

The City of Lorain



Employee Manual

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“EXHIBIT A”

INTRODUCTION

Dear Fellow Employees:

This handbook has been written to assist you in understanding the City of Lorain’s policies and procedures and explain the benefits that you receive as an employee.

Please read this handbook carefully; it is your personal copy. Should you have any questions regarding it, please discuss them with your immediate supervisor.

From time to time the City of Lorain will make changes in the policies set forth in this handbook and when necessary may make individual exceptions to the policies and procedures. The City of Lorain reserves the right to do this.

All rules, and sections contained herein are considered to be supplemental to the Lorain Civil Service Commission's Rules.

I am very happy to have you as a part of the City of Lorain workforce, and personally look forward to your commitment to the city.

Sincerely,

Safety/Service Department

SECTION NO. 1

Employment

Section 1.1: APPOINTMENTS:

Appointing Authority:

The Appointing Authority, having the power of appointment or removal from employment is subject to the Rules of Chapter 124 of the Ohio Revised Code and the Local Rules of the Lorain Civil Service Commission.

Selection and Placement:

Placement in the City of Lorain will be as per the Lorain Civil Service Rules and Regulations. Applications are obtained from the Civil Service Commission, and applicants must be able to pass a pre-employment drug test. Selection is the responsibility of the Safety and Service Director or Appointing Authority with the recommendation of the applicable department or sub department. The City of Lorain is an equal opportunity employer.

Job Posting:

Vacant "classified" positions within the City of Lorain will be posted by the guidelines established in the applicable Collective Bargaining Agreement and city ordinance.

Section 1.2: EMPLOYEE STATUS:

Full-time Employment:

All employees of the City of Lorain are considered full time employees, unless otherwise indicated by the City of Lorain. A full time employee will work at least forty (40) hours per week on a regularly scheduled basis.

Part-time Employment:

Part time employment procedure shall be determined by the applicable Collective Bargaining Agreement and city ordinance.

Temporary/Seasonal Employment:

All temporary/seasonal employees will be hired for a limited period of time, as established by the applicable Collective Bargaining Agreement and city ordinances, for a period not to exceed five hundred sixty (560) hours per calendar year and shall be residents of the City of Lorain unless otherwise agreed to by the Safety and Service Director and applicable bargaining unit representation. All requests for temporary/seasonal employment are to be made to the Safety/Service Department with ample time for proper planning. Temporary employees shall not be entitled to health insurance, life insurance, accidental death and dismemberment insurance, longevity compensation, vacation, holiday, personal days, funeral/bereavement leave, jury/witness

service, military leave, sick time benefits or lunch as per applicable city ordinance.

Classified and Unclassified Positions:

Most employees of the City of Lorain are in the “classified” positions, which means the competitive classified civil service. Certain positions are exempt from the classified service and are considered to be in the “unclassified” service. Employees in the unclassified service serve at the pleasure of their respective department head or appointing authority and do not have the layoff and other job security protections of civil service laws. Employees in the unclassified service are notified of their status at the time of hire.

Resignation:

Employees who plan to resign voluntarily should notify their immediate supervisor at least four (4) weeks in advance of the effective date of termination. A formal letter of resignation is required to be submitted to the department head and Safety/Service Department.

Any person who resigns is encouraged to give his/her reasons for resigning and discuss with his/her supervisor any working conditions that he/she feels are unsatisfactory.

Layoff of Employees:

The City of Lorain maintains the legal right to layoff from their work force. Layoffs from the workforce will be in compliance with the language established in the applicable collective bargaining agreements within the City of Lorain and/or applicable city ordinance.

Section 1.3: PROBATIONARY PERIOD:

Every new employee, per applicable Collective Bargaining Agreement and/or applicable city ordinance shall be required to successfully complete a probationary period.

Supervisors shall use the probationary period to closely observe and evaluate the work and fitness of employees and complete probationary evaluations. Also, an end of probationary period evaluation must be completed by the supervisor.

Section 1.4: ORIENTATION:

The orientation of new employees is the responsibility of the Supervisor of each respective department. The supervisor shall provide each new employee with the following:

1. A copy of the job description and duties;

2. *A copy of the Employee Manual*
3. *An orientation checklist*

The employee shall be afforded the opportunity to discuss his/her job description, job duties, and personnel policies with his/her immediate supervisor during the probationary period. The employee shall initial each item on the Orientation Checklist (EXHIBIT C) as it is covered. The employee shall sign the Checklist and submit it to his/her supervisor to be placed in the employee's personnel file.

Section 1.5: PERSONNEL RECORDS:

Current Employees:

A personnel file shall be established and maintained for each employee by the Payroll Department, Appointing Authority, and the Lorain Civil Service where applicable. At the time of original appointment, the employee's personnel file shall reflect the employee's correct name, address, telephone number, social security number, tax exemptions, and affiliation with any branch of the armed services. The employee is responsible for providing the required information and for promptly reporting, in writing to the Safety/Service Department, any changes in name, address, telephone number, and other data changes reflecting payroll status. Employees should also advise the Safety/Service Department, in writing, of any important achievements in order for such data to become part of the personnel file.

The personnel file shall contain the employee's application for employment, necessary compensation and payroll information, performance evaluations, disciplinary actions, letters of commendation, and all other pertinent information, and will be maintained by the Lorain Civil Service. These records are used for compliance with governmental regulations, to provide information for payroll deductions, determine individual eligibility for insurance and other benefit programs, pay increases, medical information, and other personnel related matters.

