor Schweller asked the Council members if this was an issue that should be added to the agenda. He suggested meeting with business owners and the township to begin this discussion.

Mr. Havens agreed that topic deserves Council consideration. He added that he recently saw a dump truck clip a car.

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Minutes of Bellbrook City Council Regular Meeting
September 14, 2020

Mr. Edwards agreed but added that this is a regional issue and the discussion should include the Township and neighboring cities. The affected companies will need options and a plan.

Mr. Havens is glad to see the truck issue moving forward. He thanked staff for the progress on code updates.

Mr. Hoke commented that he is glad to see things happening at the property across the street from Dot's Market. He asked what kind of businesses are going in. The City Manager answered that so far staff has not received any permit requests for businesses there. The Zoning Administrator has contacted the owner about the need for the signs to be reviewed and approved by the Village Review Board.

Mrs. Middlestetter said a resident had asked if there were any restriction on drones. She also brought up her wish that Council would consider legislation concerning outdoor lighting.

Mayor Schweller reminded the public that school is now in session and to be aware of children walking and traffic in front of the schools.

PUBLIC COMMENT - none

ADJOURN

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 8:03 PM.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

2020 Bellbrook Beautification Awards

Area A

4350 Bellemeade Drive
4440 Bellemeade Drive

Area B

2139 Firebird Drive
2471 Firefly Court

Area C

1764 North Belleview Drive
4250 Woodacre Drive

Area D

3580 Ridgeway Road
33 Upper Hillside Drive

Area E

3806 Greenmeadow Ranch Court
3948 Carmela Court

Business

Hagler Orthodontics
1964 North Lakeman Drive

RECORD OF ORDINANCES

Ordinance No. 2020-6

September 28, 2020

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2020-6

AN ORDINANCE ADOPTING THE UPDATED COMPREHENSIVE PLAN FOR THE CITY OF BELLBROOK.

WHEREAS, the City of Bellbrook has utilized a Comprehensive Plan as a tool to assist in making decisions related to the vision and planning of the community since the first iteration in 1974; and

WHEREAS, the City entered into an agreement in 2017 with the Regional Planning and Coordinating Commission of Greene County to update the City of Bellbrook's Comprehensive Plan which was completed in 2019; and

WHEREAS, in 2019 both the City of Bellbrook Planning Board and City Council each reviewed the plan and recommended its approval; and

WHEREAS, The 2019 City of Bellbrook Comprehensive plan remains in substantially the same form since the initial review with the exception of one revision to the Pedestrian, Bike and Multiuse Path map located on page 22 and attached hereto; and

WHEREAS, there have been previously adopted legislation related to the adoption and revision of the Comprehensive Plan; and

WHEREAS, the current version of the Comprehensive Plan for the City of Bellbrook, on file with the Clerk of Council, shall take control over any previously adopted Comprehensive Plan where inconsistencies may exist; and

WHEREAS, City Council hereby desires to adopt the 2019 Comprehensive Plan for the City of Bellbrook as the official document to assist in the decision making process for planning, visioning and other legislative matters related to the City of Bellbrook.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the 2019 Comprehensive Plan for the City of Bellbrook, on file with the Clerk of Council, is hereby adopted.

Section 2. City Council further finds and orders that this Comprehensive Plan shall supersede and take precedence over and control any future development.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

RECORD OF ORDINANCES

Ordinance No. 2020-6

September 28, 2020

Section 4. This Ordinance shall take effect and be in force from and after the earliest period provided by law.

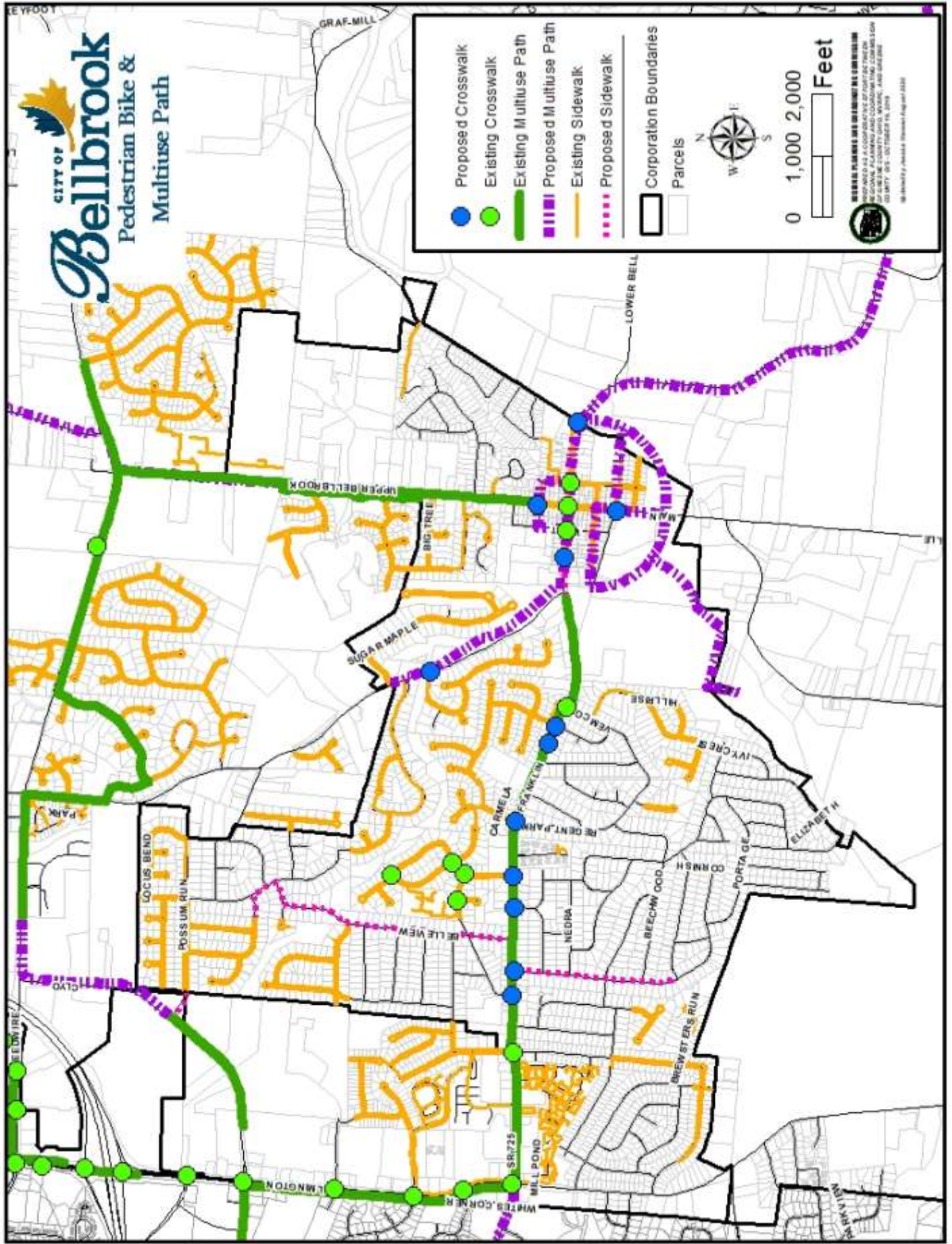
PASSED this ____ day of _____, 2020.

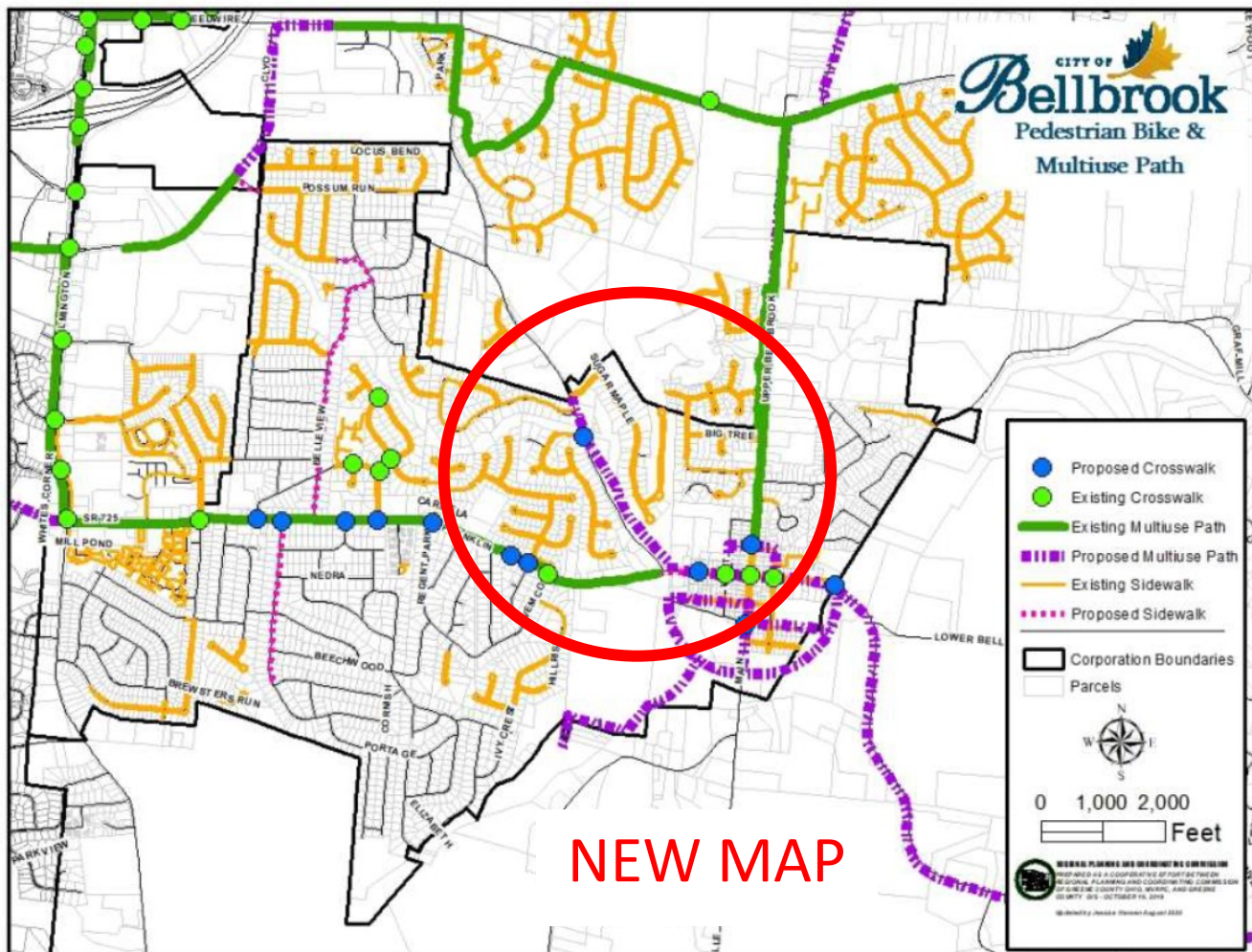
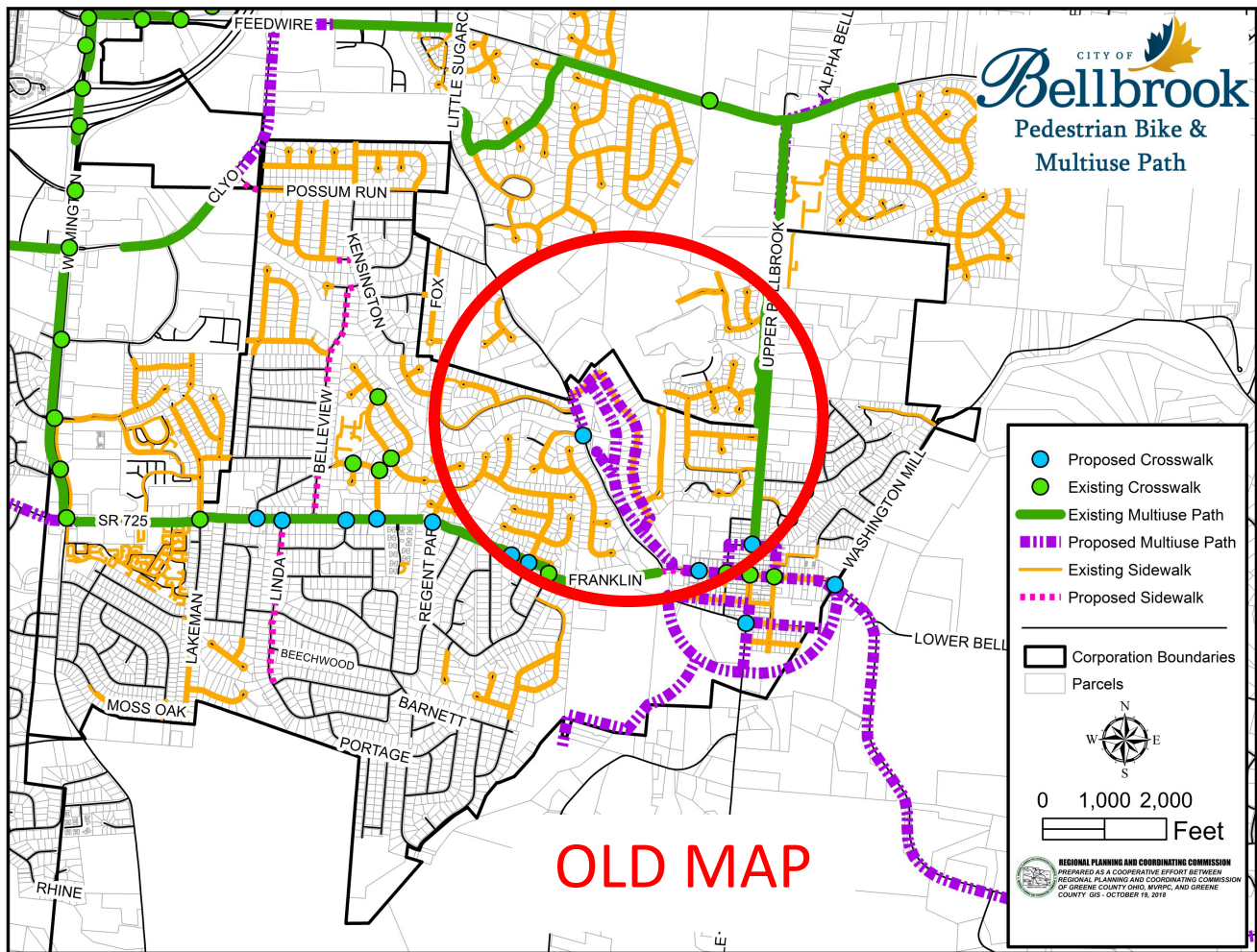
Michael W. Schweller, Mayor

ATTEST:

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney





RECORD OF RESOLUTIONS

Resolution No. 2020-X

September 28, 2020

City of Bellbrook

Resolution No. 2020-X

A Resolution Approving the Replat of Lots 27A and 26B of the Highview Terrace Subdivision, Section 4.

WHEREAS, the Ohio Revised Code sets forth the City of Bellbrook Planning Board as the designated municipal platting authority; and

WHEREAS, the requested plat meets the requirements of the City of Bellbrook Zoning Code and Subdivision Regulations; and

WHEREAS, the Bellbrook Planning Board has recommended approval of the replat of lots 27A and 26B of the Highview Terrace Subdivision, Section 4; and

WHEREAS, the City of Bellbrook Subdivision Regulations stipulate that changes to a recorded plat shall be approved by action of the Bellbrook City Council.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the replat of lots 27A and 26B of the Highview Terrace Subdivision, Section 4 is hereby approved for recording purposes.

Section 2. That the Mayor and Clerk of Council are authorized to affix their signatures to the revised record plan.

Section 3. That this resolution shall take effect and be in force forthwith.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council



RECORD PLAN
HIGHVIEW TERRACE, SECTION 4
 BEING A REPLAT OF LOT NUMBERS 26B & 27A OF
 HIGHVIEW TERRACE, SECTION TWO RE-PLAT
 LOCATED IN SECTION 2, TOWN 2, RANGE 6 M.R.S.
 CITY OF BELLBROOK
 GREENE COUNTY, OHIO
 CONTAINING 1.0423 ACRES

DESCRIPTION:

Situated in Section 2, Town 2, Range 6 M.R.S., City of Bellbrook, County of Greene, State of Ohio and being all of Lots Numbers 26B and 27A of Highview Terrace, Section Two Re-Plat, recorded in Plat Cabinet 38, Page 209A-B and conveyed to Gregory A. and Rebecca J. Coons by deed recorded in Instrument Number 2018009398 in the Deed Records of Greene County, Ohio.

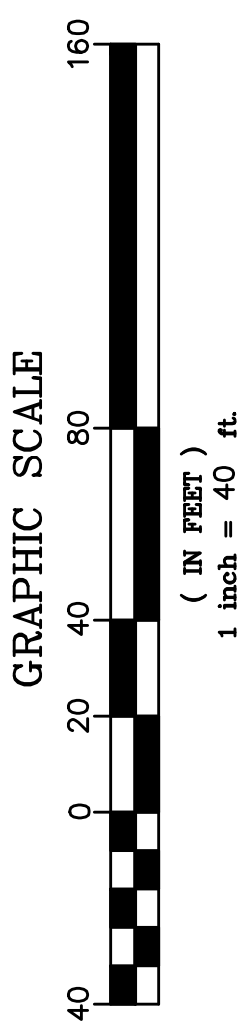
Containing 1.023 acres, more or less.

BASIS OF BEARINGS:
 • EAST LINE OF LOT NUMBERS 26B & 27A - HIGHVIEW TERRACE, SEC. 2 RE-PLAT - P.C. 38, PAGES 209A-B - S09°55'35"W

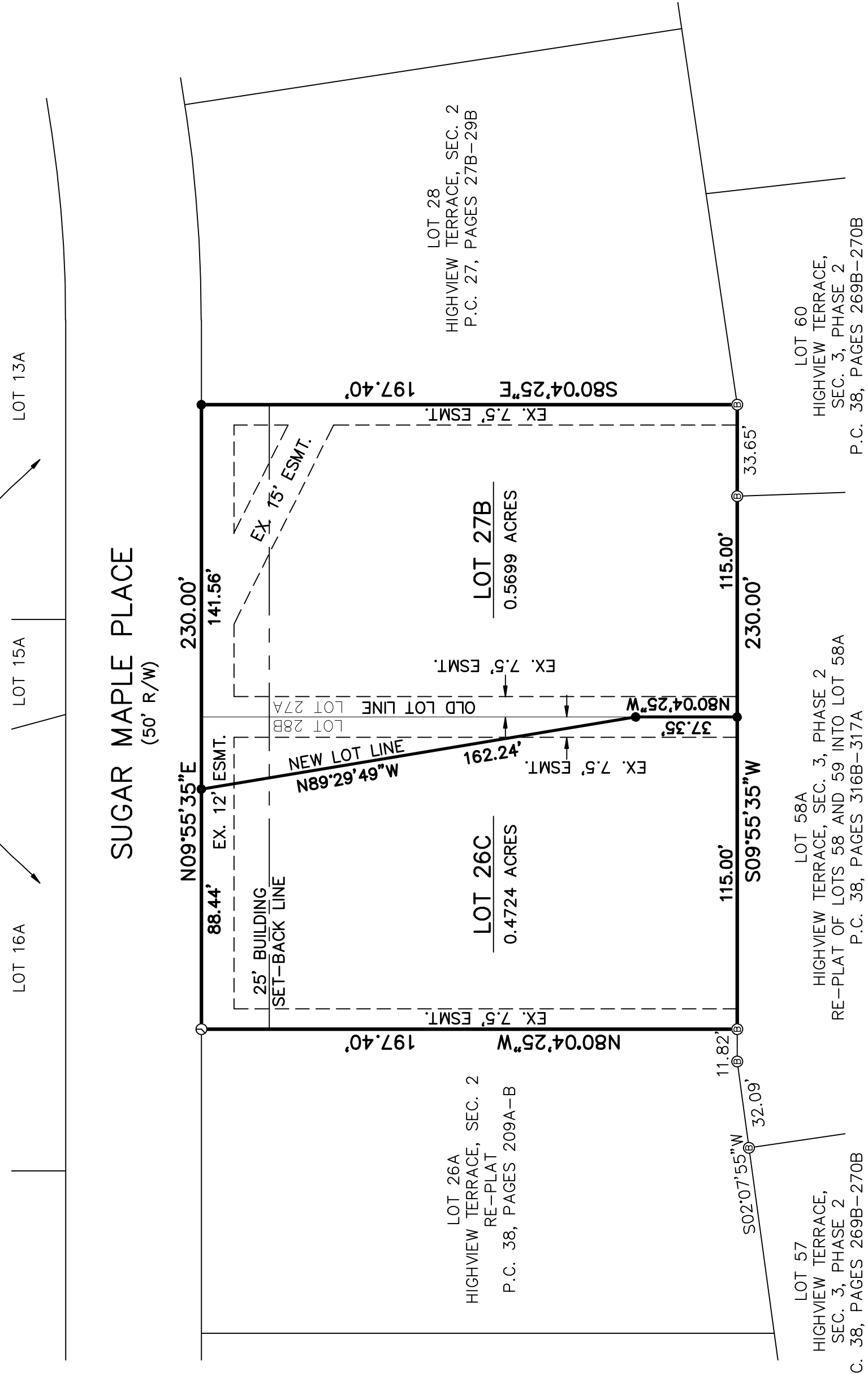
SURVEY REFERENCES:
 • ALL DEEDS, PLATS AND SURVEY RECORDS SHOWN ON THE FACE OF THIS SURVEY.

GENERAL NOTES:
 • OCCUPATION, IN GENERAL, FITS THE SURVEY.
 • ALL MONUMENTS WERE FOUND OR SET IN GOOD CONDITION.

SUPERIMPOSED NOTE:
 • ALL OF THE LANDS OF THE DEDICATORS, OF WHICH THIS PLAT IS DRAWN, ARE SHOWN HEREON.



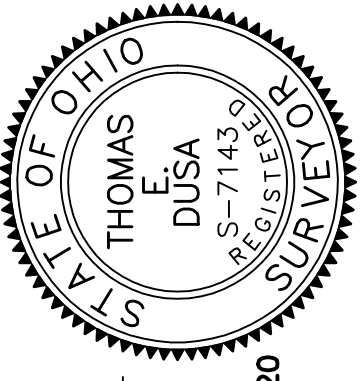
HIGHVIEW TERRACE, SEC. 2
 RE-PLAT OF LOTS 11 THRU 17
 INTO LOTS 11A, 12A, 13A, 15A, 16A & 17A
 P.C. 37, PAGES 149A-B



SYMBOL LEGEND

●	SET 5/8" IRON PIN W/"HALEY-DUSA" CAP
⊙	FOUND 5/8" IRON PIN
⊖	FOUND 5/8" IRON PIN W/"BRUMBAUGH" CAP

CERTIFICATION:
 I CERTIFY THAT THIS BOUNDARY SURVEY WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 STANDARDS FOR BOUNDARY SURVEYS. ALL MONUMENTATION IS FOUND OR SET OR TO BE SET AS SHOWN HEREON.