Each employee shall have the right, upon written request and reasonable notice, to examine his/her personnel file. If an employee disputes the accuracy, timeliness, relevance, or completeness of documents in his/her file, he/she may submit a written request that the appointing authority investigate the current status of the information. The appointing authority will make a reasonable investigation to determine the accuracy, timeliness, relevance, and completeness of the file. The appointing authority will notify the employee of the results of the investigation and any plans to take action with respect to the disputed information.

Employees are not permitted to add or remove documents or other information from their personnel file without authorization from the appointing authority.

Pursuant to applicable law, all medical records shall be maintained in a separate file and are not considered to be public records.

In addition to a personnel file maintained by the Lorain Civil Service, employee records relating to departmental business (i.e. grievances, disciplinary letters, etc.) shall be maintained by the applicable department.

Reference Checks of Current and Former Employees:

The employer will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held by employee. No additional employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

SECTION NO. 2

Employment Laws, Regulations & Compliance Statements

Section 2.1: EQUAL OPPORTUNITY:

The City of Lorain is an equal opportunity employer and is committed to fair and equal treatment of all employees without regard to race, color, age, religion, sex, ancestry, national origin, or handicap that does not interfere with job performance with reasonable accommodation.

Section 2.2: AFFIRMATIVE ACTION:

It is the intention of the City of Lorain to determine whether minorities are currently under-utilized in any job function. Where it is determined that a minority is currently being under-utilized, the administration will establish a plan and timetable for increasing the utilization of current minority employees and recruitment of minority applicants in these under-utilized job clusters. This plan will be known as the Affirmative Action Plan (AAP).

Section 2.3: TITLE VI COMPLIANCE STATEMENT:

The City of Lorain will operate in accordance with Title VI of the Civil Rights Act of 1964 in that no person, on the grounds of race, color or national origin, shall be excluded from participation, denied the benefits, or be otherwise subjected to discrimination under any program or activity for which the city receives federal financial assistance.

Section 2.4: TITLE VII COMPLIANCE STATEMENT:

The City of Lorain will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, age, national origin, handicap or political affiliation. The City of Lorain will take affirmative action to ensure that applicants are employed and that employees are treated without regard to their race, color, religion, creed, sex, age, national origin, handicap or political affiliation. Such action shall include, but not be limited to, employment, promotion, demotion, transfer, recruitment, advertising, layoff, termination and selection for training.

Section 2.5: SECTION 504 COMPLIANCE STATEMENT:

The City of Lorain will operate in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination against persons with disabilities in employment, services, participation and access to all programs receiving federal financial assistance. Reasonable accommodation will be made to enable employment of qualified persons with disabilities, such as making facilities accessible, modifying equipment, providing readers, and use of job restructuring, part time and modified work schedules, and auxiliary aids for persons with hearing impairment.

The City of Lorain fully intends to act in good faith in complying with the Americans with Disabilities Act (ADA).

Section 2.6: HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT OF 1996 (HIPAA):

The federal government has published regulations designed to protect the privacy of employee health information. This “privacy rule” protects health information that is maintained by physicians, hospitals, health insurance plans, health departments and other health care providers. All health information

including paper records, oral communications and electronic formats such as e-mail are protected by the privacy rule.

HIPAA requires healthcare providers develop a “Notice of Privacy Practices,” post such notice for the client/patient to view and provide a copy of the notice if so requested.

The city is also required to take precautions to safeguard health information by providing employee training and assuring computer security measures.

SECTION NO. 3

Employer Standards & Guidelines

Section 3.1: ETHICS:

It is the policy of the City of Lorain to carry out its mission in accordance with the strictest ethical guidelines and to ensure that employees conduct themselves in a manner that fosters public confidence in the integrity of the department, its processes, and its accomplishments.

General Standards of Ethical Conduct:

Department employees must, at all times, abide by protections to the public embodied in Ohio’s ethics laws, as found in Chapters 102 and 2921, of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. The Employer and the Employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

A general summary of the restraints upon the conduct of all officials and employees includes, but is not limited to, those listed below. No employee shall:

- Solicit or accept anything of value from anyone doing business with the City of Lorain;*
- Solicit or accept employment from anyone doing business with the City of Lorain, unless the employee completely withdraws from the City of Lorain activity regarding the party offering employment, and the City of Lorain approves the withdrawal;*
- Use his or her public position to obtain benefits for the employee, family member, or anyone with whom the employee has a business or employment relationship;*
- Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City of Lorain, unless the employee qualifies for the exception, and files the statement, described in R.C.102.04(D);*
- Hold or benefit from a contract with, authorized by, or approved by, the City of Lorain, (the Ethics Law does accept some limited stockholdings, and some contracts*

objectively shown as the lowest cost services, where all criteria under R.C.2921.42 are met);

- Vote, authorize, recommend, or in any other way use his or her position to secure approval of a City of Lorain contract (including employment of personal services) in which the employee, a family member, or anyone with whom the employee has a business or employment relationship, has an interest;
- Solicit or accept honoraria (see R.C.102.01(H) and 102.03(H));
- During public service, and for one year after leaving public service; represent any person, in any fashion, before any public agency, with respect to a matter in which the employee personally participated while serving with the City of Lorain (See R.C. 2921.42);
- Use or disclose confidential information protected by law, unless appropriately authorized; or
- Use, or authorize the use of, his or her title, the City of Lorain name or the City of Lorain logo in a manner that suggest impropriety, favoritism, or bias by the City of Lorain or the employee.

For purposes of this policy:

- “Anything of value” includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. “Value” means worth greater than de minimis or nominal.
- “Anyone doing business with the City of Lorain includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the City of Lorain.

*See EXHIBIT D for applicable codes and laws.

Financial Disclosure:

Every City of Lorain employee required to file a financial disclosure statement must file a complete and accurate statement with the Ethics Commission by April 15 of each year. An employee elected, appointed, or employed to a filing position after February 15 must file a statement within ninety (90) days of appointment or employment.

Penalties:

Failure of any City of Lorain employee to abide by this Ethics policy or to comply with the Ethics Law and related statutes will result in discipline per applicable Collective Bargaining Agreement and may include dismissal as well as any potential civil or criminal sanctions under the law.

Notification:

If anyone is concerned about the actions of any of the above employees, the information should be reported to either the Lorain Police Department or the CITY OF LORAIN Law Director who will conduct investigations and insure that all information is kept strictly confidential to avoid any negative repercussions to the individuals filing said complaint.

Section 3.2: EFFICIENCY RATINGS:

Efficiency ratings are designed to help the supervisor and the employee measure how well the employee is performing his/her job, and to provide a tool for management decisions regarding training, assignment, promotion and retention of employees.

Employees are to be evaluated by their immediate Supervisor. Supervisors are to be evaluated by the Appointing Authority. Efficiency ratings will be conducted annually as per Lorain Civil Service procedures and policies, and completed on Civil Service forms. Original copy of the efficiency rating is to be retained by employee, and copies forwarded to Civil Service and personnel folder.

Probationary employees, whether entry level or promotional; shall be evaluated at the mid-point of their probationary period, and again at the end of their probationary period. The end of probationary period evaluation shall state whether the employee is to be retained or removed.

Section 3.3: ATTENDANCE, TARDINESS AND LATENESS:

The normal work day for all employees of the City of Lorain shall be determined by the employee's department or sub-department. The paid lunch period shall in no way cause a reduction of pay or lengthen the work day or work week and shall constitute actual time away from an employee's work duties. It is understood, however, that employees that are salaried employees may be called by the appointing authority to work at other times on an "as needed" basis.

Tardiness or lateness on a regular basis is inexcusable and shall not be tolerated. Reporting for work at any time after the scheduled reporting time shall be considered tardiness. Individual employee lateness and tardiness will be dealt with as prescribed by the employee's applicable collective bargaining agreement and/or applicable city ordinance.

Section 3.4: SAFETY / ACCIDENT REPORT:

Safety is the responsibility of both supervisory and non-supervisory employees. It is the responsibility of each to make certain that all safety equipment is being used and all safety procedures and practices are observed. Any employee found to be negligent in equipment operation, resulting either in damage to the equipment or an accident, shall be

disciplined in accordance with the employee's applicable collective bargaining agreement.. The safe and efficient completion of work assignments, without injury, is the City of Lorain's primary concern. Only through the determined elimination of the causes can we reduce the frequency of accidents.

All employees, particularly supervisors, have the responsibility of reporting the existence of any hazardous conditions or practices. Supervisors found to be negligent in requiring the use of prescribed safety equipment will be subject to disciplinary action.

Any accident occurring during normal working hours shall be reported, in writing, to the immediate supervisor. The supervisor shall, in turn, notify the Safety/Service Department. Should any medical treatment be needed immediately, the supervisor should be, at minimum, verbally notified of the accident.

Upon notification of an accident, the supervisor and/or those involved in the accident, shall complete an accident report form (Exhibit E) which must be forwarded to the Health Benefits Officer not later than forty-eight (48) hours after the accident.

Section 3.5: BUILDING MAINTENANCE / REPAIR REPORT:

Employees are encouraged to report all building maintenance and/or building repairs that may be identified throughout their respective work area.

Section 3.6: CONCEALED WEAPONS:

Pursuant to the Ohio Revised Code, it is illegal to carry a firearm, deadly weapon, or dangerous ordinance anywhere on the premises of City of Lorain property. Unless otherwise authorized by law, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ordinance onto the city premises.

Section 3.7: WORKPLACE ATTIRE POLICY STATEMENT:

Workplace attire must be neat, clean, appropriate, and consistent with applicable Collective Bargaining Agreement and ordinance for the work being performed and for the setting in which the work is performed. Supervisors may determine appropriate workplace attire for their area and should communicate the division's workplace attire and appearance guidelines to

staff during the time of hire and evaluation period. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

Guidelines – Rational for Workplace Attire:

There are three business-related reasons for implementing workplace attire guidelines:

- 1. to ensure safety while working;*
 - 2. to present or create a professional or identifiable appearance for the public; and*
 - 3. To promote a positive working environment and limit distractions caused by provocative or inappropriate dress.*
- Staff is expected at all times to present a professional image to citizens, visitors, customers, and the public.*
 - At its discretion, division supervisors may allow staff to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance.*
 - Business casual clothing that communicates professionalism is permissible; casual business attire means clothing that allows employees to feel comfortable at work, yet appropriate for an office environment. Casual business attire includes, but is NOT limited to: slacks, khakis, sport shirts, polo and cotton shirts, golf shirts, shirts and dresses, denim skirts, turtlenecks, sweaters, loafers, and closed toed sandals.*
 - Clothing, to include jewelry and hair, should not be loose or dangle in such a way that it creates a safety hazard.*
 - Clothing, including outerwear should not reflect another agency that may indicate misrepresentation (i.e. clothing with logos).*
 - Clothing items that are NOT permitted may include; tank tops, beachwear, shorts, spandex or other form fitting pants, work-out attire, thongs (flip-flops) or slippers, and distracting, offensive or revealing clothing unless otherwise stated by applicable Collective Bargaining Agreement and ordinance..*
 - Specific clothing/foot ware may be allowed if determined by physician's order; necessary for a medical/rehabilitation condition.*

Body Piercing and Tattoos:

Visible tattoos and body piercing such as nose rings and tongue studs may offend some citizens and co-workers, and while tattoos and piercing may be examples of self-expression, they generally are not recognized as indications of religious or racial expression and, therefore, are not protected under federal discrimination laws.