Thomas E. Dusa
 Registered Surveyor
 Ohio License Number S-7143
 Field Survey Date: 08-12-2020

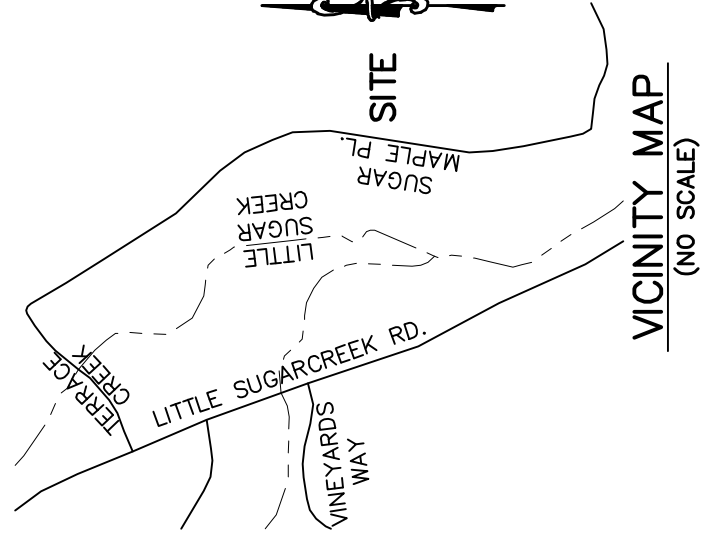
Prepared by: **Haley-Dusa Engineering & Surveying Group, LLC**
 270 Regency Ridge Drive, Suite 203
 Dayton, Ohio 45459
 Phone: (937) 439-4300 Fax: (937) 439-2005

Scale: 1"=40' Drawn: SBM Checked: TED
 Date: 09-02-2020 Job No. S4682

Sheet 1 of 2

RECORD PLAN

HIGHVIEW TERRACE, SECTION 4
BEING A REPLAT OF LOT NUMBERS 26B & 27A OF
HIGHVIEW TERRACE, SECTION TWO RE-PLAT
LOCATED IN SECTION 2, TOWN 2, RANGE 6 M.R.S.
CITY OF BELLBROOK
GREENE COUNTY, OHIO
CONTAINING 1.0423 ACRES



STATE OF OHIO, SS:

Be it remembered that on this _____ day of _____, 20____, before me a notary public in and for said State of Ohio, personally came Gregory A. and Rebecca J. Coons, Owners, who acknowledged the signing and execution of the within plat to be their voluntary act and deed.

In testimony whereof, I hereunto set my hand and notary seal on the day and date above written.

Notary Public _____
My commission expires _____

STATE OF OHIO, SS:

Be it remembered that on this _____ day of _____, 20____, before me a notary public in and for said State of Ohio, personally came _____ by _____, its _____, who acknowledged the signing and execution of the within plat to be their voluntary act and deed.

In testimony whereof, I hereunto set my hand and notary seal on the day and date above written.

Notary Public _____
My commission expires _____

DEDICATION:
We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of said plat and dedicate the street, sanitary sewers and water mains to the City of Bellbrook for the public use forever.

Easements shown on the plat are for the construction, operation, maintenance, repair, replacement, or removal of water, gas, sewers, electric, telephone or other utility mains, lines, services, publicly or privately owned, to the free use of said utilities, and for providing of ingress and egress to the property for said purposes, and are to be maintained as such forever.

OWNERS:

Print: _____
Gregory A. Coons
Print: _____
Rebecca J. Coons

LIENHOLDERS:

Print Name: _____
Title: _____

Witnesses:

Print: _____
Print: _____

RECORDED:

File Number _____
Received _____
Recorded _____
Plat Book _____ Pages _____

CITY PLANNING BOARD
Accepted by the Bellbrook City Planning Board on the _____ day of _____, 20____.

Chairman _____

Secretary _____

CITY COUNCIL
Approved and accepted by the Bellbrook City Council this _____ day of _____, 20____.

Mayor _____

Clerk _____

FEE:

TRANSFERRED:

Transferred _____, 20____

Recorder, Greene County, Ohio

Auditor, Greene County, Ohio

Prepared by: _____ Sheet 2 of 2



Haley-Dusa
Engineering & Surveying Group, LLC
270 Regency Ridge Drive, Suite 203
Dayton, Ohio 45459
Phone: (937) 439-4300 Fax: (937) 439-2005

Scale: N/A Drawn: SBM Checked: TED
Date: 09-02-2020 Job No. S4682

To: Council
From: Jessica Hansen, Planning & Zoning Assistant
Date: September 25, 2020
Subject: Staff Report Replat- Highview Terrace Sec. 4 Lot 26B & 27A

Summary

The request is to replat what is currently lot 27A and lot 26B to accommodate for the drive that crosses into lot 26B from lot 27A.

Applicant Information:

- **Applicant Name:** Haley-Dusa Group
- **Owner:** Gregory Coons
- **Property Owner Address:** 1852 Sugar Maple Pl.

Location:



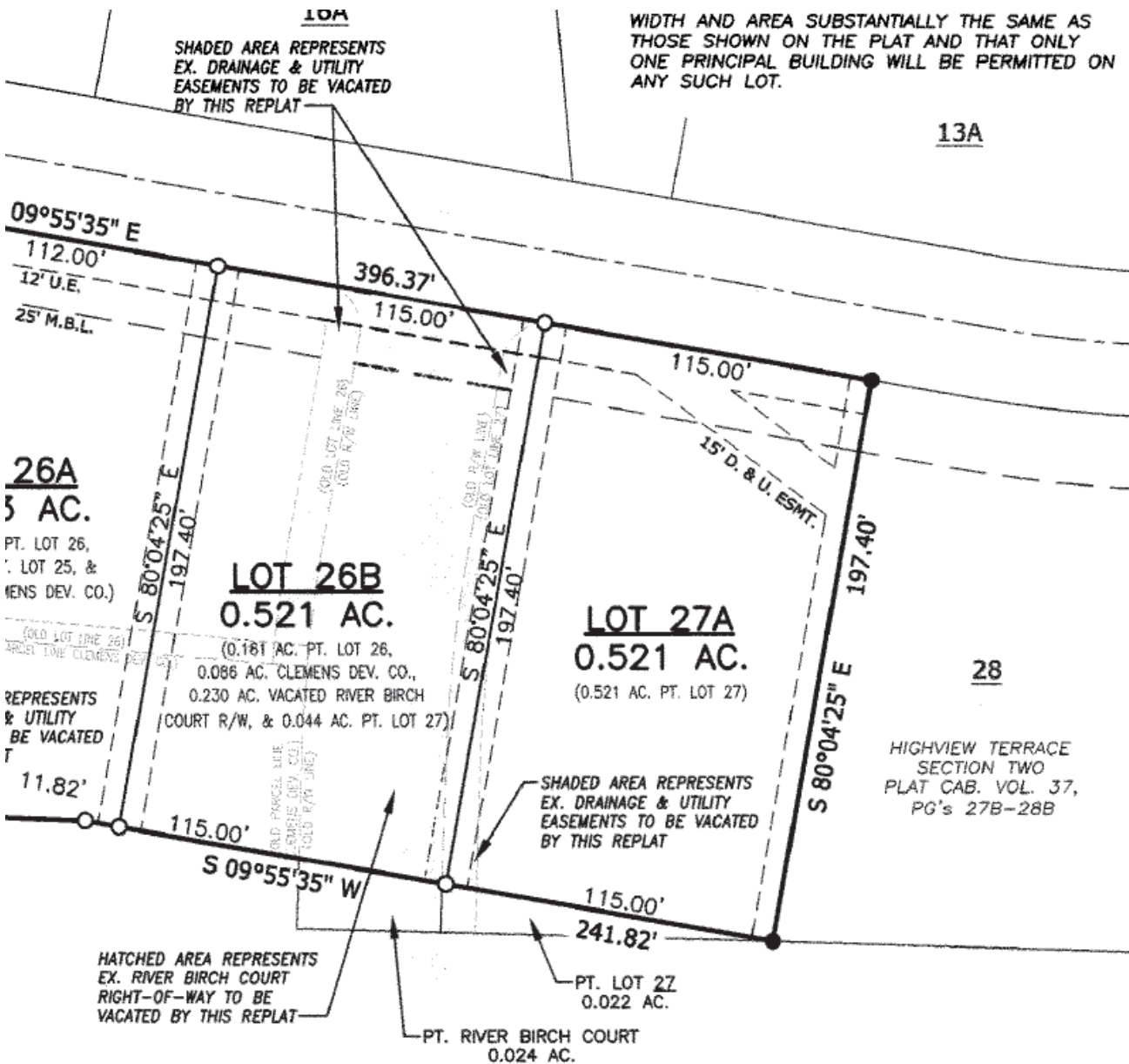
The property is located approximately 860 feet north of the intersection of Sugar Maple Place and River Birch Drive.

Zoning:

Planned Unit Residential: *Planned Development zoning is of a substantially different character than other types of zoning.*

(2) To recognize to the problems of population density, distribution, and circulation and to allow a deviation from rigid established patterns of land uses, while maintaining control through application of defined policies and procedures.

Recorded Easements: 12' easement in the front of the properties as well as a 10' easement along the side yards of the lots however the most current plat doesn't make it clear if those are utility easements or drainage easements or both. (Lot 27A & 26B)



Request Information: The applicant wishes to replat the lot to accommodate for the drive that crosses into the adjacent lot.



Discussion

Planning board approved the replat and staff sees no issue with the request. The Council should decide whether or not to approve or deny this replat.

RECORD OF RESOLUTIONS

Resolution No. 2020-Y

September 28, 2020

City of Bellbrook

Resolution No. 2020-Y

A Resolution Approving the Replat of Lots 1E, 3D, 4B, and Unplatted Lands Into Lots 1F, 4D, 4E, 4F, and 4G of Highview Terrace Subdivision, Sections 1 and 2

WHEREAS, the Ohio Revised Code sets forth the City of Bellbrook Planning Board as the designated municipal platting authority; and

WHEREAS, the requested plat meets the requirements of the City of Bellbrook Zoning Code and Subdivision Regulations; and

WHEREAS, the City of Bellbrook Planning Board has recommended approval of the replat of lots 1E, 3D, 4B, and unplatted lands into lots 1F, 4D, 4E, 4F, and 4G of the Highview Terrace Subdivision, Sections 1 and 2; and

WHEREAS, the City of Bellbrook Subdivision Regulations stipulate that changes to a recorded plat shall be approved by action of the Bellbrook City Council.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the replat of lots 1E, 3D, 4B, and unplatted lands into lots 1F, 4D, 4E, 4F, and 4G of the Highview Terrace Subdivision, Section 1 and 2 is hereby approved for recording purposes.

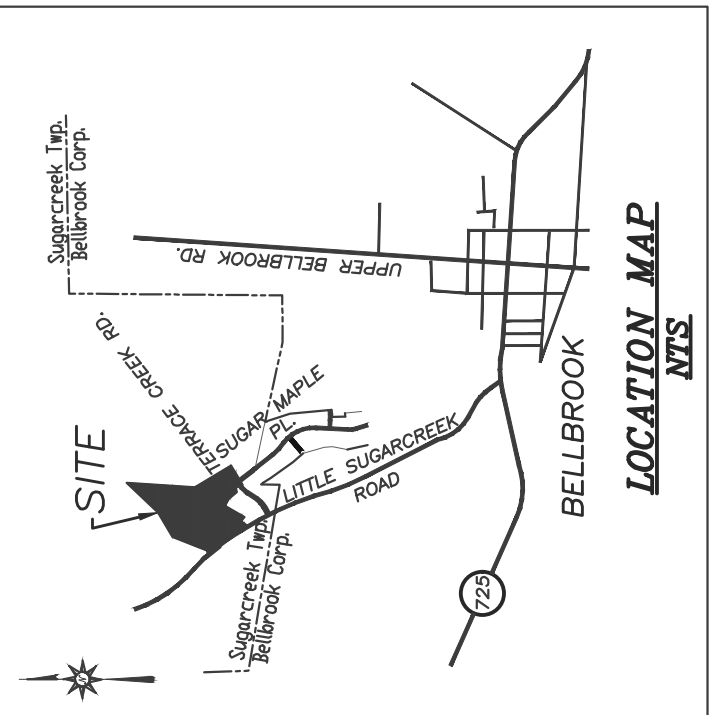
Section 2. That the Mayor and Clerk of Council are authorized to affix their signatures to the revised record plan.

Section 3. That this resolution shall take effect and be in force forthwith.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

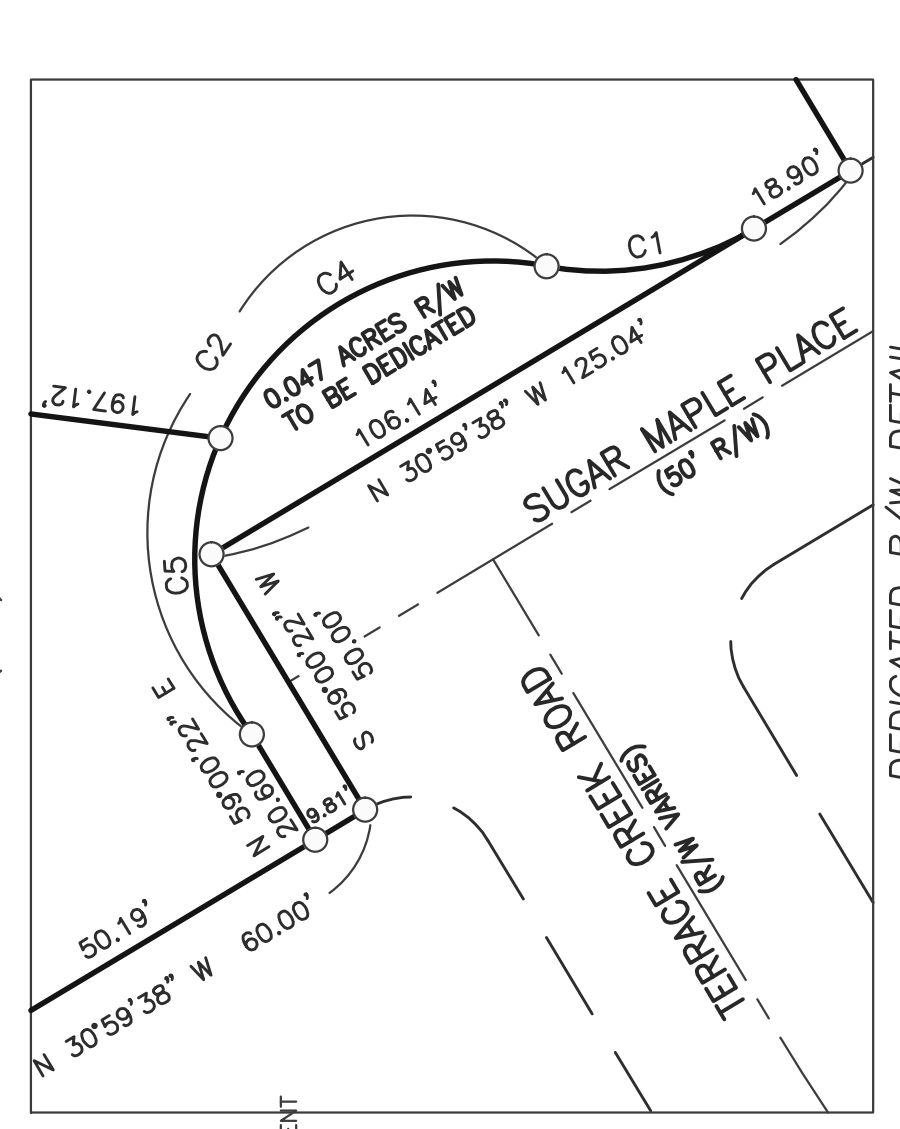
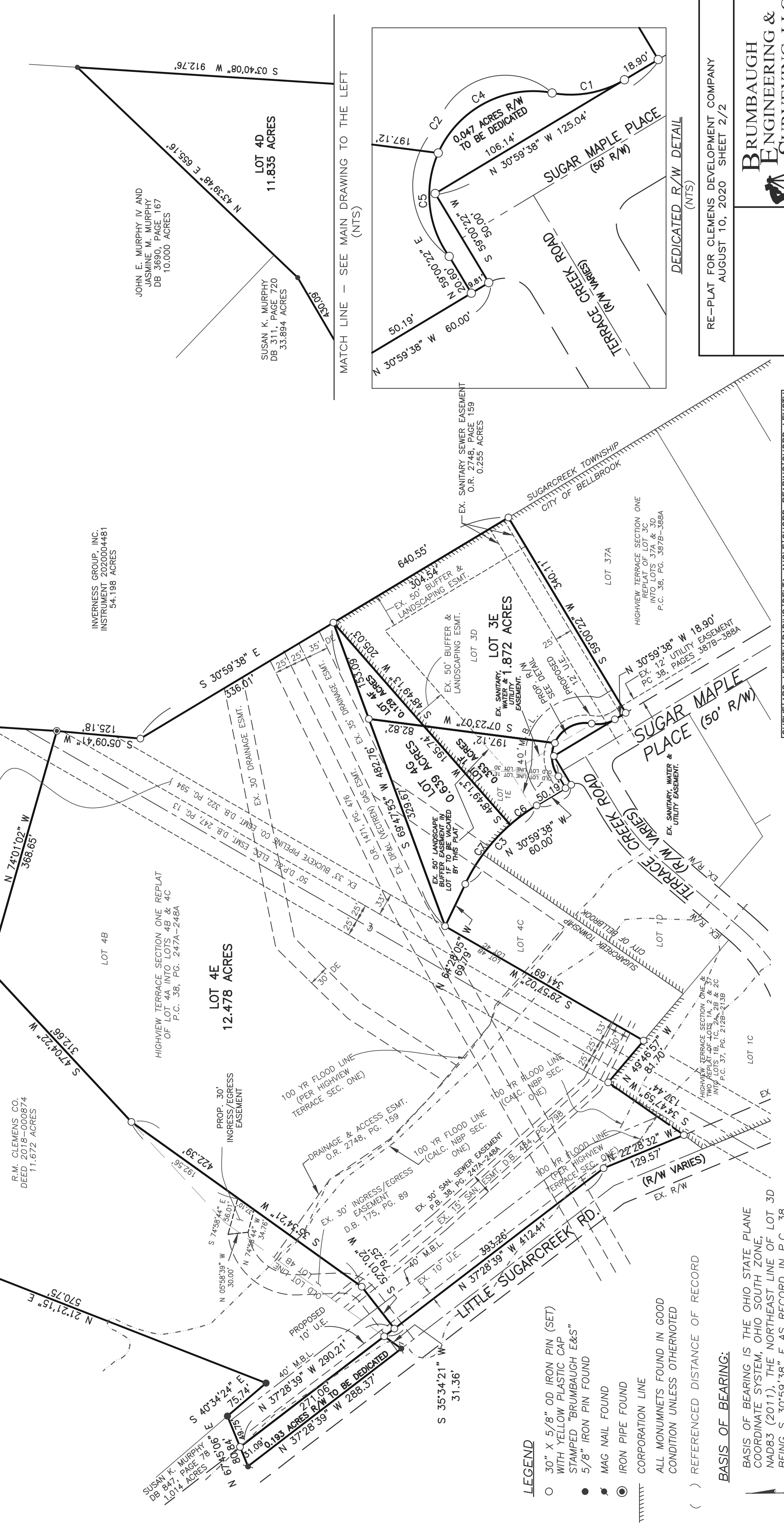
MATCH LINE - SEE CONTINUATION AT RIGHT



HIGHVIEW TERRACE SECTION ONE & TWO RE-PLAT OF LOT 1E, 3D, 4B & 11.672 ACRES INTO LOTS 1F, 4D, 4E, 4F & 4G LOCATED IN SUGARCREEK TOWNSHIP & CITY OF BELLBROOK SECTION 2, TOWN 2, RANGE 6 M.R.'s GREENE COUNTY, OHIO 27.546 ACRES FOR CLEMENS DEVELOPMENT COMPANY, INC. & R.M. CLEMENS CO. AUGUST 10, 2020

NEW LOT No.	PREVIOUS LOT No. & SECTION.
LOT 1F	PART LOT 1E OF HIGHVIEW TERRACE SEC. 1 & 2 REPLAT OF LOT 1B, P.C. 38, PG. 247A-248A & PART LOT 3D OF HIGHVIEW TERRACE SEC. 1 REPLAT OF LOT 3C P.C. 38, PG. 387B-388A
LOT 3E	PART OF LOT 3D, HIGHVIEW TERRACE SEC. 1 REPLAT OF LOT 3C P.C. 38, PG. 387B-388A
LOT 4D	PART LOT 4B, HIGHVIEW TERRACE SEC. 1 & 2 REPLAT OF LOT 1B & 4A, P.C. 38, PG. 247A-248A & UNPLATTED LANDS IN DEED 2018-000874
LOT 4E	PART LOT 4B, HIGHVIEW TERRACE SEC. 1 & 2 REPLAT OF LOT 1B & 4A, P.C. 38, PG. 247A-248A
LOT 4F	PART LOT 4B, HIGHVIEW TERRACE SEC. 1 & 2 REPLAT OF LOT 1B & 4A, P.C. 38, PG. 247A-248A
LOT 4G	PART LOT 4B, HIGHVIEW TERRACE SEC. 1 & 2 REPLAT OF LOT 1B & 4A, P.C. 38, PG. 247A-248A

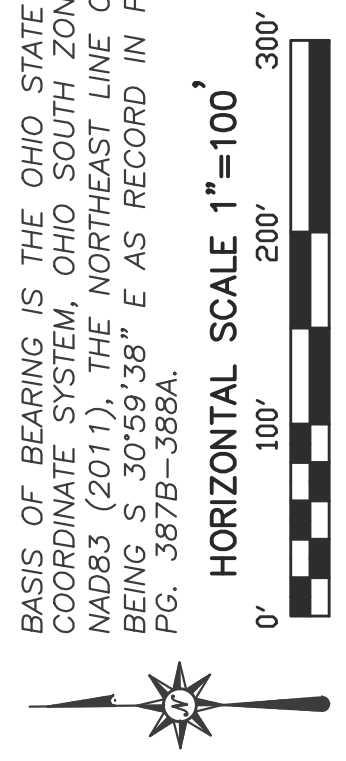
A PRODUCT PIPELINE OCCUPIES THE 33' WIDE BUCKEYE PIPELINE CO. EASEMENT (NOW OWNED BY ENTERPRISE I.E. PRODUCTS PIPELINE CO.) WHICH IS RESTRICTED TO GRASSES AND OTHER HERBACEOUS PLANTS AND SHRUBS ARE SUBJECT TO AGRICULTURAL CROPS. EXISTING TREES AND SHRUBS ARE NOT TO BE REMOVED. NEW TREES ARE NOT PERMITTED. FENCINGS ARE NOT PERMITTED TO PARALLEL THE PIPELINE WITHIN THE 33' FOOT WIDE EASEMENT AREA. ANY FENCE (OR OTHER STRUCTURE) PROPOSED TO CROSS THE PIPELINE OR EASEMENT WILL REQUIRE THE APPROVAL OF THE PIPELINE COMPANY. THE COMPANY IS NOT RESPONSIBLE FOR THE REPLACEMENT OF ANY PLANTINGS, STRUCTURES OR INFRASTRUCTURE THAT MAY BE DISTURBED OR REMOVED DURING THE OPERATION AND MAINTENANCE OF THEIR GAS OR OIL EASEMENT. IN ADDITION, STATE ONE-CALL NUMBERS MUST BE OBSERVED WHEN EXCAVATING IN THE VICINITY OF THE EASEMENT.