- Body piercing jewelry will only be worn on the ear. No other areas of the body should be visible with body piercing jewelry.*
- Tattoos which may be visible to the public must be appropriate in content and in keeping with a professional image, if not, they should not be visible.*

Addressing Workplace Attire and Hygiene Problems:

Supervisors are responsible for interpreting and enforcing dress and grooming standards in their divisions. This includes counseling employees whose appearance is inappropriate or offensive perfumes and body odor. Reasonable accommodations will be made for employee's religious beliefs and disabilities whenever possible, consistent with the business necessity to present a professional appearance to the public. Any employee whose appearance does not meet these standards will be counseled by his/her supervisor.

If the appearance is unduly distracting or the clothing is unsafe, the employee may be sent home to correct the problem. Problems with hygiene can be more difficult to address and remedy. If a staff member's poor hygiene is at issue, the supervisor should discuss the problem with the staff member in private to prevent unnecessary embarrassment and should point out specific problems to be corrected. The same approach can be used with a staff member who wears too much perfume or cologne.

Section 3.8: TOBACCO FREE WORKPLACE POLICY:

The use of tobacco by staff and visitors in or on City of Lorain property is prohibited. City of Lorain property includes the main building and all grounds surrounding the building including parking lots and green spaces. This ban also includes all city owned vehicles.

Tobacco means all kinds and forms of tobacco suitable for chewing or smoking and any other product that is packaged for smoking.

Section 3.9: USE OF CITY VEHICLES:

Employee vehicle usage shall comply with the City of Lorain Vehicle Usage Policy. Employees shall complete the applicable forms within the policy before operating a city vehicle (Exhibit F).

Section 3.10: DRUG-FREE WORKPLACE POLICY:

The City of Lorain will participate in a Bureau of Worker's Compensation (BWC) Drug Free Workplace Policy which includes a 100% participation 9 panel drug test as established by the City of Lorain.

Section 3.11: GAMBLING:

The City of Lorain does not permit gambling in any form by employees during working hours. For the purposes of this section, working hours shall include time actively engaged in work, lunch periods, clean up time and any other break period. Violation of this policy will be cause for disciplinary action.

Section 3.12: OUTSIDE EMPLOYMENT OR ACTIVITIES:

Under no circumstances shall an employee of the City of Lorain engage in other employment or activities which conflict with the objectives, interests or operations of the Department.

Should the Safety/Service Director feel an employee's outside employment or activities are adversely affecting the employee's job performance with the Department, the Safety/Service Director may recommend, but may not demand, that the employee resign from the other employment or 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 or activities, shall be disciplined in such a manner as is consistent with the employee's progressive discipline policy as stipulated by the employee's respective collective bargaining agreement and/or applicable city ordinance.

Section 3.13: ACCESS, SOLICITATION AND DISTRIBUTION:

Employee No-Access Rule: *Employees are not permitted access to Department offices outside normal working hours, or during an employee's off-duty hours, without the approval of the Department Supervisor and/or Safety/Service Director.*

Non-Employee Solicitation and Distribution: *Non-employees are not permitted access to Department offices, including the interior of the facilities and other working areas, for the purpose of solicitation and/or distribution.*

Section 3.14: POLITICAL ACTIVITY:

This policy lists the specific political activities legally permitted and legally prohibited to classified City of Lorain employees, including classified employees on authorized leave of absence from their positions.

Activities Permitted to Classified Employees:

1. *Registration and voting.*
2. *Expressing opinions, either orally or in writing.*
3. *Voluntary financial contributions to political candidates or organizations.*
4. *Circulating petitions on legislation relating to their employment.*
5. *Attendance at political rallies. Employees may attend political rallies that are open to the general public.*
6. *Nominating petitions. Employees may sign nominating petitions in support of Individuals.*
7. *Badges, buttons and stickers. Employees may place political stickers on their private automobiles.*

Activities Prohibited to Classified Employees:

1. *Participating in a partisan election as a candidate for office.*
2. *Declaring candidacy for an elected office which is filled by partisan election.*
3. *Circulating official nominating petitions for any candidate.*
4. *Holding an elected or appointed office (does not include precinct committee posts)*
5. *Accepting appointment to any office normally filled by election.*
6. *Campaigning by writing for publications, by distributing political material or by making speeches on behalf of a candidate for elective office.*
7. *Soliciting, either directly or indirectly, any assessment, contribution or subscription for any party or candidate.*
8. *Soliciting the sale of or selling political party tickets.*

9. *Engaging in activities at the political polls, such as soliciting votes, assisting voters to mark ballots or transporting or helping get out the voters on Election Day.*
10. *Acting as recorder, checker, watcher, or challenger for any party or faction.*
11. *Engaging in political caucuses of partisan nature.*

Section 3.15: SEXUAL HARASSMENT:

The City of Lorain strictly prohibits sexual harassment of city employees in the work place by other city employees. This policy is consistent with the City of Lorain's continuing affirmative action efforts, and pursuant to the guidelines on sexual discrimination issued by the Equal Employment Opportunity Commission.

Specifically, it is both illegal and against the policies of the City of Lorain for any employee, male or female, to sexually harass another employee by making unwelcome sexual flirtations, advances or propositions or by creating an intimidating, hostile or offensive working environment through verbal abuse or physical conduct of a sexual nature. Furthermore, no supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect that employee's job, evaluation, compensation, advancement, assigned duties, or any other condition of employment or career development.

Any supervisor or other employee, who has been found, after appropriate investigation, to have sexually harassed another employee or job applicant, will be subject to appropriate disciplinary action, consistent with the provisions outlined in this manual and/or the applicable collective bargaining agreement, up to and including termination.

The City of Lorain recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory effect requires a factual determination. Given the nature of this type of discrimination, the City of Lorain also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women.

The City of Lorain trusts that all employees will continue to act responsibly and maintain a working environment free of sexual harassment and discrimination.

Section 3.16: EMPLOYEE LEGAL CONVICTIONS:

Employee Felony Conviction in Court of Law: *The felony conviction of any employee for breaking a federal, state or local law, whether outside of work or during the course of employment with the City of Lorain, shall be grounds for dismissal.*

Employee Misdemeanor Conviction in Court of Law: *The conviction of any employee for a misdemeanor by a federal, state or local court may be grounds for disciplinary action. If the conviction is relative to the individual's employment with the City of Lorain, the discipline may result in the employee's dismissal per applicable Collective Bargaining Agreement and city ordinance.*

Convictions for misdemeanor offenses not related directly to the individual's employment with the Department might result in discipline being imposed per applicable Collective Bargaining Agreement and ordinance.. The City of Lorain shall consider the following in determining the severity of the discipline:

- 1. The severity of the infraction; and*
- 2. The overall status of employee performance and past conduct on the job.*

Arrest of an Employee: *Per applicable Collective Bargaining Agreement and city ordinance, an employee who is arrested and charged with the commission of a crime that is related or unrelated to the individual's employment with the Department may be relieved of duty until an investigation of the incident(s), which brought about the arrest, can be conducted by the City of Lorain.*

Upon completion of the investigation, one of the following courses of action shall be followed:

- 1. The employee shall continue in a paid non-duty status; or*
- 2. The employee shall be issued a notification of a pre-disciplinary conference; or*
- 3. The employee shall be returned to active duty status.*

Section 3.17: CONTACT WITH MEDIA AND OUTSIDE AGENCIES:

It is the policy of the City of Lorain to cooperate fully and impartially with authorized news media representatives and outside agencies in their efforts to gather factual, public information pertaining to activities of the City of Lorain, as long as these activities do not unduly interfere with departmental operation, infringe upon individual rights or violate the law. The public records custodian shall follow the provisions of the Ohio Revised Code, Section 149.43 (SEE EXHIBIT D).

Each division supervisor, with approval of the Safety/Service Department,

shall be responsible to establish proper and lawful guidelines for release of public information to the news media as it pertains to his/her respective division.

Section 3.18: RISK MANAGEMENT / LOSS CONTROL:

The City of Lorain places the utmost importance on employee and citizen safety. The policy of the City of Lorain will be to provide a safe, healthy environment for all employees and clients. These risks are most evident when incidents involving damage to property and injuries to personnel occur. The City of Lorain's primary interest is in the welfare of its citizens and employees while in city facilities.

The City of Lorain views accidents and losses as non-conformance to safety requirements. The supervisor's responsibility will be to prevent accidents in every facet of their operation, continually evaluate and improve until their safety performance becomes the standard for excellence. The objective of the City is to protect people and to preserve its assets and revenues.

It is the responsibility of the Supervisors to see that the safety program is implemented in accordance with this Policy. The Supervisors will meet the requirements of this policy through the education, training, and involvement of every employee, encouraging the promotion of safe work practices and environment among all.

Section 3.19: CONFIDENTIALITY OF MATERIAL

All employees are expected to respect the confidential nature of professional records per the established Public Records Policy (SEE EXHIBIT H).

Section 3.20: RESPECTFUL WORKPLACE POLICY

The City of Lorain is committed to ensuring all employees experience a friendly, business-oriented workplace. Such a workplace is typified by non-abusive communication and a supportive, serving attitude among all employees toward fellow employees and members of the public at all times. The approach properly taken by employees is to treat others with dignity and respect, as they prefer to be treated.

Employees shall be continually aware that their behavior inside and outside of the department can greatly affect the reputation of the department. Inappropriate behavior to others; be that toward a co-worker, subordinate, or a member of the public, quickly and easily becomes public knowledge. Such negative behavior can adversely affect the department's ability to retain public support and/or hire and maintain quality staff.

Inappropriate behavior by employees will not be tolerated. Incidents will be promptly investigated and resultant discipline per applicable Collective Bargaining Agreement and ordinance will be severe, should circumstances warrant.

The intent of the employee showing inappropriate behavior does not matter – the test for behavior is from the viewpoint of the reasonable persons. Therefore, all employees should remain continually cognizant of their tone of voice, facial/body expressions, avoidance of racist/degrading terminologies, and be emotionally controlled at all times.

SECTION NO. 4

Compensation

Section 4.1: COMPENSATION / WAGES:

Compensation and wages shall be set forth by the employee's applicable collective bargaining agreement and/or city ordinance.

Section 4.2: LONGEVITY:

Longevity payments shall be set forth by the employee's applicable collective bargaining agreement and/or city ordinance.

Section 4.3: PAY PERIOD:

All full time and part-time employees are to be paid bi-weekly. Pay advances of any kind are not permitted.