CURVE ARC	LENGTH	RADIUS	DELTA	ANGLE	CHORD	BEARING	CHORD LENGTH
C1	36.14'	50.00'	41°24'35"	N 10°17'21" W	35.36'		
C2	119.09'	50.00'	136°27'48"	S 57°48'57" E	92.97'		
C3	160.66'	275.00'	35°28'27"	S 47°43'52" E	158.39'		
C4	66.73'	50.00'	76°27'45"	N 27°48'56" W	61.88'		
C5	52.36'	50.00'	60°00'03"	S 83°57'10" W	50.00'		
C6	48.89'	275.00'	10°11'08"	N 36°05'12" W	48.82'		
C7	111.78'	275.00'	23°17'19"	N 52°49'26" W	111.01'		

NOTE: TERRACE CREEK ROAD AND PART OF SUGAR MAPLE PLACE WAS DEDICATED IN HIGHVIEW TERRACE SECTION ONE AS RECORDED IN HIGHVIEW TERRACE SECTION ONE P.C. VOLUME 36, PAGE 388A-390A.

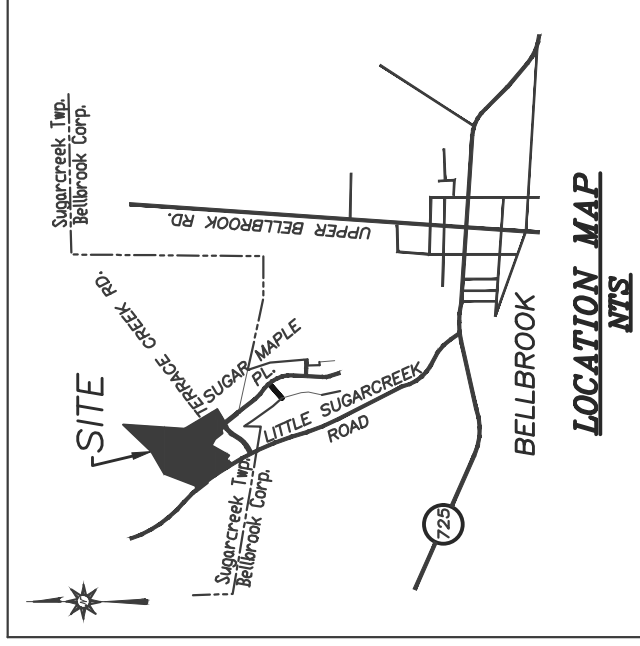
- LEGEND**
- 30" X 5/8" OD IRON PIN (SET) WITH YELLOW PLASTIC CAP
 - STAMPED "BRUMBAUGH E&S"
 - 5/8" IRON PIN FOUND
 - MAG NAIL FOUND
 - IRON PIPE FOUND
 - CORPORATION LINE
 - () REFERENCED DISTANCE OF RECORD
- BASIS OF BEARING:
BASIS OF BEARING IS THE OHIO STATE PLANE COORDINATE SYSTEM, OHIO SOUTH ZONE NAD83 (2011), THE NORTHEAST LINE OF LOT 3D BEING S 30°59'38" E AS RECORDED IN P.C. 38, PG. 387B-388A.
- HORIZONTAL SCALE 1"=100'



RE-PLAT FOR CLEMENS DEVELOPMENT COMPANY
AUGUST 10, 2020 SHEET 2/2

BRUMBAUGH ENGINEERING & SURVEYING, LLC
2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928

BES JOB #245.20 DRAWN BY: SES CHECKED BY: JJB



**HIGHVIEW TERRACE
SECTION ONE & TWO
RE-PLAT OF
LOT 1E, 3D, 4B & 11.672 ACRES
OF UNPLATTED LANDS
INTO LOTS 1F, 4D, 4E, 4F & 4G**

LOCATED IN
SUGARCREEK TOWNSHIP & CITY OF BELLBROOK
SECTION 2, TOWN 2, RANGE 6 M.R.'s.
GREENE COUNTY, OHIO
27.546 ACRES

FOR
CLEMENS DEVELOPMENT COMPANY, INC. & R.M. CLEMENS CO.
AUGUST 10, 2020

DEDICATION

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN PLATTED, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO DEDICATE EASEMENTS AS SHOWN HEREON TO THE PUBLIC USE FOREVER. EASEMENTS SHOWN ON THE WITHIN PLAT ARE RESERVED FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES AND FOR THE PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED AND ACKNOWLEDGED
OWNER LOTS 1E & 3D,
CLEMENS DEVELOPMENT CO., INC.

IN THE PRESENCE OF:
BY: RICHARD M. CLEMENS
PRESIDENT, CLEMENS DEVELOPMENT CO., INC.

WITNESS
WITNESS
STATE OF OHIO, S.S.:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____, BY CLEMENS DEVELOPMENT CO.,
BY RICHARD M. CLEMENS, ITS PRESIDENT, AS OWNER.

NOTARY PUBLIC
SIGNED AND ACKNOWLEDGED
OWNER LOT 4B & 11.672 ACRES
R.M. CLEMENS CO.
BY: RICHARD M. CLEMENS
PRESIDENT, R.M. CLEMENS CO.

WITNESS
STATE OF OHIO, S.S.:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____, BY R.M. CLEMENS CO.,
BY RICHARD M. CLEMENS, ITS PRESIDENT, AS OWNER.

- NOTARY PUBLIC
- NOTES:**
- DRAINAGE EASEMENTS SHALL BE SUBJECT TO PERIODIC STORM WATER FLOWS ON THE SURFACE AND WITHIN UNDERGROUND PIPING IN SOME LOCATIONS.
 - NO BUILDING OR OTHER STRUCTURES SHALL BE LOCATED IN "DRAINAGE EASEMENT"
 - MAINTENANCE OF ALL AREAS DESIGNATED AS DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION EXCEPT FOR SURFACE EROSION WHICH SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER. MAINTENANCE SHALL BECOME THE RESPONSIBILITY OF THE COLLECTIVE HOMEOWNERS IF SAID ASSOCIATION BE DISSOLVED.
 - ANY LOT TRANSFERRED WILL HAVE A MINIMUM WIDTH AND AREA SUBSTANTIALLY THE SAME AS THOSE SHOWN ON THE PLAT AND THAT ONLY ONE PRINCIPAL BUILDING WILL BE PERMITTED ON ANY SUCH LOT.
 - LOTS 4F & 4G ARE TO BE TRANSFERRED BETWEEN ADJOINING/ADJACENT PROPERTY OWNERS. NO NEW BUILDING SITES ARE TO BE CREATED.
 - LOTS 1F & 4G SHALL REMAIN UNDER SAME OWNERSHIP AFTER TRANSFER.
 - LOTS 3E & 4F SHALL REMAIN UNDER SAME OWNERSHIP AFTER TRANSFER.

CERTIFICATE OF REGISTRATION:
THIS IS TO CERTIFY THAT PLANNING COMMISSION APPROVAL OF THIS CONVEYANCE IS NOT REQUIRED, AS BEING EXEMPT UNDER OHIO REVISED CODE 711.001.

NOTICE IS GIVEN TO ALL PARTIES THAT NO ADDITIONAL BUILDING SITE IS CREATED BY THIS CONVEYANCE; NO STRUCTURE MAY BE ERRECTED OR MAINTAINED ON THE PREMISES HEREIN CONVEYED WITHOUT FURTHER COMPLIANCE WITH ALL ZONING, BUILDING AND PLANNING REGULATIONS OF THE COUNTY AND TOWNSHIP.

DESCRIPTION

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 27.546 ACRES AND BEING ALL OF CLEMENS DEVELOPMENT CO., INC. LOT 1E AS RECORDED IN HIGHVIEW TERRACE SECTION ONE AND TWO REPLAT, PLAT CABINET VOL. 38, PG'S 247A-248A AND ALL OF THE CLEMENS DEVELOPMENT CO., INC. LOT 3D AS RECORDED IN HIGHVIEW TERRACE SECTION 1 REPLAT OF LOT 3C IN PLAT CABINET VOL. 38, PG'S 387B-388A AS ACQUIRED BY CLEMENS DEVELOPMENT'S CO., INC. THROUGH INSTRUMENTS RECORDED IN O.R. 3741, PG. 200 AND O.R. 2372, PG. 672 OF THE DEED RECORDS OF GREENE COUNTY, OHIO.

ALSO BEING ALL OF R.M. CLEMENS CO. LOT 4B AS RECORDED IN RECORD PLAT HIGHVIEW TERRACE SECTION ONE RE-PLAT OF LOT 4A AS RECORDED IN PLAT CABINET VOL. 38, PG'S 274A-248A AND PART OF THE R.M. CLEMENS CO. UNPLATTED LANDS AS ACQUIRED THROUGH INSTRUMENTS RECORDED IN DEED 2018-000874 OF THE DEED RECORDS OF GREENE COUNTY OHIO.

STATE OF OHIO, S.S.: CLEMENS DEVELOPMENT CO., INC. & R.M. CLEMENS CO. BY RICHARD M. CLEMENS, PRESIDENT OF BOTH, BEING DULY SWORN, SAYS THAT ALL PERSONS AND CORPORATIONS TO THE BEST OF HIS KNOWLEDGE INTERESTED IN THIS DEDICATION, EITHER AS OWNERS OR LIENHOLDERS, HAVE UNITED IN ITS EXECUTION.

RICHARD M. CLEMENS
SWORN TO AND SIGNED IN MY PRESENCE ON
THIS _____ DAY OF _____, 20____.
NOTARY PUBLIC

**OPERATION AND MAINTENANCE AGREEMENT FOR
LITTLE SUGAR CREEK STREAM BED**

THE LITTLE SUGAR CREEK STREAM BED ELEVATION SHALL BE MAINTAINED AS DESCRIBED IN THE MAINTENANCE AGREEMENT AS RECORDED IN O.R. 2782, PAGE 443

FLOOD PLAIN NOTES:

- PART OF LOTS 4D & 4E OF THIS PLAT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON HIGHVIEW TERRACE SECTION ONE.
- DEVELOPMENT OR MODIFICATION OF LOT 4D & 4E WITHIN THE 100 YEAR FLOOD PLAIN SHALL REQUIRE COMPLIANCE WITH THE GREENE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE.
- ANY AREA DESIGNATED FOR THE NATURAL FLOW OF SURFACE WATER SHALL BE AT ALL TIMES KEPT FREE AND CLEAR FROM ANY OBSTRUCTION TO SUCH NATURAL FLOW. IN NO CASE SHALL ANY IMPROVEMENT, ALTERATION OR CONSTRUCTION UPON SUCH DESIGNATED AREA BE MADE WITHOUT THE APPROVAL OF THE CITY OF BELLBROOK.
- FLOOD PLAIN PERMITS ARE REQUIRED FOR STRUCTURES PROPOSED IN THE 100-YEAR FLOOD PLAIN IN SUGARCREEK TOWNSHIP JURISDICTION.

OCCUPATION STATEMENT:

OCCUPATION IN GENERAL FITS THE SURVEYED LINES UNLESS OTHERWISE NOTED.

TITLE COMMITMENT DOCUMENTS

NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. EASEMENTS ARE SHOWN ACCORDING TO HIGHVIEW TERRACE SECTION 1, PLAT CABINET 36 PAGE 388

PERTINENT DOCUMENTS:

IN ADDITION TO THE REFERENCES SHOWN ON FACE OF THIS PLAT THE FOLLOWING DOCUMENTS WERE USED:

RECORD PLATS:

- PLAT CABINET 36, PAGES 387B-388A
- PLAT CABINET 38, PAGES 247A-248A
- PLAT CABINET 37, PAGES 212B-213B
- PLAT CABINET 37, PAGES 27B-29B

SURVEYS:

VOLUME 38, PAGE 20

**APPROVALS
REGIONAL PLANNING AND COORDINATING COMMISSION:**

WE HEREBY APPROVE AND ACCEPT THIS PLAT AND RECOMMEND THAT THE SAME BE RECORDED
THIS _____ DAY OF _____, 2020
PRESIDENT EXECUTIVE DIRECTOR

BOARD OF GREENE COUNTY COMMISSIONERS:

COMMISSIONER
COMMISSIONER
COMMISSIONER

WE HEREBY APPROVE AND ACCEPT THIS PLAT AND RECOMMEND THAT THE SAME BE RECORDED

THIS _____ DAY OF _____, 2020

BELLBROOK PLANNING BOARD:

CHAIRMAN SECRETARY

BELLBROOK COUNCIL:

MAYOR CLERK OF COUNCIL

GREENE COUNTY AUDITOR:

WE HEREBY APPROVE AND ACCEPT THIS PLAT AND RECOMMEND THAT THE SAME BE RECORDED SUBJECT TO THE INCLUDED AGREEMENTS.

SIGNED THIS _____ DAY OF _____, 2020
TRANSFERRED THIS _____ DAY OF _____, 2020
GREENE COUNTY AUDITOR

GREENE COUNTY RECORDER:

FILE NO. _____ PLAT CABINET VOL. _____ PAGES _____
FEE: _____ RECEIVED FOR RECORD THIS _____ DAY OF _____, 2020 AT _____ M.
RECORDED THIS _____ DAY OF _____, 2020.
GREENE COUNTY RECORDER

CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, THAT THIS PLAT REPRESENTS A FIELD SURVEY OF APRIL, 2020 PERFORMED UNDER THE DIRECT SUPERVISION OF JOHN BRUMBAUGH AND THE MONUMENTS, THEIR LOCATION, SIZE AND MATERIAL SHOWN HEREON EXIST AS LOCATED OR WILL BE SET AS INDICATED. ALL DIMENSIONAL DETAILS ARE BELIEVED CORRECT AND THAT THE SUBDIVISION RULES FOR THE CITY OF BELLBROOK, OHIO HAVE BEEN COMPLIED WITH.

PHILIP C. BRUMBAUGH, P.S.
OHIO LICENSE NO. 5057

RE-PLAT FOR CLEMENS DEVELOPMENT COMPANY
AUGUST 10, 2020 SHEET 1/2

**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**

2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928

BES JOB #245.20 DRAWN BY: SES CHECKED BY: JJB

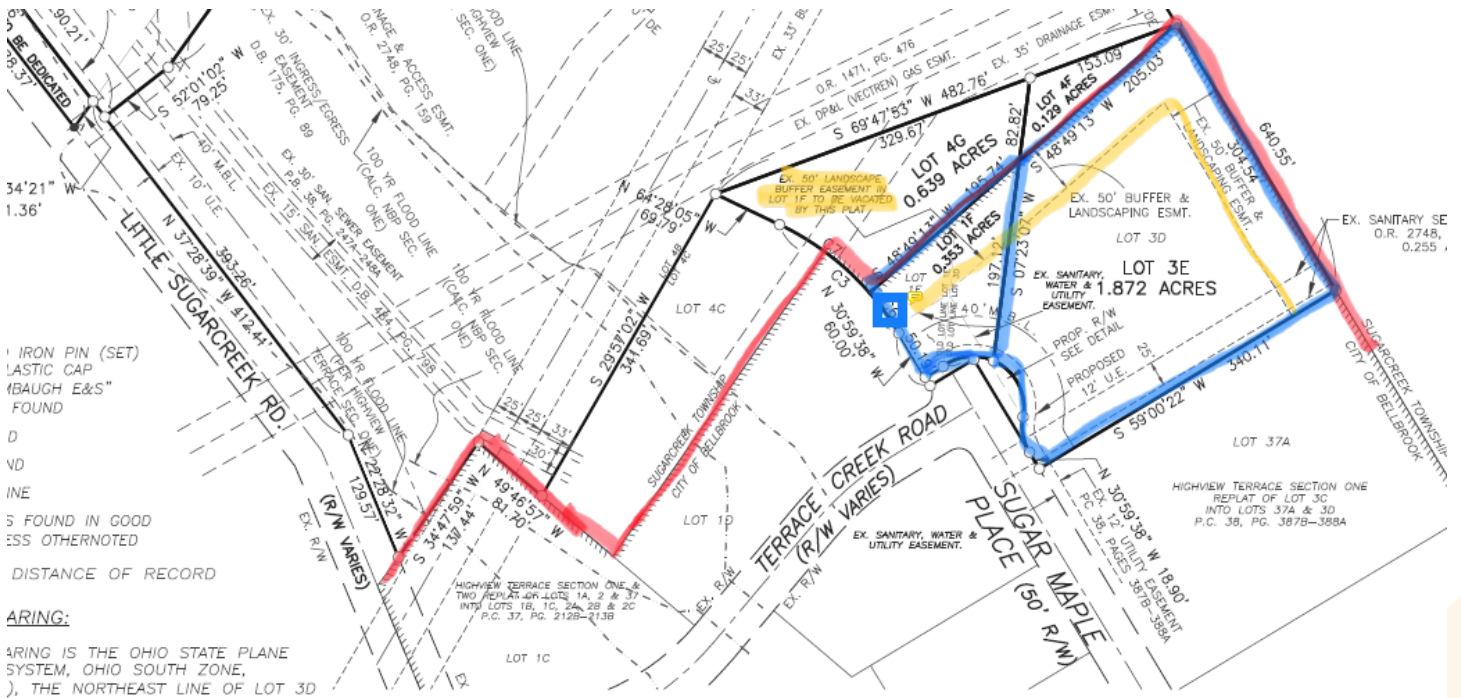
To: Council
 From: Jessica Hansen, Planning & Zoning Assistant
 Date: September 25, 2020
 Subject: Staff Report Replat- Highview Terrace Sec. One and Two Replat

Summary

Lots 4D, 4E, 4F, and 4G are located in Sugarcreek Township. Lot 1F and Lot 3E are located in the City of Bellbrook (**Blue Highlighted Area**). Lots 4G and 4F are to be transferred only with adjoining parcels (4G to 1F and 4F to 3E). This creates one additional development site in the subdivision.

Additionally the replat proposes to dedicate right of way along Little Sugarcreek and Sugar Maple Place.

The replat also proposes to vacate the existing 50' Landscape buffer easement in Lot 1F. (**Yellow**)



Red= Corp Boundary, Blue= Lots in Bellbrook, Yellow = easement vacation

Applicant Information:

- **Applicant Name:** Clemens Development Co.
- **Owner:** Clemens Development Co.

Location:



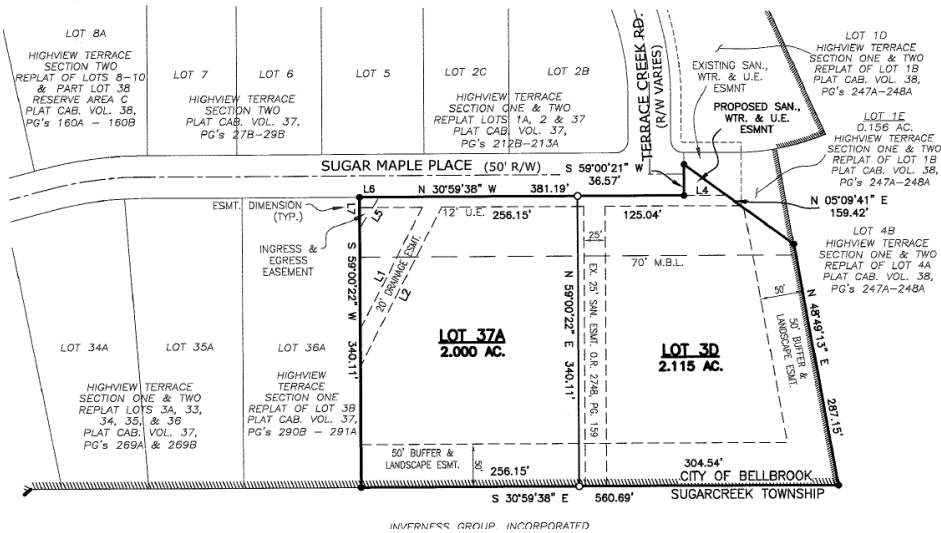
The property is located where Terrace Creek Road intersects Sugar Maple Place in Highview Terrace in the most northern part of the subdivision along the boundary of Sugarcreek Township and The City of Bellbrook.

Zoning:

Planned Unit Residential: *Planned Development zoning is of a substantially different character than other types of zoning.*

(2) To recognize to the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, while maintaining control through application of defined policies and procedures.

Recorded Easements: 25' sanitary easement along the southern side of Lot 3D and a 12' Utility Easement in the front of the lot.



NOTE
 1. NC
 TD
 2. AP
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Request Information/Discussion: According to the Developer the idea is to replat these lots initially with talks of annexation in the future to combine lots 4G and 1F and 4F with 3E. However, talks of annexation on the City's part have not progressed much further than when Cara Tilford from Sugarcreek Township suggested it in a staff review meeting for this replat. Furthermore, even with combining Lots 4G+1F the lot is essentially a useless lot; however, it can stand to reason that it would be more useable than it currently exists if they were combined in the future. Staff is not 100% okay with approving the replat and landlocking lots, even if those lots are not in our jurisdiction. Staff did check with Regional Planning and they approved the replat. Sugarcreek Township also has no issues with this replat either. Planning Board approved the replat with hopes that it will eventually lead to these lots being cleaned up. Staff will leave it up to the Council to address any questions to the Owner/Developer to better understand the reasoning and process behind this proposed replat.