If a holiday should occur on a payday, paychecks will be issued on the preceding workday. Paychecks will be released only to the employee unless written or said employee provides verbal authorization to the Administration.

Section 4.4: EMPLOYEES' DEDUCTIONS:

Employees who are permanently assigned to full-time job classifications are paid on a bi-weekly basis. Employees are paid bi-weekly based on a minimum of two (2) forty (40) hour workweeks. The bi-weekly pay received by employees will not be reduced except for the following deductions:

- 1. Deductions from an employee's pay may be made for any workweek in which the employee performs no work.*
- 2. Deductions from an employee's pay may be made when the employee absents him or herself from work for a full day or days for personal reasons, other than sickness or accident. This provision shall not prevent appropriate deductions from being made from any employee's vacation leave balance for absences of less than a day for personal reasons, other than sickness or accident.*
- 3. No other deductions from an employee's pay may be made for absences of less than a day.*
- 4. Deductions of less or more than a week may be made from an employee's pay for infractions of major significance.*
- 5. Deduction in an employee's pay may be made for the initial or terminal week of the employee if the employee fails to work the entire workweek.*

The provisions of this Section shall be construed and applied at all times in a manner consistent with applicable provisions of the Fair Labor Standards Act and applicable State and Federal rules, statutes and regulations thereunder.

Section 4.5: PAYROLL DEDUCTIONS:

Certain deductions are made from employees' paychecks as required by law, in accordance with employee benefit plans, or as requested by employees. These deductions are itemized on the employee's pay statement, which accompanies his/her bi-weekly paycheck. Deductions include:

Public Employees Retirement System (P.E.R.S) and Ohio Police and Fire Pension Fund:

The Employer is empowered to deduct an amount, 10% of each eligible employee's gross earnings for the employee's applicable retirement system.

Income Taxes:

The federal, state and local governments require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished by the Treasury Department, the Ohio Department of Taxation, and the City of Lorain, 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 of any dependency change.

Medicare Assessment:

All employees hired after January 1, 1987 will have a payroll deduction of 1.45% of their gross earnings for Medicare.

Miscellaneous:

Miscellaneous payroll deductions are those requested by the employee, in writing, or mandated by a court of legal jurisdiction. Examples include garnishments, deferred compensation, bonds, child support, United Way, union dues, etc.

SECTION NO. 5

Reimbursements

Section 5.1: EXPENSE REIMBURSEMENTS:

Per city ordinance, City of Lorain employees are to receive reimbursement for allowable expenses incurred while traveling in and out of the City on official city business. Employees are eligible for expense reimbursement only when travel has been authorized, in writing, by the Department Head and Mayor, and with appropriate receipts documenting claimed expenses. The following items are reimbursable, subject to the regulations contained within city ordinance:

Section 5.2: TRANSPORTATION:

Commercial Air Flights - reimbursement is available for air flight expenses only when the cost of such flight is less than the cost of automobile mileage, or where travel time is of significance.

Bus, Limousine or Taxi - employees are to use the most economical means available when traveling on department business.

Automobile - employees utilizing their own automobiles for official department business are to be reimbursed as per established city ordinance. Employee's automobile is not to be used for transporting unauthorized persons unless prior approval has been received from the Department Head and Safety/Service Department. For the purpose of tabulating mileage for reimbursement, the starting odometer reading shall be recorded when leaving the department in the morning. If

starting work from home, the odometer reading shall be calculated from the department or from home whichever is the shortest distance. The ending speedometer reading shall be recorded when leaving the department in the evening or at the location of the last visit of the day (if not returning to the department). Total miles driven for the day (for reimbursement) shall not include mileage from home and to the department, to lunch and from the department to home.

Section 5.3: MEETINGS / SEMINARS:

All overnight, out of town meetings must have prior Department Head and Safety/Service Department approval. Upon Mayoral approval, the employee will be compensated for fees and lodging not paid by other sources. One-day meetings must have the Department Head's and Safety Service Department's approval (approval of purchase order satisfies approval requirement).

Registration - *registration fees will be reimbursed upon the necessary approval, and the presentation of a receipt, cancelled check, or money order receipt.*

Meals - *if meal expenses are included in registration fees, duplicate meals shall not be reimbursable. When travel is out of Lorain County and in excess of eight (8) hours, (not including travel time) meals will be reimbursed up to \$30.00 per day. Receipts must be furnished for reimbursement not to exceed \$30.00 per diem, along with a 15% maximum gratuity. Expenses for alcoholic beverages shall not be subject to reimbursement.*

Lodging - *employees will be reimbursed, upon the necessary approval, for reasonable and necessary lodging expenses. Original lodging receipt must be submitted upon return for reimbursement processing.*

Telephone calls - personal - *Expenditures for telephone calls (limited to one (1) personal call per day) will be reimbursed when proper receipts are furnished.*

Parking and Tolls - *expenses for parking, highway, bridge and tunnel tolls, are reimbursable. Parking expenses include parking within and outside the City, providing the employee is on official department business, and proper receipt is submitted for reimbursement.*

SECTION NO. 6

Employee Benefits

Section 6.1: RETIREMENT PLAN:

All employees of the City of Lorain are required by law to participate in the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and

Fire Pension Program. These programs are entirely independent of the federal Social Security System.

Employees are required to contribute 10% of their gross pay, which is deducted each pay period. This amount is more than matched by a contribution of 14% from the City for OPERS eligible employees, 24% for Fire Pension employees, and 19% for Police Pension employees. The City will pick up the employee contribution to OPERS, the Fire Pension Program, and the Police Pension Program through the salary reduction method. This shall not be construed to obligate the Employer to make any contributions to OPERS, the Fire Pension Program, or the Police Pension Program that are in excess of those mandated of public employers.

Section 6.2: WORKER'S COMPENSATION:

State law provides that every employee of the City of Lorain is eligible for Worker's Compensation for an injury arising out of or in the course of his/her employment. Whenever an injury occurs, the employee shall alert his/her immediate supervisor. The employee's supervisor shall then alert the City of Lorain Employee Health Benefits Officer of the incident or injury.

Section 6.3: HEALTH INSURANCE:

Health insurance benefits shall be provided to employees based upon the employee's applicable collective bargaining agreement and/or city ordinance.

Section 6.4: LIFE INSURANCE:

Life insurance benefits shall be provided to employees based upon the employee's applicable collective bargaining agreement and city ordinance.

Section 6.5: LIABILITY INSURANCE:

The City of Lorain provides liability insurance on its buildings, equipment, and vehicles. So long as the employee is in compliance with the City of Lorain Vehicle Usage Policy (Exhibit F), the employee will be covered under liability insurance.

Section 6.6: ACCIDENTAL DEATH AND DISMEMBERMENT COVERAGE:

In addition to the above insurance coverage, each employee of the City of Lorain shall receive accidental death and dismemberment coverage based upon the employee's applicable collective bargaining agreement and city ordinance.

Section 6.7: HOLIDAYS:

Holidays shall be afforded to full time employees of the City of Lorain and shall be determined by the employee's applicable collective bargaining agreement and city ordinance.

Section 6.8: PERSONAL DAYS:

The procedure for employee personal days shall be determined by the employee's applicable collective bargaining agreement and city ordinance.

Section 6.9: VACATIONS:

Vacation time shall be afforded to full time employees of the City of Lorain and shall be determined by the employee's applicable collective bargaining agreement and city ordinance.

SECTION NO. 7

Leaves of Absence

Section 7.1: SICK LEAVE:

Sick leave is a benefit provided to employees to aid them in offsetting the financial burden of an illness. Employees are expected to be in attendance daily, and sick leave is only to be used in cases of illness or bereavement as defined in this policy manual or per the employee's applicable Collective Bargaining Agreement.. Sick leave is a form of insurance and is not intended to be "extra days off".

Sick leave accumulation and accrual shall be determined by the employee's applicable collective bargaining agreement and city ordinance. The City Auditor shall be responsible for maintaining records of sick leave earned, sick leave used, and the balance of sick leave for each employee. Up to date

balances can be viewed on an employee's check stub or obtained by written request to the City Auditor.

An employee may request sick leave, provided they follow the procedures outlined in this policy and per the employee's applicable Collective Bargaining Agreement.. Sick leave may be requested for the following reasons:

- 1. Illness or injury of the employee or a member of his/her immediate family (in case of a member of the immediate family not living in the same household, the Division Supervisor may credit sick leave when it is justified, and such cases may be investigated);*
- 2. Exposure of an employee or a member of his/her immediate family to a contagious disease which could have the potential of jeopardizing the health of employee or the health of others;*
- 3. Death of a member of the employee's "immediate family";*
- 4. Medical, dental or optical examinations or treatment of the employee or a member of his/her immediate family requiring the employee's presence, provided that the employee should seek to schedule such examinations outside of work hours whenever possible; and*
- 5. Pregnancy, childbirth and/or related medical conditions.*

For the purposes of this policy, the "immediate family" shall be defined per the employee's applicable Collective Bargaining Agreement and/or city ordinance.

Evidence Required For Use of Sick Leave:

The City of Lorain may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required or if the Employee is absent for more than three (3) consecutive work days, a certificate stating the nature of illness from a licensed physician or medical provider shall be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal.

For an illness, or the appropriate use of sick leave of more than three (3) consecutive days, a written statement from a physician must be presented upon return to work to justify the use of sick leave. When sick leave is requested to care for a member of the employee's immediate family, the employee's supervisor may require a physician's statement to the effect that the presence of the employee is necessary to care for the ill member of the immediate family. The Appointing Authority and Department Head maintain the right to investigate any employee absence. Falsification of a written, signed statement of a physician's certificate shall be grounds for disciplinary action, including dismissal.

Notification of Use By Employee:

An employee requesting sick leave shall inform his/her immediate supervisor of the fact and the reason within thirty (30) minutes of work start time if reporting off. Failure to properly notify the designated person on the first day of illness may result in denial of sick leave for the period of absence. Subsequent notification beyond the first day of absence will be governed by the nature of the circumstances and the requirements established by

the Division Supervisor per applicable Collective Bargaining Agreement and departmental policy.

Employees requesting use of sick time for a medical appointment need to notify his/her supervisor before ending work the day preceding the appointment or sooner if possible.

Separation of Service Pay Out:

Upon separation from service, an eligible employee's separation of service pay out shall be determined by the employee's applicable Collective Bargaining Agreement and/or city ordinance.

Section 7.2: FUNERAL (BEREAVEMENT) LEAVE:

Each employee shall be entitled to funeral leave for death of an employee's immediate family member per the employee's applicable Collective Bargaining Agreement and city ordinance.

As used in this Section, "immediate family" shall be defined by the employee's applicable Collective Bargaining Agreement and/or city ordinance.

In order for an employee to be paid, proof of an immediate family member's death may be required to be presented to the Safety/Service Department upon return to work. Such proof can be made by a copy of a newspaper death notice showing the date of death of the decedent.