Lot 1E today (1F if replatted)

To: Mayor & City Council
From: Melissa Dodd, City Manager
Date: September 25, 2020
Subject: September 28th City Council Meeting

- **6:30 pm – Work Session on Community Improvement Corporations (CIC’s)** – This is simply an initial presentation by Municipal Attorney Stephen McHugh to go over the basics of what a CIC is. This will be to understand CIC’s. We will have a future work session on November 23 to discuss how a CIC could be applied to Bellbrook specifically.
- **Ordinances**
 - **Adoption of Ordinance 2020-6 An Ordinance Adopting the Updated City of Bellbrook Comprehensive Plan** – In the past the comprehensive plan had been adopted and amended by both resolution and ordinance. To be consistent, any amendment or adoption of a comprehensive plan will be done through ordinance. This takes care of that and includes language that makes the current plan precede any previous legislation where there may be inconsistencies in reference to plan version. There was also a change to a map on page 22 which removed a multi-use path line in Highview Terrace and a side by side comparison has been included in tonight’s packet.
- **Resolutions**
 - **2020-X - A Resolution Approving the Replat of Lots 27A and 26B of the Highview Terrace Subdivision, Section 4** – This was brought to Planning Board and approved at their September 17th meeting. Jessica will be on hand to field any questions.
 - **2020-Y A Resolution Approving the Replat of Highview Terrace Subdivision, Sections 1 and 2** – This was another replat that Planning Board reviewed and approved at their September 17th meeting.
 -
- **Old Business**
 - **Coronavirus Relief Funds Granted to Family Resource Center Update** – Executive Director Kelsey Hurlburt will provide an update on how they have been granting funds to those in need.
- **New Business**
 - **Personnel Policy Manual Updates** – The annual review and update of the Personnel Policy Manual is complete and included in the packet for your review. Notable changes are the inclusion of administrative policies, which were always separate. Also, changes were made to bring the policy manual in line with the last union negotiations which included parental leave and personal time in lieu of rewarded time for not using sick

leave. I wanted Council to have an opportunity to review prior to it coming in ordinance form.

- **Updates**

- **Crosswalks downtown** – Ryan and I are working on identifying additional crosswalks needed in the city. We currently have only 4 crosswalks in the entire city which are all along Franklin Street. We have no crosswalks on Main Street whatsoever. We are looking at adding additional crosswalks to make a more walkable, pedestrian friendly community. We are seeking grant funding but will likely be earmarked annually in the capital budget just in case.
- **Electric Vehicle Charging Grant Update** – Our application is complete and is set to be submitted on September 28. Grant awards should be announced in mid-January.
- **Coronavirus Relief Funds Timeline Update** – House Bill 614 is awaiting the Governor’s signature (which may be complete by Monday’s meeting). This bill extends timelines for use and return of Coronavirus Relief funds. The new date for encumbering funds will be November 20th instead of October 15th. This gives us an extra month to commit the expenditure of our funds.
 - **Wi-Fi Hotspot** – While on the topic of Coronavirus Relief Funds, I investigated the cost of setting up public Wi-Fi hotspots for use by community members in need of internet access. The cost to install one on the City building was very reasonable - \$1300 with no additional monthly costs. This will cover a range of a one block radius. I have approved this expenditure from the relief funds.
- **Annual Lead and Copper Testing for Water** – Each year 20 homes are sampled for lead and copper. Since the addition of phosphates into our water in 2017, lead levels within the homes tested have consistently been reduced. The phosphates microscopically coat the interior plumbing inside homes. This could qualify us this year for testing every 3 years versus annually which will save us time and money.
- **North Belleview Update** – Construction is finally in full swing! The footers have been poured and the concrete arch is set to be delivered on October 2.
- **Fire Chief Search and Hiring Timeline**
With the impending retirement of Chief Jim Neidhard on December 31, we will follow the below proposed timeline:
 - October 12 Post position
 - October 12-23 Application acceptance period
 - October 26 -30 Review application and schedule interviews
 - November 16-20 Interviews held
 - November 30-Dec 2 Possible 2nd Interviews
 - December 4 Target to make offer and announce new Chief
 - December 14 Honor Jim at City Council Meeting

- December 18 Jim's last day and celebration if able
- January 11 Swear in new Chief at City Council meeting



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This personnel manual has been organized by topic matters for your convenience. Policies related to each topic are located within the relevant section.

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Section 1 Introduction

Section 1.1

Preface

- A. Intent. The contents of this manual are prepared to provide guidelines for employee conduct. The personnel policies are an administrative guideline and do not create a contract for employment.
- B. Scope of Coverage. The policies, rules and regulations contained in this manual will apply to all employees except where there is a conflicting contract provision. Each employee is responsible for familiarizing himself or herself with these policies. These rules do not apply to persons who are employed on a retainer basis, or to independent contractors. Except where explicitly stated, these rules do not apply to City Council.
- C. Amendments. As conditions warrant, these policies may be amended, revised, or deleted by approval of the City Manager and consent of City Council. Such revisions, amendments, or deletions will be published in a conspicuous place, or employees will be otherwise notified of their existence, on or prior to their being effective.

City management personnel and City employees may submit proposals for additions or amendments. All such proposals must be submitted in writing to the City Manager, with a copy provided to the Department Director, who will review and forward all proposals, with recommendations, to the City Manager for his or her consideration.

- D. Dissemination. All personnel shall be notified of the existence of these policies/rules, and all personnel through their supervisors shall have a copy available for review. Each employee will be required to sign an acknowledgement that they know where to access a copy of this manual and are advised to read the manual in its entirety.
- E. Savings Clause. If any section(s) of this personnel manual or any amendment(s) thereto shall be invalidated by law, rule, regulation, or binding legal decision rendered by a person or entity of competent jurisdiction (e.g., court decision, administrative ruling, etc.), or if compliance with or enforcement of any section(s) of this manual shall be restrained by such person or entity, the remainder of this personnel manual and any amendment(s) thereto shall not be affected and shall remain in full force and effect.

Section 1.2

Overview of the City of Bellbrook

The City of Bellbrook was settled in 1816 and named for one of its founders, Stephen Bell, who helped form part of what is now the downtown area. The second part of the City's name refers to the many local waterways including the Little Sugarcreek, Sugarcreek and Little Miami River.

The legislative and policy-making body of the City is comprised of a Mayor and six Council members elected at large on a non-partisan basis. The Council hires a professional City Manager who operates the city on a day-to-day basis. The Department Directors (Police Chief, Fire Chief and Service Director) work under the leadership of the City Manager. The City is proud of its efforts to provide the best possible services at the lowest possible cost.

Section 2 Employment

Section 2.1 Equal Employment Opportunity

- A. Equal opportunity for employment and/or promotion is open to any person who possesses the requisite qualifications for an open position. The City policy is that there shall be no discrimination on the basis of race, color, religion, sex, national origin, age, ancestry, disability, genetic information, military status, or other protected group status with regard to employment, job assignment, promotion or other terms or conditions of employment. Any employee who in good faith brings a complaint of discrimination will not be adversely affected with respect to the terms or conditions of his/her employment because of having made such a complaint. Any employee who is deemed to have retaliated against an individual for bringing a complaint of discrimination will be subject to discipline, up to and including termination.
- B. An employee who feels he or she has been discriminated against because of race, color, religion, sex, national origin, age, ancestry, disability, genetic information, military status, or other protected group status may seek redress internally by filing a complaint with the employee's supervisor, the City Manager or his/her designee. If the employee's supervisor is the source of the alleged discrimination, the complaint may be filed with the City Manager or his/her designee. If the complaint is not addressed through the internal grievance procedure, an employee may file a charge with the Ohio Civil Rights Commission or the Equal Employment Opportunity Commission as appropriate.
- C. Employees submitting an Equal Employment Opportunity Complaint should reference Section 2.12 *Complaint Handling Procedure*.

Section 2.2 Americans With Disabilities Act

- A. The City is in compliance with all regulations as set forth in the Americans with Disabilities Act ("ADA") and all applicable State and local laws. The City prohibits discrimination against qualified individuals with a disability with regard to employment, job assignment, promotion or other terms or conditions of employment. If you, as an employee of the City, have a disability (as defined under applicable State and/or Federal law) and need a reasonable accommodation (as defined under applicable State and/or Federal law), it is your responsibility to let the City Manager or his/her designee know both about the disability and the accommodation you need to perform your job. The City will provide a qualified individual with a disability a reasonable accommodation, as required by law, except where such accommodation would create an undue hardship on the City.
- B. Although the City may make pre-employment inquiries into the ability of an applicant to perform job-related functions, and may ask the applicant to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions, the City will not require a medical examination (as defined under the ADA) until after extending a conditional offer of employment. Information obtained by the City regarding the medical history or condition of any employee shall be collected and maintained on separate forms and in separate medical files and shall be treated as a confidential medical record, except as otherwise provided under the ADA.

Section 2.3

Nepotism

No applicant for employment or promotion shall be hired to a position that will cause him or her to be directly supervised by a member of his or her immediate family or will place him or her in a situation where a member of his or her immediate family can influence working conditions, hours or wages.

Section 2.4

Immigration Law Compliance

All offers of employment are contingent on verification of your right to work in the United States of America. On or before your first day of work you will be asked to provide original documents verifying your right to work and, as required by federal law, to sign Form I-9, Employment Eligibility Verification. If you, at any time, cannot verify your right to work in the United States, the City of Bellbrook may terminate your employment.

Section 2.5

Pre-employment Requirements

- A. Employment Applications. The city relies upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.
- B. Medical Examinations.
 - 1. A physical and/or psychological examination by a qualified physician may be required following a conditional job offer, to ensure that selected job applicants are physically and psychologically able to perform the duties of the position for which they are applying. No medical examination will be conducted until after the City has made the applicant a conditional offer of employment.
 - 2. The City shall select the physician to administer the City's examination and the City shall pay the cost.
 - 3. Any offers of employment shall be contingent upon the new employee's test results for the presence of any unlawful substances. Refusal to submit to a drug test by any new employee or prospective employee shall be considered as a voluntary resignation or voluntary withdrawal from any selection process by the employee.
- C. Background Investigations. All offers of employment are contingent upon clear results of a thorough background investigation. Background investigations will be conducted by trained personnel. Individual departments may require additional investigation methods and research. Background investigations will include at a minimum:
 - 1. Social Security validation including the applicant's social security number, date of birth, and former addresses.
 - 2. Criminal history checks covering local, state, and federal courts for crimes committed in the last seven years. Individuals may be excluded from employment for past

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criminal conduct if it is job related. The applicant will have the opportunity to explain why the exclusion does not apply to him or her.

3. Employment verification of the applicant's present and/or former employers using information provided on the employment application. Employment verification items include dates of employment, position(s) held, and tasks performed.
4. Personal and professional references provided by the applicant will be contacted.
5. The following additional searches will be required if applicable to the position:
 - a. Education verification to confirm the claimed educational institution, the years attended, and the degree or diploma received.
 - b. Driver's license report to review an individual's driving history. Individuals with drug or alcohol related moving convictions within the last 36 months or with more than two non-drug or non-alcohol related moving violations within the last 24 months will not be hired into positions when driving/operating vehicles or equipment is an essential job function.
 - c. Credit history report to review the applicant's financial status. This search will be conducted for positions that involve the handling of City funds and/or cash.
6. A background check will be performed after a contingent offer of employment and written consent of the applicant. If there is negative or incomplete information on the background check, the City Manager or designee will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired.

Section 2.6

Position Classifications

- A. Exempt Employees. The positions of Mayor, Council Member, Clerk of Council, City Manager, Finance Director, Assistant to the City Manager, Police Chief, Fire Chief, Service Director, Police ~~Lieutenant-Captain~~ and Deputy Fire Chief are considered exempt positions under the provisions of the City Charter. All other positions shall be considered non-exempt positions under the provisions of the Charter. Exempt employees are paid a salary and are not paid overtime for hours worked in excess of 40 hours in a workweek. When a newly-hired exempt employee can demonstrate that related full-time experience through previous employment will benefit the City, the Manager may place him or her on the City pay scale at the salary commensurate with his or her years of experience and/or his or her previous salary level. Prior service may also be considered in establishing seniority for benefits. Exempt employees under the City Manager serve at the pleasure of the City Manager.
- B. Full-time Employees. A full-time employee shall be defined as one who has worked, is working and/or is scheduled to work 40 hours per week or more for a minimum of 52 consecutive weeks and who shall continue such a schedule for the foreseeable future until separation from the City.
- C. Fire Department Volunteers. Fire Department Volunteers shall be classified and compensated according to provisions established by the Fire Chief and approved by the City Manager.

Section 2.7

Anniversary Date

The first day you report to work in a specific position classification is your official anniversary date. If an employee changes status from part time to full time, the anniversary date as a full time employee is used to compute various conditions and benefits described in this personnel manual.

Section 2.8

Performance Evaluations

It is the policy of the City to expect and promote optimum employee performance and to encourage growth and development. This policy recognizes employee training as a departmental responsibility, including regular performance evaluations and discussion between supervisors and subordinates. The following procedure is established as a guideline for all City supervisors and may be modified by the City Manager when warranted by special circumstances.

- A. General Procedures. Supervisors shall evaluate the performance of their employees before such employee is eligible for a regular salary increase. This evaluation must be recorded on the applicable performance evaluation form approved by the City Manager's office. Performance evaluations must be discussed fully with each employee.
- B. Probationary Employees. The probationary period for newly hired, promoted or transferred employees shall be 12 months. Prior to the end of the probationary period, the employee shall receive a performance evaluation. This evaluation shall include a recommendation to retain as a permanent employee, dismiss the employee or extend the probationary period for the employee. A probationary employee may be dismissed at any time during the probationary period without any appeal rights.
- C. Permanent Employees.
 - 1. If a performance evaluation shows an overall rating of "Needs Improvement" or "Unsatisfactory," then a second evaluation should be completed within 60 days. During this period, the salary increase shall be delayed until the next evaluation.
 - 2. If the second evaluation shows inadequate improvement, then disciplinary procedures should be followed. At this point, the salary increase shall be denied indefinitely until authorized by the City Manager.
 - 3. If the second evaluation indicates improved performance, but is still a "Needs Improvement" overall rating, then a third evaluation will be completed within 30 days. The salary increase will be delayed during this period.
 - 4. If an overall evaluation of "Needs Improvement" results at the end of the aforesaid thirty-day review, then procedures on discipline should be followed. At this point, the salary increase shall be denied indefinitely until authorized by the City Manager.
- D. Areas of Performance. During a formal performance review a supervisor may cover the following areas:
 - 1. Job knowledge and skills
 - 2. Work product

3. Interpersonal relations
4. Work habits
5. Supervisory skills (if applicable)

Section 2.9

Public Relations

The success of the City of Bellbrook depends upon the quality of the relationships between employees, residents and the general public. Each employee is the City of Bellbrook's ambassador and thus will be expected to act accordingly. The more goodwill employees promote, the more City residents will respect and appreciate City employees and services.

Below is a summarized list of actions you can do to help give residents and the community a good impression of the City of Bellbrook. These are the building blocks for continued success.

- A. Act competently and deal with residents and the public in general in a business-like, courteous and respectful manner.
- B. Communicate pleasantly and respectfully with other employees at all times.
- C. Follow up on questions promptly, provide business-like replies to inquiries and requests, and perform all duties in an orderly manner.
- D. Take pride in your work and enjoy doing your very best.
- E. Conduct yourself on and off duty in a manner that reflects positively on the City of Bellbrook.

Section 2.10

Professional Development

- A. Employees are encouraged to take classes and courses of study by way of self-improvement. Some of these courses may be suggested by a Department Director when offered by area schools or by other governmental jurisdictions or agencies. Upon the submission of an estimate of the costs involved and upon the prior written approval of the City Manager, the employee will be reimbursed for registration fees.
- B. An employee may wish to take other courses of study on his or her own time. If such courses are job-oriented, then with the prior joint, written approval of the appropriate Department Director and the City Manager, the employee may be reimbursed for his or her expenses up to the amount of tuition. Approval for reimbursement will be subject to budget constraints in each fiscal year and determined by the City Manager. Reimbursement will be made only upon presentation by the employee of a receipt or cancelled check verifying payment and a certificate verifying the receipt of a grade of C or higher in an undergraduate course or a grade of B or higher in a graduate course. The course must be taken for credit and a grade if the employee is to be eligible for reimbursement.
- C. An employee who terminates employment with the City within one year after completing a course for which he or she was reimbursed shall refund to the City all money received for courses taken within one calendar year of the employee's termination date. The amount to be refunded may be withheld from any termination pay due such employee. Employees whose services are terminated by the City are not required to make such a refund.

Section 2.11

Discipline

- A. Discipline Defined. Discipline is the application of a method, through a system of rules, to ensure orderly conduct of an employee. It involves training and counseling to improve performance and penalties to correct behavior. Disciplinary penalties must be clear and consistent in their application. Disciplinary action should be taken as soon as the facts are known and a fair judgment can be made. The following procedures pertain to non-exempt employees only. Discipline for exempt employees shall be set by the City Manager based upon the circumstances of each individual case.
- B. Progression of Corrective Action. The progression of corrective action in instances where an employee violates any rule or regulation and requires disciplinary action is as follows:
1. Oral reprimand;
 2. Written reprimand;
 3. Suspension with pay;
 4. Suspension without pay;
 5. Discharge.

Discipline shall be commensurate with the offense.

- C. The City Manager may reduce, suspend, or remove any person under his jurisdiction for incompetency, inefficiency, immoral conduct, dishonesty, conviction of a felony, drunkenness, insubordination, discourteous treatment of the public, neglect of duty, conviction of a misdemeanor involving moral turpitude, insanity, abuse of authority, repeated failure to meet personal financial obligation, or for any other just and reasonable cause.
- D. A probationary employee may be discharged at any time within the probationary period. The progressive disciplinary steps do not have to be followed in the case of a probationary employee. Probationary employees should be given a fair opportunity to succeed. It is equally important that departments release probationary employees who fail to meet standards of performance and conduct.
- E. When an employee is to be disciplined, the City Manager or designee shall have the charges against the employee reduced to writing and served on the employee. For instances of misconduct which may result in suspension or discharge, a pre-disciplinary conference with the City Manager or designee shall be held on a date and time no sooner than 24 hours after the charges have been served on the employee.

The employee shall have the right to be represented at the pre-disciplinary conference and the representative shall have the right to attend the conference. The employee shall have the right to respond, have a representative respond on their behalf, or waive the right to a pre-disciplinary conference. During the pre-disciplinary conference, the employee and/or employee's representative will have no right to call or cross-examine witnesses. The pre-disciplinary conference is simply an opportunity for the employee to respond to the allegations.

The City Manager or designee shall hear the evidence in support of the charges and the

evidence in defense of the charges and shall endeavor to ascertain the truth of the charges in order to render a fair and just decision based on the evidence submitted at the pre-disciplinary conference. The City Manager shall render his/her decision within three workdays after the day of the conference.

- F. In case of a removal, reduction, or suspension of more than 24 hours, employees exempt from overtime pursuant to the Fair Labor Standards Act (FLSA) or more than 40 hours, employees non-exempt from overtime pursuant to the FLSA, the City Manager shall serve on the employee, personally or by certified mail, at the last known address of such employee, a written statement concisely setting forth the reasons for which the employee is removed, reduced, or suspended and the duration of any such suspension. The employee may appeal to the City within 10 workdays from the date such written statement is served upon them so long as a right to appeal exists pursuant to Ohio Revised Code, Section 124.34.

When notified of an employee's appeal, the City Manager shall transmit to the Personnel Board a copy of the written statement sent to such employee, together with a statement of the time and manner of service thereof. The Personnel Board shall hear such appeal within 30 days from the filing of the same with the City and may affirm, disaffirm, or modify the judgment of the City Manager issuing such order and the Personnel Board's judgment in the matter shall be final except as otherwise provided by law.

In an appeal of a removal based upon a "last chance agreement" between the City Manager and the employee, the only issue in which the Personnel Board may determine is whether the employee violated the last chance agreement. The Personnel Board may only affirm or disaffirm the judgment of the City Manager. For purposes of this provision, "last chance agreement" has the same meaning as set forth in Section 124.34(E) of the Ohio Revised Code.

Section 2.12

Complaint Handling Procedure

- A. The purpose of this section is to set guidelines and principles by which the complaint procedure might improve employee relations within the City. A complaint is defined as an allegation that a violation or conflict in the interpretation of City policy or procedure has occurred.
- B. When an employee has a complaint, the following procedure is available to such employee as a means of attempting to resolve the problem.
1. The employee shall present the complaint to his or her immediate supervisor. The supervisor shall hear and reply to the complaint. If the complaint relates to the supervisor, the employee shall present the complaint to his or her Department Director. The Department Director shall hear and reply to the complaint. If the complaint relates to the Department Director, the employee shall present the complaint to the City Manager. The City Manager shall hear and reply to the complaint.
 2. In the event the supervisor's reply does not resolve the complaint to the satisfaction of the employee, the complaint may be taken to the Department Director within five working days after receipt of such reply. The Department Director shall consult with

the City Manager to resolve the complaint. The Department Director shall hear and reply to the complaint.

3. If the reply of the Department Director does not resolve the matter to the satisfaction of the employee, the complaint may be submitted to the City Manager within five work days after receipt of such reply. The City Manager shall hear and reply to the complaint.
4. In the event the reply of the City Manager does not resolve the matter to the satisfaction of the employee, the complaint may be submitted to the Personnel Board within five work days after receipt of such reply. The Personnel Board shall review the complaint and shall render an advisory opinion to the City Manager, based on its findings, sending a copy of such opinion to the aggrieved employee.

Section 2.13

Uniforms

A. Police, Fire and Service Departments.

1. Police, Fire and Service employees will be provided with a complete uniform as required by regulations. Employees may receive uniform replacement parts upon application to and approval by the City.
2. Upon the departure of any employee, whether voluntarily or involuntarily, that employee shall return to the City any piece of equipment, uniform part and clothing purchased with City funds.

B. Service Department. Service Department personnel are provided with uniforms, the cost of which will be borne by the City. Safety shoes shall be worn as required by the City or the Industrial Commission of the State. Direct payment for or reimbursement of the cost of safety shoes will be made. The replacement of safety shoes will be paid for by the City at a frequency and in an amount to be determined by the City Manager.

C. General. Other employees may be required to have full or partial uniforms or other specific items of equipment. When required, an initial issue of uniforms or equipment will be provided and a periodic allowance will be established by the City Manager for replacement uniforms.

D. Department Directors or the City Manager have the authority to determine when a uniform should no longer be worn due to age, style, or condition.

E. Employees are responsible for any tax liabilities resulting from the provision of City uniforms.

Section 2.14

Cellular Device Use

A. Purpose

Cellular devices provide an opportunity to improve productivity and improve the excellent level of customer service that the City of Bellbrook delivers. This policy is a guide for employees who, by the nature of their work, routinely use mobile communication devices in the performance of their jobs.

B. Employee Eligibility

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1. Positions authorized for cellular device service usage are determined using the following criteria:
 - A. position is required to be contacted on a regular basis in the field.
 - B. Position is required to be on-call or available outside of normal working hours as a job expectation.
 - C. Position is a critical decision-maker (specifically Department Directors).
2. Assignment. Certain City personnel are eligible to receive reimbursement from the City for use of their personal cellular device and will be reimbursed based on the chart below.

<u>Group</u>	<u>Eligible Employees</u>	<u>Monthly Reimbursement</u>
<u>Group 1</u>	<u>City Manager</u> <u>Police Chief</u> <u>Fire Chief</u> <u>Service Director</u>	<u>\$30</u>
<u>Group 2</u>	<u>Police Captain</u> <u>Police Sergeant</u> <u>Police Detective</u> <u>Service Foreman</u> <u>Fire Captain</u> <u>Fire Lieutenant</u> <u>Other Fire Shift Supervisors</u>	<u>\$20</u>
<u>Group 3</u>	<u>Other Police, Fire & Service Users</u>	<u>\$10</u>

- A. Employees who receive reimbursement for use of their cellular device are required to be available by phone per department policies and procedures.
- B. Reimbursement will be made to each eligible employee on a quarterly basis in the final month of the quarter.

D. Use of Cellular Devices and Service

1. All use of cellular devices shall comply with Section R.C. 4511.204 of the Ohio Revised Code.
2. No one should place or receive cell phone calls while driving a City vehicle or on City business unless using a hands-free device. The Police and Fire Departments are exempt from this rule. If you receive a cell phone call while driving, let the call go to voicemail, pull over, and return the call.
3. Business related voice-mail messages, email, and text messages made and/or received on City-owned cellular devices, or on devices for which an employee receives a cellular device reimbursement, may be subject to Ohio's Public Records Laws and the City's Records Retention Schedules. Refer any questions about definitions of public records to the Clerk of Council.

D. Employee Responsibilities

1. Any cellular device that has been used to access City private networks, data or information technology services:
 - a. Must be reported immediately to the City Manager or his/her designee if the device is lost or stolen.
 - b. Shall have all City data (email, contacts, wireless network credentials, etc.) completely removed in the event the device is being replaced, disposed of, or removed from use.
 - c. Shall comply with any City-wide best practices for mobile device management and security.

2. Employees who are recipients of a City cellular device reimbursement have the following responsibilities:
 - a. Purchase, repair, maintain and/or replace phone.
 - b. Ensure that the service provider selected has service in required usage areas.
 - c. Be responsible for any monthly expenses above the City reimbursement.
 - d. Maintain an active service agreement for the duration of the reimbursement.
 - e. Notify the Department Director within two working days if the service is cancelled for any reason;
 - f. Request a reimbursement by completing a Cellular Device Reimbursement Form.

Section 2.145

New Employee Orientation

On or before your first day of work, you will be asked to complete employment paperwork. Depending on your department's workload, your supervisor will introduce you to your co-workers and the layout of the work area. Please feel free to ask your colleagues any questions not answered during your orientation.

Section 2.1516

Posted Employment Law Notices

The City of Bellbrook posts all required employment law notices on bulletin boards in each building/work area for employee examination. If you have any questions regarding items contained on the labor posters, you can contact the Administration office.

Section 2.1617

Work Schedule

Hours of work and scheduling will be determined and assigned by your supervisor. Should you have any questions concerning your work schedule, please ask your supervisor.

The Department Director shall establish the normal working hours of their department's employees and will maintain daily employee attendance records. Workdays are normally Monday through Friday, except the Department Directors, with the concurrence of the City Manager, may adjust normal work schedules for departments.

Section 2.1718 Personnel Records and Reference Check Disclosure

A. Personnel Records.

1. The Administration office shall maintain official personnel files for all City employees. Such files shall include, but may not be limited to: individual employment data, payroll information, records of additions or deductions paid, application forms, records pertaining to hiring, promotion, demotion, transfer, layoff, termination, etc. Employee medical records will be kept in a separate file.
2. An employee shall have a right to inspect his or her official personnel file. The employee may see information and documents in the file and request copies of all documents signed by the employee; provided the city reserves the right to redact confidential information on personnel documents. If an employee wishes to review their file they must contact the Administration office to schedule an appointment. An employee may review their personnel file in the presence of an Administration office representative.
3. Employees must advise the Administration office of any change in: name, address, marital status, telephone number, number of exemptions for tax purposes, beneficiaries, citizenship, selective service classification, or association with any government military service organization.

B. Reference Check Disclosure. All requests for information on current or former employees must be referred to the Administration office. Information given by phone will be limited to verification of employment dates, position title, and pay rate. In response to written requests (i.e., mortgage applications), information such as salary, dates of employment, and job position may be provided, if an authorization signed by the employee is provided. Representatives of government agencies, in the course of their business, may be allowed access to information.

Section 2.19 Employee Injury

The City of Bellbrook is concerned for the safety of all of its employees. In the case of a workplace injury, it is the primary concern of the City that an injured employee obtain the appropriate medical treatment, as soon as possible, and the accident is reported properly and investigated to mitigate the risk of future accidents. In addition to this policy, an injury packet has been developed to provide the employee, supervisor and Administration office the forms necessary to report, investigate and resolve a workplace injury.

This policy applies to employees, temporary workers and other workers of the City of Bellbrook.

A. Procedure

1) Obtaining Medical Treatment for Injured Employees

- a. When an injury occurs, the employee or immediate supervisor should arrange for medical treatment. If emergency treatment is required for an injury which is threatening to life or limb, the injured employee should be transported to

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the nearest medical facility that can provide the required treatment unless the injured employee specifies an alternate provider.

b. If emergency treatment is not needed, the employee may go to their physician of choice. After the first visit, the employee must select an Ohio Bureau of Workers Compensation (OBWC) certified physician for subsequent visits in order to be eligible for coverage.

B. Reporting the Injury

1. Each Department will have injury packets available to employees and supervisors in each building as well as vehicles.
2. When an injury occurs, it is the responsibility of the employee to tell his/her supervisor about the accident within 24 hours of the injury. The employee must complete the appropriate injury reporting forms.
3. It is preferred by the City that the employee sign the Medical Information Release Form within 24 hours of their injury and provide it to their supervisor. This will aid in the medical care treatment process. This is optional and employees are asked to read the Medical Information Release carefully.
4. If the employee *is* taken to an emergency medical facility, the employee will receive medical care and the First Report of Injury (FROI) form will be reported to the OBWC by the emergency medical facility. Once the employee is treated, the supervisor must report the accident with all available information to the Administration office.
5. If the employee *is not* taken to an emergency medical facility, but treated at a physician's office, the supervisor must report the accident with all available information to the Administration office. The Administration office or injured employee will fill out a FROI and file with the City's managed care organization.

C. Accident Investigation

1. All workplace injuries and illnesses shall be investigated by the injured employee's Department Director or designee within 48 hours after becoming aware of an injury. Each supervisor will then report using the appropriate form
2. If a witness(es) was/were present, they will be required to provide a statement.
3. Department Directors shall provide a copy of their report and any witness statement(s) to the Administration office within 48 hours of the injury or the next business day for filing with the employee claim file.
4. The City of Bellbrook Safety Committee shall review the injury and resolution processes with names removed and discuss how the City can improve its safety practices by using the accident as a case study.

D. Return to Work (Modified Duty) Program

1. Approval to Return to Work. Following a workplace accident or injury, an employee must have their physician's approval to return to work at full or modified duty. Therefore, when an employee goes to their first physician visit, or follow-up visit, they

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should have the physician complete the Physician's Report of Work Ability (MEDCO-14). The employee must keep a copy for themselves to return to their Department Director and the Administration office. A letter from the physician is sufficient as long as it contains the pertinent information found on MEDCO-14; however, MEDCO-14 is preferred.

2. Eligibility.

- a. To be eligible for the Return to Work Program, an employee must provide a MEDCO-14 or physician's letter explaining that he/she is:
 - Temporarily unable to perform his/her essential duties AND
 - Capable of carrying out work of a modified nature from his/her regular duties and is expected to return to his/her regular duties within 90 calendar days.
- b. Should an employee be ineligible for the Program, the employee must provide the City with a MEDCO-14 or physician's letter detailing when and how long they will not be able to work.

3. Injury Leave for Ineligible Employees

- a. Full-time employees who are injured on the job may be paid Injury Leave to the extent of 90 working days for each new and separate injury, in addition to and prior to the use of sick leave accumulation. After the 90 working days, employees will be charged first against sick leave accruals and then vacation accruals at the time of the injury.
- b. To confirm the length of injury leave, the City may require that the employee be examined by a physician designated and paid for by the City. If there is a difference of opinion between the employee's physician and the City's physician concerning the length of injury leave, the opinion of the City's physician will take precedence.
- c. The City Manager will decide whether or not to pay the full injury leave or request for the OBWC to provide compensation according to the claim determination. The employee will be paid at his/her regular salary by the City, OBWC or combination of both.
- d. As soon as it is determined by the employee's physician or the City's designated physician that the injured employee is able to return to full or modified duty, the City may require the employee to report to work and terminate injury leave. The City will require a written determination of the employee's ability to return to work by a physician at least at the beginning of each 30 day interval and more often if warranted. Again, if there is a disagreement between the employee's physician and the City's physician concerning the employee's ability to work, the opinion of the City's physician takes precedence.
- e. Where disability caused by an on-duty injury continues for a period of twelve months after the use of all sick leave and vacation time accrued and due, the employee shall apply for disability retirement.
- f. See Injury Leave section of the City of Bellbrook Personnel Manual.

4. Accommodations for Eligible Employees

(1) Return to Work Modified Duty Offer

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If an employee obtains a list of work restrictions imposed by their physician (found on the MEDCO-14 or in a physician's letter) and they are such that the City can accommodate them, a Return to Work Modified Duty Offer (Form 10) must be completed and the employee will be returned to work if he/she has accepted the offer. The Administration office will keep the original offer in the employee claim file.

(a) The Offer must contain:

(2) The position offered.

(3) The location and duties of the position offered.

(4) The duration of the modified duty position.

(5) A statement that the department will only assign a position/duties consistent with the employee's knowledge and skills, and will provide training if necessary.

(6) A statement acknowledging that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.

(b) Refusal of the Offer may result in termination of employment and entitlement to compensation benefits through the OBWC.

(2) Salary Continuation

If an employee obtains a list of work restrictions imposed by their physician and they are such that the City cannot accommodate them, the Department Director and City Manager will make a determination on paid Injury Leave. A Salary Continuation Agreement must be made between the City and injured employee (C-55).

5. Duration of Modified Duty Offer. A Return to Work Modified Duty Offer will be extended for an initial period not to exceed 90 calendar days. The duration of approved time will be based upon the information provided by the employee's physician. If the employee is unable to return to work at full duty after the initial approved time, he/she may request a continuation of Modified Duty not to exceed a total of 90 calendar days in a Modified Duty capacity. An employee requesting an extension of Modified Duty, beyond the originally approved amount of time in the Return to Work Modified Duty Offer, must submit a new MEDCO-14 or physician's letter to his/her Department Director. This document should include what limitations continue to exist and the probable duration of those limitations. This document will be filed in the employee claim file.

An employee may request a continuation of Modified Duty not to exceed a total of 180 calendar days in a modified capacity. Approval beyond the 180 calendar days will be based upon the assessment of the employee's ability to return to full duty within the immediate future. An employee requesting an extension beyond the 180 calendar days must submit a new MEDCO-14 or physician's letter to his/her Department Director.

6. End of Modified Duty.

An employee who is unable to return to his/her regularly assigned duties at the end of the Modified Duty agreement may request a leave of absence through his/her department or may elect to terminate his/her employment with the City of Bellbrook. Provided the employee has exhausted any entitlement under the Family and Medical Leave Act, the department has the option to approve or deny the leave of absence request. If Leave Without Pay is denied, employment with the City of Bellbrook may be terminated. If the employee believes that the condition is permanent, progressive, or chronic, the employee may pursue Americans with Disabilities Act accommodations to determine if they are a qualified individual with a disability.

7. For Assistance.

The Administrative office is responsible for administering the Return to Work Program in consultation with the employee's department. Questions regarding the Return to Work Program should be directed to the City Manager.

Section 2.1820

Separation From Employment

You are free to terminate your employment with the City of Bellbrook at any time, with or without reason. Likewise, the City has the right to terminate your employment, or otherwise discipline, transfer, or demote you at any time according to Section 2.11. The City of Bellbrook requests that you give at least a two-week notice in the event of your resignation. Failure to provide a two-week notice may prohibit re-employment.

The City of Bellbrook may consider you to have voluntarily terminated your employment if you do any of the following:

1. Resign from the City of Bellbrook;
2. Fail, without prior notice and request for extension, to return from an approved leave of absence, including Family Medical Leave, on the date specified by the City; or
3. Fail to report to work or call in for three (3) or more consecutive workdays.

Employee's benefits will be affected by employment termination. All accrued benefits that are due and payable at separation will be paid in addition to the final paycheck.

Section 2.1921

Exit Interviews

In a resignation situation, the Department Director or supervisor may wish to conduct an exit interview to discuss the employee's reasons for leaving the City of Bellbrook. During the exit interview, the employee is encouraged to provide insights into areas for improvement that the City can make. Every attempt will be made to keep all information confidential within management.

Section 2.2022

Return of City Property

Any City of Bellbrook property and equipment issued to the employee, as well as all documents, including those stored electronically, and all computer software must be returned to the City at the time of termination. The employee's supervisor will assist in collecting all City property. Failure to return city owned property will result in reimbursement of the value of items not returned.

Section 2.2123

Non-salary Remuneration

The City Manager is hereby directed to authorize expenditures for non-salary remuneration or other such amenities when, in his or her discretion, he or she determines that such expenditures are necessary to perform a function or to exercise a power expressly conferred upon the City or its officers or employees by the statute or ordinance, or necessarily implied therefrom, provided that the decision of the City Manager is not manifestly arbitrary or unreasonable.

Section 2.2224

Indemnification and Legal Defense

- A. Consistent with Ohio law, the City shall defend each of its employees and elected and appointed officials in and from any and all suits, claims, charges and demands based upon or arising from actions or services such persons have taken or performed within the scope of their responsibilities. This obligation of the City to defend such persons shall exclude the defense of any action taken by the City itself against any such person.
- B. The City shall indemnify each of its employees to the extent required by Ohio Revised Code Section 2744.07(A) and shall provide the same extent of indemnification protection to its elected and appointed public officials, even though such indemnification of those officials may not be required by that State statute, and the City shall hold all such persons harmless on such matters.

Section 3 Compensation

Section 3.1 Compensation: City Manager

The salary of the City Manager shall be negotiated and set by action of Council. Increases shall be granted at the discretion of Council. Council shall have the authority to affect increases without amendment to this manual.

Section 3.2 Compensation: Clerk of Council

The salary of the Clerk of Council shall be negotiated and set by action of Council. Increases shall be granted at the discretion of Council. Council shall have the authority to affect increases without amendment to this manual.

Section 3.3 Compensation: Employee Wage Scale

- A. With several exceptions, employees of the City will be shown in a position classification as established by City Council. This position classification determines the wages of various employees of the City.
- B. A position classification may be filled by an outside contractor rather than by a City employee. Such contractor and the related contract must have the approval of the appropriate Department Director and the City Manager.
- C. The wage scale shall be consistent with the scale formally adopted by City Council.
- D. When an employee has received advanced certification required in a job description, the City Manager may move the employee into the corresponding position classification when the employee receives proof of such certification. Such action does not affect the established anniversary date or the annual performance evaluation and possible step increases associated with that anniversary date.
- E. When an employee has accepted additional responsibility and/or has exhibited exceptional performance where a promotion is feasible, the City Manager may move the employee into a higher position classification as long as the employee meets the requirements in the job description. Such action must be preceded by a performance evaluation and will establish a new anniversary date.

Section 3.4 Compensation: Merit Bonus Pay

- A. Definition. Merit Bonus Pay is defined as a management tool to encourage and reward excellence among employees who are at the top of their respective pay scales.
- B. Intent. Merit Bonus Pay is designed to recognize outstanding performance without employee expectation of continual receipt of an award. This bonus pay is not intended to be a compensation benefit or an automatic right.
- C. Guidelines.

1. Merit Bonus Pay is limited to only those individuals who are at the top of their respective pay ranges. Merit Bonus Pay candidates must meet one of the following criteria:
 - a. Maintaining a Standard of Excellence. The Employee has demonstrated a consistent pattern of outstanding job performance. Here, a single notable achievement by this employee is not required.
 - b. Exceptional Achievement. The employee's efforts have resulted in a special achievement of significant importance to the City. Here, it is not required that the employee's overall performance level be rated outstanding.
2. An employee may be awarded Merit Bonus Pay one time in a calendar year. As a general rule, Merit Bonus Pay may not be awarded to an individual within two consecutive years. Candidates for consecutive year awards shall be evaluated on a case by case basis.
3. The amount of the Merit Bonus Pay awarded to an employee shall be in the range of 1-5% of their base annual salary.
4. A supervisor desiring to award Merit Bonus Pay to a subordinate must receive written approval from the City Manager prior to notifying the employee of the award.

Section 3.5

Pay Period

- A. The pay week shall be from Sunday through Saturday.
- B. Pay periods shall be established by the Finance Director. Pay periods are in two-week increments. Pay days will be on the Friday following the end of a pay period. In the event that a regularly scheduled pay day falls on a holiday, the pay day will be moved to the preceding business day.
- C. Direct deposit is mandatory for all employees. This means the City will deposit the employee's paycheck directly into bank account(s) of the employee's choosing. Pay stubs will be available to employees on the pay day.
- D. Part-time Firefighter Schedule. The City has established a fourteen day work period in accordance with the Fair Labor Standards Act for part-time firefighters. Hours worked in excess of 106 during a fourteen day work period will be compensated at one and one-half times the employee's hourly rate.

Section 3.6

Employee Deductions

- A. Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee and authorized by law. These deductions are itemized on the employee's pay statement, which accompanies the bi-weekly paycheck. Deductions include:
 1. Retirement Plans. State law requires that employees contribute to the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OP&F) rather than Social Security. (Membership in the system is compulsory upon

being employed except those persons specifically exempted under the provisions of O.R.C. 145.03.)

2. Income Taxes. Federal and state laws, some city ordinances, and some school districts, require that taxes be withheld from each salary and wage payment. The amount of tax to be withheld is determined from tables furnished to the Administration office by the Ohio Department of Taxation and various other entities, and varies according to the amount of salary and number of dependency exemptions.

Employees are required to complete withholding tax certificates upon initial employment and to inform the Administration office of any dependency change whenever such change occurs.

3. Medicare Health Insurance. The federal government requires 1.45% of the salary and wages of employees hired on or after April 1, 1986, be withheld each pay period to pay for Medicare health insurance coverage. The City is also required to contribute a like amount.

4. Medical/Dental Insurance Premiums. The City may require a payroll deduction for the employee's share of medical and/or dental insurance premiums for those eligible employees electing medical and/or dental insurance coverage.

4.5. Vision Insurance Premiums – The City will payroll deduct the cost of vision insurance for those eligible employees electing this insurance coverage.

- 5.6. Miscellaneous. Examples include Health Savings Accounts, garnishments, deferred compensation, child support, other insurance contributions, etc.

- B. The City may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts determined by the City Manager, which occur at irregular intervals, or for another similar cause; other than those deductions required by law, the City may decline to make a deduction that the employee's check is insufficient to cover. All requests for payroll deductions must be presented in writing to the Administration office for authorization.

Section 3.7

Hours of Work

- A. Employees of Police, Fire and Service Departments.

1. The pay period for the full-time employees of the Police, Fire and Service Departments shall be 80 hours per two weeks.
2. The hours of work for the part-time employees of the Police, Fire and Service Departments shall be as scheduled by the Department Director.
3. Nothing contained herein shall be construed as preventing the City from restructuring the normal work day or work week for the purpose of promoting efficiency or improving services; or from establishing work schedules of employees. Supervisory personnel may be assigned a forty-hour per week flex schedule with earned benefits prorated accordingly.

- B. Other Full-time Employees.

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1. Generally, the hours of work for full-time employees, other than Police, Fire and Service Department employees, is 40 hours per week.
2. The normal weekly work schedule for full-time employees, other than Police, Fire and Service Department employees, is eight hours per day, Monday through Friday.

C. Meal Periods

1. Employees are granted a meal period equal to thirty minutes for every eight hour shift which is paid. Scheduling is also subject to approval of the employee's immediate supervisor.

D. Lactation Breaks

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

E. Grounds for Disciplinary Action.

1. Employees are expected to report to work at the designated starting time. Failure to report on time, unless excused by the immediate supervisor, will constitute grounds for disciplinary action. Taking excessive time for lunch and other breaks, stopping work before the designated quitting time, and wasting time on the job, are also grounds for disciplinary action.

Section 3.8 Overtime Pay and Compensatory Time Off

A. Non-Exempt Employees.

1. Non-exempt employees shall be paid one and one-half times their regular rate of pay for overtime hours worked. Overtime hours are any hours over forty hours per week in active pay status. Overtime will be credited in fifteen-minute increments.
2. To the greatest extent possible, all overtime shall be offered to all qualified personnel in the work unit, and the overtime actually worked shall be spread as evenly as possible over all interested employees in the work unit. However, employees who consistently refuse overtime when offered it shall waive their rights to an equal number of overtime hours.
3. Prior approval of all overtime is required, except in the case of an emergency.

B. Exempt Employees. The salaries of management employees are on an annual basis and are not subject to overtime pay.

C. Fire Department Employees. Any non-exempt employee who responds to a fire station for an emergency situation calling for additional personnel shall receive a minimum of one hour of

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overtime, payable at one and one-half times the employee's hourly rate, and the supervisor may hold the employee for the full sixty minutes, if warranted.

D. Call-In Pay. Call-in pay means payment for emergency work performed by an employee who has been recalled to work outside his or her normal work day. In such cases, employees shall be offered a minimum of three hours of work which must be in excess of the regular work hours in order to qualify for overtime pay. In the case of regularly scheduled and continuing work in checking the water system on weekends, employees shall be offered a minimum of three hours of work on both Saturday and Sunday.

D.E. Compensatory Time Off. Employees are permitted compensatory time off in lieu of immediate overtime pay in cash, at a rate of not less than one and one-half hours for each hour of overtime worked. The maximum compensatory time which may be accrued by an affected employee shall be 80 hours. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work. Exceptions to the maximum compensatory time balance may be made with the approval of the City Manager. Employees may elect to cash in all or a portion of their accumulated compensatory balance once per year.

An employee shall be permitted to use accrued compensatory time within a reasonable period after it is requested if to do so would not unduly disrupt the operations of the employee's department. Payment for accrued compensatory time upon termination of employment shall be calculated at the final regular rate received by the employee.

Section 3.9

Allowances: Vehicles

- A. The City will provide an appropriate vehicle for the business use by the City Manager, the Police Chief, the Fire Chief and the Service Director. Authority to drive City vehicles to and from work may be granted by the City Manager. City vehicles driven by designated employees must be used for official purposes only and not for personal errands or business. Use of a City vehicle for other than business or driving to and from work may be approved by motion of Council, but such other use shall not extend beyond Montgomery or Greene Counties and shall be restricted to the employee himself or herself. Otherwise, the ultimate responsibility for the assignment and review of the use of City vehicles rests with the City Manager.
- B. If the City does not provide a vehicle to an employee, he or she, with the approval of the City Manager, shall use his or her own private vehicle. In this event, the City will provide the employee with a stipend not to exceed six hundred dollars (\$600.00) per month, as determined by the City Manager, for the performance of his or her duties of patrolling the streets within the City limits, for attending business related meetings and/or for driving to and from his or her work site.
- C. Employees are responsible for any tax liabilities resulting from the use of a City vehicle.

Section 3.10

Allowances: Business Expenses

- A. Business Expenses. Officials and employees of the City are entitled to the reimbursement of actual expenses incurred while on official business for the City, with maximum levels of reimbursement for specific items indicated below. Business expenses not indicated, including the cost of paying the meal(s) of official(s) or associate(s) on City business, will be reimbursed in full upon approval of the City Manager. The City shall also reimburse employees with proper receipts for food consumed during overtime work which conflicts with normal meal times upon approval of the City Manager and Department Director.
- B. Mileage Reimbursement. Employees who use their personal vehicles on City business will be reimbursed at a rate equal to the current Internal Revenue Service guidelines for mileage driven. All requests for mileage reimbursement must be accompanied by an explanation of the purpose of the trip and the beginning and ending odometer readings.
- C. Conferences and Trainings. A check for expenses will be issued for the actual attendance at a conference, a training session or other official and authorized City business upon the submittal of receipts to the City Manager upon return. However, if the exact costs of registration, transportation or lodging are known in advance, such costs may, with the City Manager's approval, be paid in advance directly to the service provider. The following maximum reimbursement levels apply:
1. Transportation. If commercial transportation is used, the actual cost of a ticket shall be reimbursed. For the use of a personal vehicle, mileage reimbursement will be at a rate that does not exceed the current Internal Revenue Service guidelines. If the mileage reimbursement exceeds the cost of an obtainable commercial airline ticket, the ticket cost will be used. City vehicles shall be used when feasible. Transportation reimbursement will only be made for those trips that are outside of any employee's reasonable commute. Reasonable commute, for the purpose of this section, is considered 30 miles or less one way.
 2. Meals. For meals required to be purchased by the official or employee, reimbursement will be on a per diem basis of \$60. Per diem allowances are reimbursable for in-state overnight travel that is 45 miles or more from the employee's home or worksite and all out-of-state travel. Per diem reimbursements are based on departure and return times over the entire 24-hour day and are prorated accordingly. If a meal is included in a conference registration fee, included in the hotel room rate or replaced by a legitimate business meal, the per diem allowance for that meal may not be claimed. For single day trips, reimbursement for breakfast will be \$10, lunch will be \$20, and dinner will be \$30. Receipts are not required for per diem allowances.
 3. Lodging. If official City business requires an official or employee to stay overnight at least 50 miles away from the City, reimbursement for lodging will be made on preapproved travel for adequate lodging, including tax, when accompanied by a receipt. The person traveling on City business shall attempt to arrange hotel/motel accommodations which are economical.
- D. The final report of expenses, accompanied by receipts, shall be reviewed and approved by the Department Director before such report can be approved by the City Manager. An employee is entitled to actual expenses only.

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- E. All expense reports shall be submitted by the employee to his or her Department Director and then to the City Manager not later than three working days after the end of the trip.

Section 4 Benefits

Section 4.1 Medical, Dental, ~~and Life~~ and Vision Insurance

A. Medical and Dental Insurance.

1. Optional group medical and dental insurance programs, approved by the City Manager, may be offered to full-time employees. All or part of the premium for the insurance program may be paid by the City.
2. The City Manager is hereby authorized to change the City paid portion of the premium without amendment of this manual.
3. The City Manager is hereby authorized to reimburse an employee for insurance costs where such employee declines City coverage and uses a spouse's insurance where a partial or lower premium payment may be required.
4. If cost savings can be achieved, the City Manager is authorized to implement a self-insurance program for the City whereby employees would be directly reimbursed by the City, rather than by the City's insurance carrier, for certain eligible medical expenses, such as in meeting a higher deductible amount.
5. Employees are responsible for keeping the insurance carrier current on any changes affecting their coverage through the Administration office (e.g., marriages, births, change of address, etc.)
6. Employees on unpaid leave may make arrangements to pay insurance premiums directly after the City's obligation has elapsed.
7. For plan specific information, employees should refer to the plan documents provided by the insurance carrier. Plan documents can be obtained through the Administration office or by the insurance carrier.

B. Life Insurance.

1. An optional group life insurance program, approved by the City Manager, may be offered to full-time employees. All or part of the premium for the insurance program may be paid by the City.
2. A voluntary life insurance option may be available to employees in addition to the group life insurance program. Voluntary life insurance premiums are the responsibility of the employee and are to be paid through payroll deduction.
3. Employees are responsible for keeping the insurance carrier current on any changes affecting their coverage through the Administration office (e.g., beneficiaries, change of address, etc.)

4. C. Vision Insurance

1. An optional vision insurance program, approved by the City Manager, will be offered to full-time employees. All of the premium for the vision insurance program will be paid for by the employee.
2. Employees are responsible for keeping the insurance carrier current on any changes affecting their coverage through the Administration office (e.g., change of address,

dependents, etc).

Section 4.2

Employee Assistance Program

A. Program Information - The City of Bellbrook recognizes the potential adverse impact of unresolved personal problems on employee well-being as well as on employee performance in the workplace. Therefore, an Employee Assistance Program (EAP) is made available to all full-time and part-time employees and certain volunteers (Volunteer Firefighters and EMS Providers) and their immediate family members.

1. The EAP provides professional, confidential assistance for most personal problems. Typical problems which can be addressed through the EAP include stress, marital or family concerns, emotional distress, concerns with substance abuse, or financial problems.
2. Voluntary use of the EAP will remain confidential. As such, employee participation in the EAP will not jeopardize an employee's job security or promotional opportunities. Participation in the EAP does not relieve an employee of his or her responsibility to meet accepted job performance and attendance standards.
3. At this time, the premium for this benefit is fully paid by the City of Bellbrook. Should a referral be made to an outside counseling resource or treatment facility, costs incurred will be reimbursable only in accordance with the provisions of the employee's medical insurance plan. All related coverage of the city's medical insurance plan remains unchanged, and employees are free to access mental health and substance abuse inpatient and outpatient care independently of the EAP.
4. Supervisors shall review the Personnel Manual and applicable bargaining agreements, in addition to consulting with the City Manager or his/her designee, when contemplating the requirement for an employee to participate in the EAP.

B. Procedures

1. Self-Referral. An employee, or an eligible dependent, who desires confidential assistance should contact the EAP office and schedule an appointment or speak to an EAP counselor. The EAP counselor will arrange an appointment with the employee in an EAP office.
2. Supervisor Referrals. Supervisors may refer an employee to the EAP when:
 - a. A request for assistance is made by an employee. When such request is made, the supervisor and/or the City Manager or his/her designee will make the employee aware of the professional assistance available through the EAP. Supervisors may offer to assist the employee in arranging an appointment with an EAP counselor.

- b. A particular on-the-job incident indicates the possible presence of a personal problem. Referral to the EAP does not preclude appropriate disciplinary action, when it is called for.

C. Family Member Assistance

A person who is in the immediate family of an eligible employee or volunteer is entitled to the services of the EAP. Such a family member may contact the EAP directly to schedule an appointment. Naturally, the same degree of confidentiality will apply to such a family member; that is, any communications between the individual and the EAP counselor will be held in the strictest confidence.

D. Time Off for Counseling

Employee counseling sessions with an EAP counselor would normally be scheduled to be on the employee's own time, or subject to existing leave policies.

E. Release of Information

The EAP maintains confidentiality within the limits of the law and will not release information to an employee's supervisor without the employee's consent. If a supervisor refers an employee to the EAP, the supervisor may request that the employee give the EAP permission to share information regarding attendance, a plan for addressing the work-related concern and compliance with the plan.

Section 4.23

Insurance Conversion Privileges

According to the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, in the event of an employee's termination of employment with the City of Bellbrook, or loss of eligibility to remain covered under the City's health insurance, the employee and any eligible dependents may have the right to continued coverage under the City health insurance plan for a limited period of time at the employee's expense.

The City will provide the employee with written notice of COBRA rights to decide on continuance of insurance coverage benefits. An administrative fee of 2% will be added to the total monthly charge per the City's health care provider.

Section 4.34

Retirement Plans

- A. Pension Systems. All employees of the City, except for those specifically exempted by statute, are required to participate in the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OP&F).
- B. Social Security. All employees in positions that do not qualify to participate in the pension systems above are required to participate in Social Security.

If employees have any questions regarding these programs, they should contact the Administration office for more information.

Section 4.45

Changes in Personal Status

It is important for the City to have accurate information on its employees to keep records current. Therefore, employees are expected to notify the Administration office whenever there is a change in their legal name, address, telephone number, emergency contact, tax withholdings, or if there is any change in dependents, marital status, and/or beneficiary as it relates to benefits.

Section 4.65

Other Benefits

- A. Deferred Compensation. A voluntary deferred compensation plan(s) may be offered to employees.
- B. Workers' Compensation. All employees are entitled to Workers' Compensation coverage with the premium to be paid by the City.
- ~~C. Employee Assistance Program. An Employee Assistance Program, approved by the City Manager, may be offered to employees and certain volunteers.~~

Section 5 Leave

Section 5.1

Holidays

- A. The following days shall be holidays for which full-time employees shall receive their regular compensation:
1. New Year's Day;
 2. Martin Luther King, Jr. Day;
 3. President's Day;
 4. Good Friday;
 5. Memorial Day;
 6. Independence Day;
 7. Labor Day;
 8. Veteran's Day;
 9. Thanksgiving Day;
 10. The day after Thanksgiving Day;
 11. Christmas Eve; and
 12. Christmas Day.
- B. If a holiday falls on a Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday.
- C. Full-time Employees. When a full-time non-exempt employee works on a holiday, in addition to the regular day's pay for such holiday, he or she shall be paid one and one-half times their regular rate of pay for hours actually worked.
- D. Part-time Employees. When a part-time employee is scheduled to work on either New Year's Day, Independence Day, Thanksgiving Day or Christmas Day, he or she shall be paid one and one-half times their regular rate of pay for hours actually worked.
- E. Overtime. Holiday pay shall count as time worked when computing overtime pay, except when the holiday occurs on a non-work day.
- F. Vacation. A holiday which is observed on a regular workday occurring during an employee's vacation will not be counted as a day of vacation.

Section 5.2

Vacation Leave

- A. Accrual.
1. All full-time employees accrue Vacation Leave at the rates indicated in the following table.

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<u>Length of Service</u>	<u>Bi-weekly Accrual Rate</u>	<u>Vacation Hours</u>
Hire date – 4 Years	3.077	80
5 Years – 14 Years	4.615	120
15 Years – 19 Years	6.154	160
20 Years	7.6923	200

2. Each full-time employee shall accrue vacation bi-weekly based on length of service beginning at the date of hire.
- B. Carryover. Employees may carryover 80 hours of Vacation Leave at the end of each calendar year or their anniversary date. Any Vacation Leave carryover exceeding 80 hours must be approved by the City Manager.
- C. Vacation Leave Usage.
1. An employee must request and receive approval from their supervisor prior to using Vacation Leave. The Department Director will establish the specific vacation request procedure for their department.
 2. Vacation leave may be used in quarter hour increments.
 3. Requests will be evaluated based on a number of factors, including department operating and staffing requirements. Whenever two or more employees in the same department wish to take their vacations at the same time and the work schedule of the department is such that not all employees can take Vacation Leave at the same time, seniority as a city employee shall be the determining factor in deciding who shall have preference in selecting vacation dates.
- D. Separation from Employment.
1. An employee who has voluntarily resigned must provide a two-week notice in order to be entitled to accrued Vacation Leave pay. The employee will be paid a prorated share of their Vacation Leave accrual from their most recent accrual date (January 1 or their anniversary date) to their termination date.
 2. An employee who is terminated from employment for cause or who resigns without providing a two-week notice shall not be entitled to accrued Vacation Leave pay.
- E. Eligibility. Full-time employees are eligible to accrue Vacation Leave upon hire
- F. Holidays. A holiday which is observed on a regular workday occurring during an employee's vacation will not count as a day of vacation.

Section 5.3

Paid Personal Time

- A. Full-time Employees. Full-time employees ~~are eligible to accrue shall receive three p~~Paid ~~p~~Personal ~~days awarded on January 1st of each year. Time according to the Sick Leave Incentive in Section 5.4.~~

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1. Paid Personal Time can only be used within the calendar year in which it is earned. If the Paid Personal Time is not used, the balance of hours will be paid to the employee on the first pay day of the subsequent calendar year.
 2. Usage of Paid Personal Time shall follow the same Vacation Leave requirements in Section 5.2.
- B. Part-time Employees. Part-time employees, excluding those in the Police and Fire Departments, shall accrue 0.05 hours of Paid Personal Time for every hour of regular time worked.
1. Paid Personal Time may be used for absences from work. If the employee is sick and requests to use Paid Personal Time for their absence, they shall follow the same Sick Leave requirements in Section 5.4. If the employee is taking vacation and requests to use Paid Personal Time for their absence, they shall follow the same Vacation Leave requirements in Section 5.2.
 2. If a part-time employee becomes a full-time employee, the Paid Personal Time balance may be transferred to Vacation Leave on a one-for-one basis.
 3. Part-time employees may carryover a maximum of 40 hours of Paid Personal Time at the end of each year. Any Paid Personal Time exceeding 40 hours must be approved by the City Manager.
- C. Separation from Employment.
1. An employee who has voluntarily resigned must provide a two-week notice in order to be entitled to accrued Paid Personal Time pay.
 2. An employee who is terminated from employment for cause or who resigns without providing a two-week notice shall not be entitled to accrued Paid Personal Time pay.

Section 5.4

Sick Leave

- A. Each full-time employee shall accrue 4.6 hours of Sick Leave with pay for every eighty hours of regular time worked.
- B. Sick Leave may be granted to an employee for the following reasons:
1. Physical disability, injury or illness of the employee, exposure to contagious disease, or the requirement of additional recuperation time after the expiration of Injury Leave; or
 2. Illness or injury in the immediate family of the employee which requires his or her personal care and attendance.
- C. Notification. An employee must notify his or her supervisor, Department Director, or the City Manager's office, of an illness or disability causing absence, at least fifteen minutes before normal starting time. Such notice must continue to be given on each successive day of absence. If no Sick Leave has been accumulated, the employee may take vacation time or be absent without pay. Unreported or unexcused absences will be without pay. Three days of absence without notification shall be deemed a voluntary resignation. The City may withhold Sick Leave payments to any employee who is guilty of submitting a false claim or abusing sick-leave privileges. Disciplinary action, up to and including termination, may be taken for

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submitting a false claim. Repeated absences for illness may indicate a pattern of excessive absenteeism and disciplinary action may be warranted.

- D. Contact With Employee Required. Whenever an employee is absent due to illness for three consecutive working days, personal contact with the employee shall be made by the employee's supervisor or Department Director. A written statement by a physician may be required at the discretion of the employee's Department Director or the City Manager.
- E. Sick Leave Usage. Only full-time employees may be paid for sick time off as long as there are sufficient current balances to draw from. If an employee does not have a sufficient balance to cover the paid time off, vacation, comp, or personal time will be used in lieu of in that order. Such employees may use sick time in quarter hour increments up to a total per day of the hours normally worked on their assigned shifts.
- F. Sick Leave Payout at Retirement.
 1. At the time of retirement from OPERS or OP&F, any employee hired on a full-time basis before October 1, 2008 shall receive payment for accrued Sick Leave in excess of 75 days, but in no event shall any employee receive more than 45 days or 360 hours of pay pursuant to this section. The payment shall be based on the employee's rate of pay at the time of retirement and eliminates all Sick Leave credit accrued but unused by the employee at the time payment is made.
 2. At the time of retirement from OPERS or OP&F, any employee hired on a full-time basis on or after October 1, 2008 with 10 or more years of service with the City shall be paid in cash for one-fourth (1/4) the value of the employee's accrued but unused Sick Leave credit. The payment shall be based on the employee's rate of pay at the time of retirement and eliminates all Sick Leave credit accrued but unused by the employee at the time payment is made. The value of accrued but unused Sick Leave credit that is paid shall not exceed the value of 30 days or 240 hours of accrued but unused Sick Leave.

~~G. Sick Leave Incentive.~~

- ~~1. A full time employee who completes an entire calendar year without the use of any Sick Leave is eligible to accrue Paid Personal Time. Employees shall accrue Paid Personal Time at the rates indicated in the following table. An employee will be credited with Paid Personal Time on January 1 of the following calendar year.~~

Sick Leave Usage in One Calendar Year	Eligible Paid Personal Time
0 hours	24 Hours
0.25—8.00 Hours	16 Hours
8.25—16.00 Hours	8 Hours
16.25+ Hours	0 Hours

- ~~2. Paid Personal Time can only be used within the calendar year in which it is earned. If the Paid Personal Time is not used, the balance of hours will be paid to the employee on the first pay day of the subsequent calendar year.~~
- ~~3. Usage of Paid Personal Time shall follow the same requirements as Vacation Leave.~~
- ~~4. Full-time employees who begin service with the city during the calendar year will not be eligible for Paid Personal Time, as described in sub-section 1 above, until they have completed the calendar year in which they started employment.~~

H.G. Sick Leave Transfer. The City may credit new employees with Sick Leave accrued while with a previous public employer up to a maximum of 160 hours. It is the employee's responsibility to secure from the former employer a letter for confirmation of the employee's prior Sick Leave balance.

Section 5.5

Parental Leave

A. Employer shall provide full time employees with two (2) weeks of paid parental leave to run concurrently with the current FMLA twelve (12) weeks. Leave can be used by a mother or father before, during, and/or after the birth of a child, or adoption of a child. Leave shall be requested and approved through the employee's supervisor. Any unused leave will be zeroed out upon the employee's return from work unless approved by the employee's supervisor for future need relative to the event.

Section 5.56

Injury Leave

- A. Full-time employees who are injured on the job may be paid to the extent of 90 working days for each new and separate injury, in addition to and prior to the use of Sick Leave accumulation. Such Injury Leave shall be in accordance with the following rules:
1. An on-duty injury of any nature shall be immediately reported to the Department Director. The employee shall complete an employee injury report and the supervisor shall complete a supervisor investigation report. The length of Injury Leave shall be based on the written verification of the employee's standing physician; such verification shall be provided to the City Manager or his/her designee within forty-eight hours of the injury. To confirm the projected length of Injury Leave, the City may require that the employee be examined by a physician designated and paid for by the City. If there is a difference of opinion between the employee's physician and the City's physician concerning the length of Injury Leave, the opinion of the City's physician will take precedence. Requests for extension of leave beyond thirty days shall be submitted to the City Manager and such requests for extension shall be made in increments of thirty calendar days.
 2. When an employee is unable to work as a result of an on-duty injury, the City Manager or his/her designee shall cause to be filed an application for Workers' Compensation for the employee.
 3. After all Injury Leave is used, the employee may elect to use any Sick Leave or vacation time due him or her at the time of injury.

4. Where disability caused by an on-duty injury continues for a period of twelve months after the use of all Sick Leave and vacation time accrued and due, the employee shall apply for disability retirement.
 5. As soon as it is determined by the employee's physician or the City's designated physician that the injured employee is able to return to full or limited duty, the City may require the employee to report to work and terminate Injury Leave. The City will require a written determination of the employee's ability to return to work by a physician at least at the beginning of each thirty-day interval and more often if warranted. Again, if there is a disagreement between the employee's physician and the City's physician concerning the employee's ability to work, the opinion of the City's physician takes precedence.
- B. An employee who is receiving Sick Leave or Injury Leave with pay while simultaneously receiving compensation under Workers' Compensation, or who is receiving benefits under paragraph (A) hereof, shall receive only that portion of his or her regular salary which will, together with such compensation, equal his or her regular salary.
1. Charges shall be made against Sick Leave accruals for any waiting period not covered by the Workers' Compensation statutes. Upon qualification for Workers' Compensation, Sick Leave accrued may be reinstated retroactive to the date of the injury.
 2. After payment and use of the 90 working days Injury Leave, charges shall first be made against Sick Leave accruals. After Sick Leave accrual is used, an injured employee may elect to use whatever accumulated vacation time he or she may have at the time of injury.
- C. The City shall require the employee to furnish medical proof or submit to medical examination by the City and at the City's expense to determine whether a subsequent injury is a new and separate injury or an aggravation of a former injury sustained while in City service.
- D. Leave of absence without pay may be granted by the Department Director, with the approval of the City Manager, for off-duty injury or illness.

Section 5.67

Return to Work from Injury Leave or Sick Leave

- A. When an employee, who has been absent for three or more consecutive days due to illness or accident, desires to return to work, he or she shall have his or her physician issue appropriate documentation to the City Manager. This documentation of illness will cover the following:
1. The general nature of the illness or accident;
 2. The date the employee is able to return to work; and
 3. Restrictions or cautions on the employee's work activity, if any.
- B. The City Manager will review the report of illness and will advise the Department Director if any change in conditions of the return to work seem advisable. In this regard, the City Manager may wish to have the employee, before he or she return to work, examined by a local physician at the expense of the City.

- C. If approved by the City Manager as submitted, the report of illness will be filed in the employee's personnel file and no further action will be necessary.
- D. If the report of illness is deemed to be unsatisfactory (e.g. it reveals an abuse of Sick Leave privileges), the report shall be returned to the Department Director who shall then advise the employee. Depending on the circumstances of the disapproval, penalties could include the loss of pay for the time absent from work and disciplinary action up to and including termination. The decision imposing any penalty shall be made by the City Manager after consultation with the Department Director.
- E. If the medical examination requested by the City determines that the employee is not physically fit to return to work, the physician shall notify the City Manager who will advise the employee to continue his or her medical absence, using Sick Leave, vacation time or leave without pay.

Section 5.78 **Funeral Leave**

Employees will be granted up to three days paid Funeral Leave when a death occurs in the immediate family. The immediate family includes a spouse, parent, parent-in-law, step-parent, child, step-child, brother, sister, grandparent and grandchild. Employees of the Fire Department working a 24/48 hour shift schedule are eligible for one shift of Funeral Leave unless additional leave is approved by the City Manager. The City Manager may approve Funeral Leave for relatives other than those listed above (e.g. aunt or uncle). The use of leave is to occur immediately around the date of the event unless otherwise approved by the employee's supervisor.

Section 5.89 **Jury Duty**

Employees shall promptly notify their Department Directors of their being served with a notice to perform Jury Duty. An employee will be paid his or her regular salary for performing Jury Duty and must provide documentation to the Department Director at the conclusion of the duty.

Section 5.910 **Military Leave**

Employees will be provided Military Leave and re-employment rights consistent with state and federal law.

Section 5.101 **Family Medical Leave**

- A. Eligible Employees. Employees are eligible for Family Medical Leave (FML) if they meet the following criteria:
 - 1. Employee has been employed by the City for at least 12 months; and,
 - 2. Employee has been paid in work status with at least 1,250 hours of service during the 12 month period immediately preceding the start of the leave. (Note: Vacation Leave, Sick Leave, etc. does not count towards the 1,250 hours of service).
 - 3. Employee works for an employer with 50 or more employees who live within a 75

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mile radius.

B. Eligible Leave. Employees who meet the above criteria are eligible for up to 12 weeks of FML in any twelve 12 month period for any of the following reasons:

1. Birth of a child, and to care for a newborn child.
2. Placement of a child by way of adoption or foster care.
3. The employee having a "serious health condition" that makes them unable to perform the functions of his or her job.
4. To care for the employee's spouse, son, daughter, or parent who has a "serious health condition."

C. Definitions:

1. Spouse is a husband or wife including common law marriages where/when recognized. Unmarried domestic partners do not qualify for Family Medical Leave to care for their partner.
2. Child is a son or daughter, including a child 18 years or over, who is incapable of self-care because of a mental or physical disability.
3. Parent is a biological parent or an individual who stands in the place of a parent to the employee ("in loco parentis").
4. Foster Care is defined as placement of a child with the employee through a formal agreement for substitute care requiring state action, rather than an informal arrangement to take care of another person's child.
5. Serious Health Condition means an illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment for more than 3 calendar days and involves two visits to a health care provider within 30 days of the initiation of the incapacity, with the first visit being within the first 7 days. Serious health condition also includes pre-natal care and continuing treatment of chronic or long-term incurable conditions, which is defined as two visits per year.

D. Request/Notification of Leave. When feasible, employees must submit a written request for leave 30 days prior to the requested leave start date. In situations involving medical emergencies, etc., employees are to submit their request as soon as possible, but not later than 4 days after the beginning of the emergency situation.

Request for leave will include a brief description of the need for leave, identify whom the leave is for, what relationship the individual is to the employee (e.g. employee, spouse, parent, etc.), and length of leave requested. Along with the request, the employee will also furnish the City Manager with medical certification of the serious health condition from the physical/health care provider. The medical certification shall include the identity of the individual with the serious health condition, date on which the condition began, probable duration of the condition, and, if regarding the employee, whether the employee is unable to perform the essential functions of his or her job. Based upon the request for leave and the medical provider's certification, the City Manager shall authorize or deny the request, or may, at City expense, require the employee to obtain a second medical opinion to confirm the

leave request.

The City Manager may designate that an employee's leave qualifies for and will be counted as Family Medical Leave. The City Manager must make such designation prior to the starting of the leave unless sufficient information as to the reason for the leave is not available until after the leave began.

- E. Approval/Denial of Leave Request. The City Manager shall notify the employee orally or in writing within 5 business days as to the approval or denial of his or her FML Request. Oral notice will be followed by written confirmation by the next payday. The City shall note the starting and ending dates of leave, reinstatement procedures and utilization of accumulated paid leave.
- F. Utilization of Accumulated Paid Leave. The Family Medical Leave Act requires the City allow an employee unpaid leave when he or she is eligible, as described above. The law permits the City to require the employee to use accrued paid leave, which may be counted concurrently with family medical leave. Accordingly, family medical leave will be counted concurrently with other paid leaves (e.g., Sick Leave, Vacation Leave, compensatory time). Therefore, an employee will have his or her paid leave counted toward the 12-week FMLA allowance, until such paid leave has been exhausted. After all applicable paid leaves are exhausted; any remaining FML will be unpaid. Eligible employees may, but are not required, to use accrued compensatory time during family medical leave. If compensatory time is used, it will count against the 12-week leave entitlement. Sick Leave may only be used for an otherwise eligible use of Sick Leave.
- G. Leave Period. An eligible employee may take up to 12 workweeks of FML leave during a 12 month period. The 12 month period shall be measured from the date the employee's first FML begins.

Employees may request intermittent or reduced leave schedules to accommodate medically necessary treatment in connection with a serious health condition. Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular 12 week schedule. If intermittent or reduced leave is approved, the City Manager may require the employee to schedule the leave so as not to unduly disrupt the City's operations or the employee may be placed in an alternate position which better accommodates the intermittent leave schedule.

When both spouses are employed by the City, they are entitled to an aggregate total of 12 weeks of FML for childbirth, adoption placement or Foster Care. This limitation does not apply to FML taken by either spouse to care for the other spouse, a child or parent with a serious health condition.

- H. Insurance Coverage. Employees are entitled to maintain the same health benefits during the FML. Employees are responsible for continuing to pay any share of the health care costs that they were responsible for prior to the leave. Failure of the employee to timely pay their portion of health care costs may result in discontinuation of coverage.

Payment is due at the same time as it would be if made by payroll deduction (i.e., on pay day).

Should an Employee fail to return to work after his or her FML expires; the City may recover from the employee the City's share of health insurance premiums paid during the period of

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unpaid FML. Insurance premiums may not be recovered if the employee fails to return to work due to the continuation, recurrence, or onset of a Serious Health Condition or circumstances beyond the Employee's control.

- I. Reinstatement. Employees returning from FML shall be placed in their same position or equivalent positions with equivalent pay, benefits, and conditions.

Employees whose FML was for their own personal medical conditions must, prior to reinstatement, submit medical certification to the City as to their ability to return to work, subject to a second medical opinion as deemed necessary by the City or a third medical opinion as provided in the Family and Medical Leave Act.

- J. Service Member Family and Medical Leave. The National Defense Authorization Act (NDAA) expands coverage of the FMLA for military service members and their families. Except as mentioned below, an employee's rights and obligations to Service Member Family and Family Medical Leave are governed by the above FML guidelines.

1. Leave Entitlement: Service Member FML provides eligible employees unpaid leave for any one, or a combination, of the following reasons:
 - a. To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Services, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating; and/or
 - b. A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the National Guard or Reserves in support of a contingency operation. Contingency operations involve actions, operations or hostilities against enemies of the United States or opposing forces or active duty during a war or national emergency.
2. Duration of Service Member Family and Medical Leave: When leave is to care for an ill or injured service member, an eligible employee may take up to 26 weeks of leave during a 12 month period. Leave to care for an ill or injured service member, when combined with other qualifying FML, may not exceed 26 weeks in a single 12 month period. When leave is due to a "qualifying exigency", an eligible employee may take up to 12 workweeks of leave during any 12 month period.

The following examples constitute "qualifying exigencies":

Short-notice deployment;

Military events and related activities;

Childcare and school activities;

Financial and legal arrangements;

Counseling;

Rest and recuperation;

Post-deployment activities; and

Additional activities mutually agreed upon by the employee and employer, but not enumerated in the NDAA regulations.

Both paid and unpaid time off may be granted to eligible employees.

Section 5.12

HIPAA Privacy Policy

The City of Bellbrook (the “City”) sponsors one or more group plans that provide medical and dental benefits (the “Plan”). The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the applicable regulations restrict the City’s and the Plan’s ability to use and disclose protected health insurance (“PHI”). PHI is defined as:

PHI means information that is created or received by the Plan and relates to the past, present or future physical or mental health or condition of a participant; the provision of health care to a participant; or the past, present or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. PHI includes information of persons living or deceased.

It is the City’s and the Plan’s policy to comply fully with all HIPAA’s requirements. To that end, all members of the City’s workforce who have access to PHI must comply with the HIPAA rules and regulations governing the use and disclosure of PHI. Members of the City’s workforce include employees, volunteers, trainees and other individuals who work under the direct control of the City.

It is the City’s policy that, as of April 14, 2004, no member of the City’s workforce will intimidate, threaten, coerce, discriminate against or take any retaliatory action against any individual for exercising his or her rights, filing a complaint, participating in an investigation or opposing any improper practice under HIPAA. In addition, no one will, under any circumstance, be asked to waive his or her rights under HIPAA.

Section 6 Employee Conduct

Section 6.1

Ethics/Conflicts of Interest

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

- A. No employee shall use his official position for personal gain, or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his official duties.
- B. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, nor shall he use such information to advance the financial or other private interest of himself or others.
- C. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall an employee accept any gift, favor or item of value that may tend to influence the employee in the discharge of his duties or grant, in the discharge of the employee's duties any improper favor, service or item of value.
- D. No employee shall represent private interests in any action or proceeding against the interest of the City in any matter wherein the City is a party.
- E. No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independent judgment or action in the performance of his official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of his assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult his supervisor or legal counsel. Any employee offered a gift or favor should inform his supervisor of the gift offer. No employee will accept from any contractor or supplier doing business with the City, any material or service for the employee's private use.

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

Section 6.2

Unlawful Discrimination and Harassment

- A. Policy. The City is committed to providing a work environment that is safe and free from unlawful discrimination and harassment. Unlawful discrimination and harassment is

behavior directed toward an employee because of his membership in a protected class such as: race, color, religion, sex, national origin, ancestry, disability, genetic information, or military status. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

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

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

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

- C. Sexual Harassment. The U.S. Equal Employment Opportunity Commission provides that unwelcome sexual advances (verbal and/or physical), requests for favors and other verbal and/or physical conduct of a sexual nature, constitute sexual harassment when:

1. Submission to such conduct is either an explicit or implicit term or condition of employment (such as job promotion, job assignment, overtime opportunity, wage increase, etc.); or
2. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
3. The conduct has the purpose or the effect of substantially interfering with the individual's performance or creating a hostile or offensive work environment.
4. Unlawful discrimination and harassment do not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

- D. Examples of Sexual Harassment. Sexual harassment under the above definition may include, but is not limited to:

1. Verbal - sexual innuendo, suggestive comments, insults, threats, jokes about personal or physical traits, jokes of a sexual or demeaning nature, or sexual propositions;
2. Nonverbal - suggestive or insulting noises, leering, whistling, obscene gestures, threatening gestures, and the posting or possession at the workplace of literature, calendars or pictures that are suggestive, revealing, demeaning, or pornographic; or

3. Physical - unwelcome touching, pinching, brushing, rubbing, or groping of the body, unnecessary closeness, threatening or intimidating actions, coercing sexual activity, and assault.
- E. Off Duty Conduct. Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the work place. Conduct that occurs off duty and off premises may also be subject to this policy.
- F. Reporting a Problem. Using and insisting upon good manners, behavior and the exercise of good sense will go a long way in avoiding and preventing the inappropriate conduct prohibited by this policy. It is every employee's responsibility to help maintain a work environment free from harassment. Employees who believe they have experienced or observed harassment must report the harassment immediately to the employee's direct supervisor, the Administration office, or any other member of City management. In the event an employee believes that he or she is being harassed by his or her direct supervisor, the employee should promptly report the harassment to the next higher level of administration or supervisor.
- G. Zero Tolerance for Discrimination and Harrassment. It is the City's policy to maintain a zero tolerance for discrimination and harrassment. "Zero tolerance" means that an act of discrimination or harassment shall be deemed unacceptable in any form. Those who engage in such behavior will be held accountable and dealt with in a manner consistent with maintaining a safe, inclusive workplace, which may include discipline, up to and including termination. Alleged violations of this policy will be reviewed on a case-by-case basis.
- F.H.
- G.I. Retaliation Prohibited. The City encourages employees to raise questions or concerns regarding harassment and will not permit any form of retaliation against employees who have made a claim or report of harassment, or against any employee who has provided information to the City during the investigation of the claim or report of harassment. An employee who believes that he or she has been retaliated against should immediately contact his or her direct supervisor, the Administration office, or any other member of City management.
- H.J. Investigation and Disciplinary Action. Every allegation of harassment under this policy will be the subject of a prompt investigation by the City. Upon receiving a complaint of alleged harassment, the City Manager or designee shall promptly initiate an investigation into the matter. After the investigation has been completed, a determination will be made by the City regarding the resolution of the matter. If, following the investigation, the City concludes that the harassment occurred, prompt disciplinary action will be taken, up to and including termination.

Section 6.3

Workplace Violence

- A. Policy Statement. The City is committed to providing a safe, secure work environment for its employees and to preventing violence, threats or intimidating actions by or against any employee, citizen, vendor, customer, or visitor on or off City property.
- B. Zero Tolerance for Workplace Violence. It is the City's policy to maintain a zero tolerance

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for workplace violence. “Zero tolerance for workplace violence” means that an act of violence shall be deemed unacceptable in any form. Those who engage in such behavior will be held accountable and dealt with in a manner consistent with maintaining a violence-free workplace, which may include discipline, up to and including termination. Alleged violations of this policy will be reviewed on a case-by-case basis.

- C. Definition of Workplace Violence. “Workplace violence” is defined as any behavior that is intended or likely to be perceived as intending to create a fear of bodily harm, actual physical injury, or damage to City property. Examples of workplace violence include, but are not limited to: homicide, assault with a weapon, rape, assault under the guise of an accident, hostage taking, armed robbery, hostile destruction of property, abusive conduct, and verbal, written, or implied threats or intimidation.
- D. Complaint and Investigation Procedure. In order to promote the prevention of threats and violent acts, the City requires employees to immediately report all threats and overt acts of violence to their direct supervisor. In addition, the City encourages employees to report other behavior that may indicate the potential for a violent act. Upon learning of a threat or other violent act, supervisors are required to immediately report the threat or other violent act to the City Manager, who will promptly initiate an investigation into the matter. Employees are required to fully cooperate during the investigation of such an incident. Failure to cooperate in such an investigation may lead to discipline, up to and including termination.
- E. Discipline. Upon completion of its investigation, the City will assess disciplinary action, up to and including termination, against any employee that the City finds to have committed or threatened an act of violence or otherwise violated this policy. In addition, the City will pursue its right to criminally prosecute any person who commits, or threatens, an act of violence in violation of Federal, State or local ordinances.
- F. Pre-Employment Criminal Background Checks. In keeping with the City's commitment to providing a safe, secure working environment for its employees, vendors, suppliers, visitors and citizens, the City shall require that all applicants consent to a criminal background check as a condition of employment.
- G. Review of Communications, Files and Other Data Management Systems. The City provides employees with a number of communications and data management systems. These communications and data management systems include, but are not limited to, paper files, electronic files (i.e., data stored and/or saved by electronic means on computer hard drives, , etc.), telephones, e-mail, voice mail, fax machines, servers, computers, cell phones, internet access and other network tools. These systems are owned and/or controlled by the City and employees have no expectation that any communication or other information made with, or stored on, these systems is private. Accordingly, in the interest of preventing workplace violence and enforcing this policy, the City expressly reserves its right to monitor employees' use of the above systems and to access these systems and any information or data saved or stored therein at any time, with or without notice.
- H. Emergency Procedures. In the event of an emergency, defined as a situation involving imminent death or serious bodily injury to a person, employees should immediately attend to their own safety by departing the area and reporting the situation to their direct supervisor or, in that person's absence, any other member of City management. In the event an employee reports the emergency to his or her supervisor or another member of City management, that

individual will immediately report the matter to the City Manager. The City Manager will immediately notify the appropriate law enforcement agency.

Section 6.4

Sexual Misconduct

A. Sexual Misconduct.

1. Policy statement. The City will not tolerate and will seek to eradicate any behavior by its employees which constitutes sexual misconduct toward another adult or toward a child. For the purposes of this policy, "sexual misconduct" means any actual or attempted criminal sexual contact, sexual assault, sexual abuse, sexual exploitation, indecent or sexual solicitation, public indecency, or other criminal conduct of a sexual nature as defined under Ohio law. "Sexual misconduct" does not include "sexual harassment." Nothing contained in this policy shall be deemed to conflict, contradict or supersede the reporting requirements contained in any existing local, State or Federal law.
2. Reporting procedures and Designated Point of Contact.
 - a. The City's Designated Point of Contact is the City Manager or his or her designee.
 - b. It is the express policy of the City to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The City has a Designated Point of Contact, who shall remain accountable for the implementation and monitoring of this policy. The identity of the Designated Point of Contact shall remain on file with the City. In order to conduct an immediate investigation, any incident of sexual misconduct must be reported as quickly as possible, in confidence, as follows:
 - 1) Employees and volunteers. Employees are required to report any known or suspected incidents of sexual misconduct to the appropriate authority pursuant to applicable State, local or Federal law. Employees must also report to their direct supervisor, the City Manager or the Designated Point of Contact. If the report is made to the supervisor, that individual shall notify the Designated Point of Contact. If the person to whom an employee or volunteer is directed to report is the offending person, the report should be made to the next higher level of administration or supervisor.
 - 2) Parents and guardians. Each year, parents or legal guardians of children participating in City-sponsored functions shall be advised of the contents of this sexual misconduct policy and be instructed to report any incident of known or suspected sexual misconduct in accordance with applicable State, local or Federal law. The City also encourages parents or legal guardians to report any incident of known or suspected sexual misconduct to the Designated Point of Contact, unless the allegations involve that person. If the allegations involve the Designated Point of Contact, the report should be made to the City Manager, who will immediately follow all applicable State law reporting requirements.

3. Investigation and confidentiality. All complaints of sexual misconduct will be promptly investigated and reported in accordance with applicable State, local or Federal law. During such investigation, while every effort will be made to protect the privacy concerns of all parties, confidentiality cannot be guaranteed.
 4. Discipline. Upon completion of its investigation, the City will assess disciplinary action, up to and including termination, against any employee that the City finds to have engaged in sexual misconduct in violation of this policy. False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action, up to and including termination. Any City employee who retaliates against an individual for reporting alleged sexual misconduct (or for testifying, assisting or participating in an investigation, proceeding or hearing related to an allegation of sexual misconduct) shall be subject to disciplinary action, up to and including termination.
- B. Child Abuse.
1. Sexual abuse of a minor is a crime.
 2. Any case of known or suspected child abuse must be reported immediately in accordance with applicable State, local or Federal law. In addition, any case of known or suspected child abuse must be immediately reported to the Designated Point of Contact.
 3. In the event the Designated Point of Contact is the first person notified in an incident of known or suspected child abuse, the Designated Point of Contact shall immediately notify the child's parent or legal guardian, as the case may be, and the appropriate legal authorities as required by State, local or Federal law.
 4. Any employee involved in a reported incident of sexual misconduct or child abuse shall, at the City's discretion, either be immediately relieved of responsibilities that involve interaction with minors or be suspended (with or without pay) pending the results of the City's investigation of the matter. Employees identified in an allegation of child abuse shall be reinstated to duties involving interaction with minors only after the City's investigation is complete and only if reinstatement is warranted.

Section 6.5

Political Activity

- A. Employees shall not directly or indirectly solicit or receive any assessment, subscription or contribution for any political party or political purpose whatsoever.
- B. Employees, or persons seeking employment, shall not be appointed, reduced, promoted or removed, or in any way favored or discriminated against, because of political opinions or affiliations.
- C. Employees are prohibited from filing a petition as a candidate for partisan elective office, including ward leader, precinct committee person, Mayor, or Council member of the City, or accepting nomination or appointment to a partisan elective office.

- D. Employees are prohibited from circulating nominating petitions for candidates for Municipal, County or Township office, with the exception of boards of education and the judiciary. Petitions for State and national offices are exempted from this prohibition.
- E. Employees are prohibited from all partisan and nonpartisan political activities performed on City time, on City premises, using City resources or City equipment.
- F. Employees are prohibited from taking part as an official in the management or supervision of a campaign of any person campaigning for the office of Mayor or Council Member of the City.
- G. Questions about this section should be presented to the City Manager for interpretation.

Section 6.6

Social Media

With the use of social media and other internet outlets, it is important that employees understand their responsibilities and limitations on the use of social media both on and off duty.

A. Use of Social Media

While on duty, employees shall not access or use social networking sites, blogs or chat rooms in order to harass, discriminate, defame, intimidate, or disparage the City, any of its employees or officials or members of the public. In addition, employees are discouraged from accessing these social media sites for non-work related purposes on City computers. Employees shall not divulge any confidential information on any social media site under any circumstances. Employees accessing these or similar sites are responsible for the information that comes up on these sites. Employees who are accessing pages on these sites displaying information of a discriminatory, sexual or other inappropriate content shall be subject to disciplinary action.

B. Off Duty

While off duty, employees are reminded to be careful of the information they disclose on the internet, including social media sites. Employees may not disclose any confidential information they become aware of through their employment even while off duty. Employees shall not claim or imply that they are speaking on behalf of the City of Bellbrook. Employees may not engage in conduct that reflects negatively on the City or impacts their ability to perform their job duties.

C. Authority

If the City or employee's department has an account on a social media site, employees may only post information on the site with permission from the Department Director or City Manager.

D. Discipline

Employees may be subject to disciplinary action for inappropriate use of the internet, including social media sites while on or off duty.

Section 6.7

Technology Usage

The City's Technology infrastructure, software, services, and any communication or information transmitted by, received by, or stored in the system is the property of the City. Users of city technology include City employees, elected officials, volunteers, contractors, including independent contractors, and vendors.

A. The City may inspect or monitor its communication systems data and devices at any time at the City's sole discretion with or without notice. Users may not interfere with such inspection or monitoring in any way and should cooperate when requested to do so.

B. Records Retention on Electronic Communications. Communication to and from public officials or public employees, including email and other forms of electronic communication, are subject to the Ohio Public Records Act, and in many cases may be made available to any person, including the media, upon request. Please consult the Administration office regarding questions or applications of public records laws and retention schedules to electronic communications.

1. Authorized Use. City employees, elected officials, volunteers, contractors, including independent contractors, and vendors are authorized to use City technology systems and software to the extent necessary to perform the functions of their tasks. This authorization is a privilege and not an entitlement. The City permits reasonably limited personal use of its Technology so long it is not excessive or an abuse of Technology resources or capacity. The City acknowledges that employees may use City Technology for incidental personal use; however, employees who use City technology for private, non-work-related purposes do so at their own risk and such use may subject the employee to disciplinary action up to and including termination of employment or loss of authorization of use of City Technology. An employee's personal use that interferes with work responsibilities or that violates City policy is not permitted.

2. Security

a. Users may be assigned passwords, security codes, tokens, PIN numbers, and other security mechanisms to use and access city technology. Users are responsible for safeguarding these security mechanisms and should not distribute them to any other person without proper authorization from the City. If you suspect your account or password has been compromised, report the incident to your supervisor and change your password immediately.

b. It is the responsibility and duty of any individual who has access to Technology to protect City data resources in whatever form, from unauthorized modification, destruction or disclosure. Data collected and stored for City purposes may be subject to State or Federal law as well as specific industry requirements for data security and protection.

- c. Removable media (memory cards, DVDs, flash drives, etc.) should not be thrown away or disposed of without first deleting all stored data or physically destroying the media beyond usability.
- d. Any employee who suspects that City data has been compromised, lost, stolen, or disclosed to unauthorized individuals must report the incident immediately to their supervisor, Department Director, and the City Manager.

Section 6.68

Outside Employment

- A. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives, and operations of the several offices of the City. In addition, an employee shall not become obligated through employment to a second employer whose interests might be in conflict with those of the City department in which he or she works. Employees shall not work in any other position without written approval of the Department Director. Each change in outside employment shall require separate approval.
- B. Employment "conflicts," as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his or her position.
- C. Full-time employment by the City shall be considered the employee's primary occupation, taking precedence over all other occupations.
- D. "Outside" employment, or "moonlighting," shall be a concern to the City only if it adversely affects the job performance of the employee's City job. Two common employment conflicts, which may arise, are:
 - 1. Time Conflict - defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with the City, or when the demands of a "secondary job" prohibit adequate rest, thereby adversely affecting the quality of the employee's job performance with the City.
 - 2. Interest Conflict - defined as when an employee engages in "outside employment" which tends to compromise his or her judgment, actions, and/or job performance with the City.
- E. Should the Department Director feel that an employee's outside employment is adversely affecting the employee's job performance, the Department Director may recommend - but may not demand - that the employee refrain from such activity. However, any conflict, policy infraction, or other specific offense which is the direct result of an employee's participation in outside employment will subject the employee to discipline or discharge, in a manner that is otherwise consistent with the policies set forth in this manual.

Section 6.79

Smoking and Tobacco

The City is committed to providing a healthful environment for its employees. Employees are not permitted to use or smoke any tobacco product, smokeless tobacco, vapor pens, or electronic cigarettes in any City-owned facility or vehicle. Further, each department may have additional prohibitions on smoking and tobacco use.

Smoking and tobacco use may be permitted in areas designated by the Department Director.

Section 6.810

Building Security

Maintaining the security of City of Bellbrook buildings is every employee's responsibility.

- A. Employees are expected to know the location of all alarms and fire extinguishers, and familiarize themselves with the proper procedure for using them, should the need arise.
- B. If you are the last to leave your work area, make sure that all entrances are properly locked and secured, all appliances and lights turned off (except security lights).
- C. Report any suspicious activity or person(s) on City property to your supervisor.

Section 6.11

Motor Vehicle and Equipment Safety

The City of Bellbrook must ensure the safe operation of motor vehicles and equipment being used for City business purposes. Employees of the City must operate motor vehicles in a safe and courteous manner. In order to minimize our risk of any liability, the following procedures are required for employees and others who are expected to operate City motor vehicles or their own vehicles as part of their position requirements. This includes all employees, volunteers, and interns.

A. Employee Expectations

1. The Department Director shall ensure that only competent vehicle operators use City of Bellbrook vehicles and equipment. Those expected to operate motor vehicles as part of their positions are required to possess a valid driver's license for the class of vehicle/equipment they will be operating. Anyone with an invalid license is not allowed to operate a City or personal vehicle for City business.
2. The Department must provide proper training to its equipment operators to ensure safe operation of motorized equipment. Operators must demonstrate proficiency prior to operating equipment, and the proficiency must be documented by the Department Director.
3. City-owned vehicles shall be used only for purposes relating to City business. Personal errands in the midst of City business may be permitted, if such errands are brief, within the normal travel range and not done in excess.
4. No passengers are allowed when operating City or personal vehicles for City business, except for authorized City employees, agents, or those participating in an officially sanctioned city program (example – a guest in a ride along program with a completed waiver form).
5. Employees / interns / volunteers using their personal vehicles for City business are required to keep the vehicle properly insured in accordance with Ohio law, maintain the

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vehicle in safe operating condition, and remain compliant with all laws regulating safe vehicle operation. When operating any vehicle or equipment for City business, employees or agents must comply with established City policies, safety rules and all state traffic laws and regulations.

- In the event of an insurance claim, the employee's or volunteer's insurance will act as primary and the city's insurance will act as secondary for covering damage to the other parties' vehicle or property. The employee or volunteer's vehicle will not be covered by the city's insurance.
 - Because the city's insurance could be involved in a vehicle accident or claim, the city requires auto liability insurance coverage of \$100,000 per person and \$300,000 per accident to be maintained during service as an employee or volunteer for the city.
6. As part of continuing education, a driver training will be provided every three years or when deemed necessary by the City. (Specific department requirements may exceed this requirement.)
 7. Prior to the initial operation of City, personal vehicles, or equipment, the operator's supervisor must ensure that the operator is made aware of any policies and procedures relevant to the operation of city owned vehicle or equipment.
 8. When operating a vehicle that is classified as a commercial motor vehicle, the driver must perform a pre-trip inspection and record it in the vehicle inspection book as per the Federal Motor Carrier Safety Regulations.
 9. Before operating any non-commercial City or personal vehicle for City business, the driver must perform a vehicle safety check to ensure the vehicle is operating properly and safely. Inspect your assigned vehicle prior to usage. Look for visible damage and check to see that all assigned equipment is in the vehicle and in good working order. Immediately report discrepancies found in the condition of the vehicle or equipment to your supervisor.
 10. The City Administration office will conduct an annual driving records check for all employees and volunteers. The Administration office and Department Directors reserve the right to periodically check driving records throughout the year. Records will be monitored for any new driving violations and accumulated points.
 11. Use of standard seat belts, available in all vehicles, is required by the City of Bellbrook and is in accordance with Ohio Revised Code Section 4513.263. All passengers, or prisoners, who are being transported in any vehicle owned and/or operated by the City of Bellbrook, will use seat belts in accordance with Ohio Revised Code Section 4513.263.
 12. No one should place or receive cell phone calls or send text messages while driving a city vehicle or on city business unless using a hands-free device. The Police and Fire Departments are exempt from the use of cell phones. If you receive a cell phone call or

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text message while driving, do not attempt to view or respond while driving and instead pull over and respond.

B. Accident Procedures

1. Personnel involved in motor vehicle accidents while driving a city-owned vehicle will immediately request a supervisor respond to the location if the accident occurred in the city or reasonably close to the city. The vehicle shall stay where it came to rest after the accident, if traffic conditions permit. The Police Department will investigate all accidents involving city vehicles. All city vehicles will contain Miami Valley Risk Management Association (MVRMA) identification information for exchange purposes.

2. Investigative procedure / disciplinary action

Employee Responsibilities: Following the accident, the driver shall submit a memorandum to their immediate supervisor detailing the circumstances regarding the accident.

Supervisor's Responsibilities: Supervisors or the senior shift employee shall proceed to the scene of the accident and conduct an investigation with the aid of the investigating officer. The vehicle shall be examined and determined whether the vehicle is drivable and/or operational. Vehicles that are inoperable should be towed to a city storage location by a contracted towing company.

Supervisors shall submit a memo through the chain of command, addressing the following issues:

- Analysis and evaluation of the accident.
- Recommendations, considering the primary objective of identifying the accident prone or careless driver.
- The recommendation will identify the accident as preventable or non-preventable. A preventable accident is one in which the driver failed to do everything reasonably possible to avoid the accident. In those accidents that are identified as preventable, the operator will be considered for punitive action and the supervisor's recommendation shall be included.

Department Director: The Department Director will review the accident report and attached memos. Upon analysis of the information and evidence, a recommendation will be made and forwarded to the City Manager. All motor vehicle accidents will be presented at the next quarterly Safety Committee meeting

C. Driving Citations

1. All employees who are required to drive as part of their job duties must immediately upon return to work report to their supervisor any conviction that results in the suspension, restriction, cancellation, disqualification or revocation of the employee's driving privilege and/or any citation for being under the influence of alcohol or a

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controlled substance or refusal to take an alcohol test. Additionally, all employees who are required to drive as part of their job duties must immediately upon return to work report to their supervisor any conviction that results in the accumulation of six points or more on their driver's license. Failure to report convictions or citations shall be treated as a severe breach of this policy and will result in disciplinary action.

2. When an employee accumulates six points or more on their license, and driving is an essential function of the position, one of the following actions will occur.
 - A. Demotion to a lower level non-driving position, until points are removed from his/her license. (Through completion of a BMV driving course, or the applicable amount of time.)
 - B. The Department Director will review each of the employee's traffic violations leading to the accumulation of points. The Director will look for a pattern of driving errors. If a pattern exists, the employee may be required to immediately attend a specific remedial driving course, in an attempt to correct the employee's driving behavior.
 - C. The employee may be closely monitored by his / her supervisor when operating any City vehicle, including the supervisor riding with the employee as part of a documented effort to correct driving errors.

3. When an employee loses his/her license, and driving is an essential function of the position, one of the following actions will occur. (All require the recommendation of the Department Director to the City Manager based on the criteria listed in #4 below).
 - A. Demotion to a lower level non-driving position if a vacancy exists and the employee is qualified to fill the position.
 - B. Unpaid leave of absence for up to one year. The employee's name will be placed on a reemployment list upon expiration of the leave if the required driver's license has been reinstated.
 - C. Termination.

4. Criteria to be considered by the Department Director in determining whether to recommend demotion or leave of absence include, but are not limited to:
 - A. Whether employee voluntarily notified supervisor of license loss.
 - B. Employee's driving record (frequency and severity of offenses).
 - C. Employee's work record (performance evaluation, longevity, discipline history).
 - D. Staffing considerations and operational needs.
 - E. Length of time the license will be lost.
 - F. Employee's attitude toward the situation.

5. Employees may be required to complete other remedial actions prior to returning to their original position, as determined by the Department Director.

Remedial actions may include:

- A. Safety/risk management discussion with Department Director, including impact of further convictions or violations on his/her employment with the City.
- B. Defensive driving course – BMV remedial course.
- C. Driving observation.
- D. Driving probation for the next year.
- E. Substance abuse assessment and treatment, if warranted.

Section 6.912 **Safety and Management Advisory Committee**

The City Manager may appoint a Safety Coordinator to form a Safety and Management Advisory Committee, whose responsibilities shall include:

- A. Recommend and review policies, programs, training and procedures affecting employee safety which can then be presented to the City Manager for consideration.
- B. Review past accidents involving employee safety and make recommendations for future prevention.
- C. Discuss and provide feedback on the safety programs in the committee member's respective departments.
- D. Meet quarterly and record all meetings with a summary of what was discussed.

Section 6.13 **Alcohol and Drug Use**

A. The purpose of this Policy is to promote productivity and the safety of employees and the public by discouraging employees from working while under the influence of alcohol or drugs. This is especially important for police, fire and other employees who use weapons, operate equipment, drive vehicles, work in hazardous situations or make critical judgments. All employees must seek at all times to maintain the public's confidence and respect for themselves as employees, and for the City of Bellbrook as an organization.

- 1. Alcoholism and chemical dependence are treatable diseases. By encouraging treatment for individual employees, the City hopes to reduce absenteeism, inefficiency, accidents, and health care costs.
- 2. Employees shall be held accountable for any violations of this Policy, to the extent that disciplinary action may be taken against the employee, up to and including dismissal. Ultimately the responsibility for complying with the provisions of this Policy, fitness for duty, and where applicable, seeking out and participating in rehabilitation programs, rests with the employee.

B. Use of Alcohol and Drugs

- 1. The use or possession of illegal drugs, medical marijuana, or other controlled substances, except medication prescribed for the employee by a licensed physician

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(excluding medical marijuana), and the unlawful manufacture, distribution and dispensing of such controlled substances by any employee is unacceptable behavior. Such behavior is cause for disciplinary action, up to and including dismissal. Discipline shall be on a case-by-case basis and consistent with applicable laws. Among those factors to be evaluated in determining discipline are: if the employee either used or was under the influence of the drug or substance while on duty; if the employee's performance or attendance has reflected such use; the nature of employee's job; the level of public trust and/or responsibility for public safety held by the employee; and the employee's past record of performance and behavior.

2. When an employee is taking prescribed medication, on or off the job, which has the potential to impair his/her ability to perform his/her job safely, the employee shall notify their Department Director.
3. At work, employees shall not have in their possession nor consume alcoholic beverages.
4. An employee shall not report to work, nor continue to work, under the influence of alcohol or any controlled substance (including medical marijuana) other than medication prescribed by a licensed physician.
5. Supervisors who have evidence of violations of this Policy shall initiate immediate disciplinary measures and inform the City Manager or his/her designee.

C. Alcohol and Drug Testing

1. When the City has a "reasonable suspicion" that an employee is violating this Policy, the City may require the employee to submit promptly to an alcohol test (by breathalyzer, blood test or other method) or to a drug test (by urinalysis, blood test or other method).
2. The City Manager or his/her designee and the employee's Department Director or his/her designee shall jointly determine whether there is a basis for a "reasonable suspicion" that would warrant testing.
3. The City may require an employee who has previously violated this Policy, as a condition of continued employment, to submit to testing at any time.
4. When the City requests, the employee shall submit promptly to testing at a facility of the City's choice. Refusal to submit promptly to alcohol or drug testing shall constitute insubordination and will result in disciplinary action up to and including dismissal.
5. The collection of test samples and all testing shall be conducted by appropriate medical personnel. The test results shall be reported directly to the City Manager or his/her designee.
6. If an employee is found to be in violation of this Policy, following a positive test, the

City may initiate disciplinary action, up to and including dismissal. Discipline shall be on a case-by-case basis and consistent with applicable laws.

7. Information resulting from such tests will not be divulged except to the extent necessary to protect a legitimate interest of the City or to the extent required by law.

D. Employee Assistance

1. The City will give employees reasonable consideration and assistance in obtaining treatment for alcoholism and chemical dependence, where applicable. The City will assist employees who request help in obtaining a source for professional treatment. An employee may request assistance from his/her supervisor, Department Director or the Administration office. All full-time and part-time employees and certain volunteers are eligible to use the City's Employee Assistance Program (see the Employee Assistance Program Policy).
2. However, if conduct for which discipline is appropriate has already occurred, or if the City has begun disciplinary action against an employee who has not voluntarily sought treatment, alcoholism or chemical dependence will not be considered a valid explanation for the employee's performance problems and in no way will be given any weight by the City when contemplating the appropriate disciplinary action to be taken.
3. Employees who seek voluntary treatment for alcoholism or chemical dependency, or seek such treatment after a disciplinary action has been contemplated or begun, are reminded that such treatment provides them with an opportunity to deal with their dependency problem, however, it does not provide them with immunity against contemplated or future disciplinary actions for past, present or future violations of this Policy.
4. The City will grant sick leave for treatment of alcoholism and chemical dependence on the same basis as other illnesses. If an employee has used all available leave, the City will consider granting an unpaid leave of absence for professional treatment in accordance with this Personnel Manual. The leave of absence may be conditioned upon the receipt of reports that the employee is cooperating and making reasonable progress in the treatment program.

Section 6.14

Credit Card Usage

The purpose of this policy is to insure that all use of credit cards by city employees is in compliance with the requirements established by Ohio Revised Code Section 717.31(A), and to insure that all purchases made by their use are for proper public services. It should be noted that the City will not obtain or maintain any debit cards.

A. Officers or Employees Authorized to Use a Credit Card Accounts:

Credit Cards may be used by the following:

The City Manager and/or the City Manager's designee

The Service Director and/or the Service Director's designee

The Police Chief and/or the Police Chiefs designee
The Fire Chief and/or the Fire Chief's designee

B. Types of Expenses for Which a Credit Card Account May be Used

Credit Card Account purchases MUST be for proper public purposes. Expenditures must be for authorized City work-related expenses that benefit the City. Examples of appropriate expenditures are:

- Materials and/or supplies that are necessary for completion of a City project, including online purchases.
- Travel expenses (i.e. lodging, transportation, seminar fees, etc.), including online purchases.
- Motor vehicle repair and maintenance expenses for City owned vehicles or equipment with prior authorization.

C. Credit Card Accounts CANNOT be used the following expenses:

- Personal expenses, including, but not limited to entertainment, personal goods, personal services. Any purchase/use for personal benefit rather than the benefit of the City (proper public purpose) is an unauthorized use and misuse of a credit card.
- Alcohol
- Cash Withdrawals - No officer or employee of the City shall make cash withdrawals (to include additional cash with purchase).
- Refunds - No officer or employee of the City shall accept a cash refund. ANY refund or credit for returned materials (goods) must be entered by the vendor against the "credit card" for the City.

D. Procedure for Acquisition, Use and Management of the Credit Card Accounts

1. The City Manager/Finance Director is responsible for administration of City credit card accounts, to include, but not limited to, selection of card provider, payment of credit card bills, managing issuance of cards, and ensuring proper use.
2. All credit cards shall bear the name of the "City of Bellbrook"
3. The City Manager/Finance Director shall not retain general possession of all credit card accounts and each employee issued a credit card shall have permission to possess the card issued in their name.
4. City credit cards retained by any authorized Officer or Employee shall be safeguarded when not in use.
5. No copies of a credit card shall ever be produced.
6. The City Manager/Finance may develop additional internal accounting controls for management and use of credit card accounts.

E. Procedure for Submitting Itemized receipts to the City Manager/Finance Director of a credit card account and presentation instruments related to the account including cards and checks.

1. Approval from/by the City Manager/Finance Director or the Department Head for purchases with City credit cards must be obtained prior to purchases.
2. Credit cards still require the normal appropriation and encumbrance (purchase order) system to be followed. All purchases made via credit cards must assure sufficient funds are appropriated and encumbered to cover the purchase and/or daily/weekly/monthly purchase limits. Additional controls and/or other purchasing procedures established by the City Manager/Finance Director may also be required to be followed. Departments must have opened a purchase order prior to making purchases and have sufficient funds to cover purchases.

Itemized Receipts

For every transaction/use of a credit card, the user/purchaser must submit an itemized receipt to the City Manager/Finance Director or designee as soon as practical.

The itemized receipt shall have the purchase order number written on it.

The itemized receipt shall have the purpose and/or "project" for which the purchase was made written on it or referred to in the description of the purchase order.

A credit card statement or handwritten receipt will NOT suffice for an itemized receipt.

Missing documentation (itemized receipts) may result in an employee being personally responsible for the purchase/expense, and/or may be considered misuse of a credit card.

Every effort shall be made to assure that a purchase with a credit card account is exempt from any and all taxes possible.

The presentation instrument(s) related to any credit card account shall be limited to a credit card(s) – no other presentation instrument such as checks shall be obtained or used.

F. Procedure for Credit Card Issuance, Credit Card Reissuance, Credit Card Cancellation and the process for Reporting Lost or Stolen Credit Cards

1. The City Manager/Finance Director is responsible for the administration of City credit card accounts, including but not limited to issuance and cancellation of credit card accounts.

2. Whenever any officer or employee who is authorized to use a credit card loses, or suspects the theft, or possibility of an unauthorized or unlawful misuse of a credit card the officer or employee shall notify the City Manager/Finance Director immediately, and subsequently make a report in writing. The City Manager/Finance Director, in turn, shall immediately notify cardholder services to place a hold on the relevant account.

G. Maximum Credit Limits for Credit Card Accounts

Credit cards will have credit limits to be determined by the City Manager/Finance Director with a maximum credit limit per card not to exceed \$5,000.

H. Misuse of a credit card

The use of a City credit card account for expenses beyond those authorized by this Policy, or any failure to comply with this Credit Card Policy and Procedures, constitutes misuse of a credit card account.

Criminal Penalty

An officer or employee of the political subdivision or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the City of Bellbrook violates section 2913.21 of the Revised Code, as well as any other applicable criminal penalty.

Disciplinary Action

Misuse of a credit card account may also subject an officer or employee of the City to disciplinary action.

3. Liability

The officer or employee is liable in person and upon any official bond the officer or employee has given to the political subdivision to reimburse the treasury the amount for which the officer or employee does not provide itemized receipts in accordance with this policy and/or for any other unauthorized use of a "credit card" as established by this policy.

I. Compliance Officer

1. Since the City Manager/Finance Director does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the City Manager is to appoint a City employee to be the City's Compliance Officer.

2. The Compliance Officer may not have their own credit card account and may not authorize an officer or employee to use a credit card account.

J. Quarterly Reports to City Council

The Compliance Officer and the City Council shall review the following at least quarterly:

The number of credit cards and accounts issued;

The number of active cards and accounts issued;

The cards' and accounts' expiration dates; and

The cards' accounts/credit limits

K. Annual Report of Rewards of Credit Card Accounts

The City Manager/Finance Director or their designee shall file a report with City Council detailing all rewards received based on the use of the political subdivision's credit card account on an annual basis, if applicable.

L. Subject to Audit

All purchases via credit cards are subject to audit by the City Manager/Finance Director and the City Manager's designee and/or the Auditor of State to verify compliance with this policy and/or State law. Auditing by the City Manager/Finance Director will be by periodic internal reviews of purchases via credit cards. All non-compliance discovered by the City Manager/Finance Director will be reported to the Auditor of State. Non-compliance may result in a finding by the Auditor of State.

M. Improper Expenditure

If it is determined that there has been a credit card expenditure beyond the appropriated or authorized amount and/or in non-compliance with this policy, the Department Head shall immediately notify the City Manager/Finance Director of such actions.

N. Signed Acknowledgement

All authorized users of City credit cards shall sign acknowledgment of this Credit Card Policy and Procedures before receiving a City credit card.

Section 6.15

Reporting Fraud

Reporting of Fraud by Public Office or Public Official

The Auditor of State maintains a system for the reporting of fraud, including the misuse and/or the misappropriation of public money, by any public office or public official. The Auditor of State's system for reporting fraud permits Ohio residents and public employees to make anonymous complaints of fraud. Anonymous complaints of fraud can be made through a toll-free telephone number, the Auditor of State's website or via United States mail to the Auditor of State's office.

The Auditor of State is to maintain a log of all complaints of fraud filed which shall be a public record.

Consistent with Ohio Revised Code 124.341, employees who file a complaint of fraud with the Auditor of State will be protected against certain retaliatory and/or disciplinary actions. An employee alleging retaliatory or disciplinary action as the result of a complaint of fraud filed with the Auditor of State has the right to appeal to the State Personnel Board of Review.

Auditor of State's Fraud Contact Information

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

US Mail: Ohio Auditor of State
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215

Web: www.ohioauditor.gov

Section 87 Summary Statement

As a valued employee of the City of Bellbrook, your compliance with this personnel manual is an expectation of management. Therefore, should you have any questions with regard to any of the information in this manual we ask that you bring them to the attention of your supervisor, Department Director or the Administration office. As an organization which strives to be the best, we are constantly seeking ways to do things better. Consequently, you are encouraged to make your recommendations for improvement known.

In closing, we trust you will find your employment with the City of Bellbrook both personally rewarding and professionally challenging. We believe in what we do for the community, the residents we serve and our staff.