Death of Relative who is not included in "immediate family":

In the event of the death of an Employee's relative not listed above, an Employee may use his/her sick leave up to a maximum of three (3) consecutive days for attendance at the funeral including travel time, provided one (1) such day is the day of the funeral or service itself.

Section 7.3: JURY DUTY LEAVE:

When an employee is called for jury duty service or is subpoenaed by a court or administrative agency, when the employee is not an interested party, he/she shall be entitled to time off with no loss in pay for those days he/she is required to attend those duties. Any payment received by said employee for jury duty services shall be signed over to the City upon his/her receipt of said payment.

An employee shall only be entitled to such compensation relating to cases where the employee is not an interested party. Employees shall not be entitled to paid court leave when appearing in court for criminal or civil cases being heard in connection with the employee's own personal matters. These

absences shall be considered leave without pay, vacation, or personal day, as scheduled in advance with the Department Head..

Employees released from court or jury duty prior to the end of their scheduled workday shall report to work for the remaining hours of their workday.

Section 7.4: PREGNANCY, MATERNITY & PATERNITY LEAVE:

An employee may request a leave of absence, without pay, in the event of pregnancy, childbirth and/or other related medical conditions by submitting such request in writing to the Safety/Service Department.. Employees may use any or all of their accrued sick leave and vacation leave for maternity purposes prior to going on a pregnancy or maternity leave. Each employee who requests such leave must submit a physician's certificate stating the probable period for which the employee will be unable to perform her duties. The judgment of the employee's physician will determine the length of time before delivery that an employee can work.

The procedure and required documentation for obtaining a leave of absence shall be consistent with the employee's applicable Collective Bargaining Agreement and city ordinance.

Additional un-paid personal leave may be granted at the discretion of the Safety/Service Department. If the Safety/Service Department has reason to believe an employee is unable to fulfill her usual duties by reason of pregnancy, he/she may request, in writing, that said employee begin sick leave, vacation leave and/or maternity leave without pay, at the employee's option, at an earlier date than the employee has selected.

Within thirty (30) days after the delivery, the employee must notify the City of Lorain, in writing, of her desire to return to work. Lack of such notification shall be considered a resignation. Employees who return from a maternity leave of absence shall have the right to be reinstated to a position in the same classification held at the time the leave began. Should the same classification no longer exist, the employee may be placed in a similar position classification. Should no similar classification exist, the employee may be laid off.

Employees, if enrolled in the insurance program, will receive hospitalization benefits during the period of leave, provided they continue to pay the required

insurance premiums. In general, pregnancy and childbirth shall not differ from any long-term illness in considering any employee's rights and responsibilities.

A male employee may be granted, upon a written request and letter of acceptance to and at the discretion of the City of Lorain, sick leave or unpaid leave of absence for the birth of his child and/or to assist the maternal parent in pre-delivery, childbirth and post-natal care, per Family Medical Leave Act guidelines.

Section 7.5: PERSONAL LEAVE:

Upon the advance written request of a regular employee the Safety/Service Department may grant a leave of absence without pay. Such leave shall not exceed one hundred eighty (180) days. The Safety/Service Department may grant an extension if the need arises.

Upon returning from a leave of absence, the employee is to be placed in his/her original position, or another position at a similar level of responsibility. If an employee fails to return to work upon the expiration of an authorized leave of absence without pay, that employee shall be dealt with according to the language of the employee's applicable Collective Bargaining Agreement and city ordinance... If a leave of absence has been granted for a specific purpose and it is later determined by the Safety/Service Department that the affected employee is not using said leave for the stated purpose, such employee may be subject to disciplinary action, up to and including discharge.

An employee who has received an authorized leave of absence without pay does not earn sick or vacation leave credit. However, time spent on the leave of absence is to be considered in determining length of service for purposes where tenure is a factor. An employee who has received an authorized leave of absence without pay is eligible to continue his/her health care coverage at the group rate during the period of leave, provided they continue to pay the required insurance premiums.

Section 7.6: FAMILY MEDICAL LEAVE:

General

Employees who have been employed for at least one (1) year and for at least 1,250 hours during the preceding 12-month period are eligible for family and medical leave. For employees not eligible for family and medical leave, the

Safety/Service Department will review public policy considerations and the individual circumstances involved. Employees will be returned to the same or to a position with equivalent responsibility. Family or medical leave will be consistent with language established in the employee's applicable Collective Bargaining Agreement and city ordinance.

Reasons for Leave

All employees who meet the applicable time of service requirements may be granted family or medical leave consisting of appropriate accrued paid leave and unpaid leave, for a period of twelve (12) weeks (during any 12-month period) for the following reasons:

- (1) the birth of the employee's child and in order to care for the child;*
- (2) the placement of a child with the employee for adoption or foster care;*
- (3) to care for a spouse, child or parent who has a serious health condition; or*
- (4) A serious health condition that renders the employee incapable of performing the functions of his or her job.*

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of birth or placement.

Procedures for Requesting Leave

In all cases, an employee requesting leave must complete the "Application for Family and Medical Leave" (Exhibit G) and return it to the Appointing Authority. The Appointing Authority must then provide a response accepting the proposed leave. Applications for leave must be completed each twelve (12) month period, and intermittent leave may be granted. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending of the leave.

An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her supervisor as soon as the necessity for the leave arises.

Medical Certification

An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by a health

care provider. The certification must state the date on which the health condition commenced, the probably duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child, or parent, the certification must so state, along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

Benefits Coverage During Leave

During a period of family or medical leave, an employee will be retained on the City health plan under the same conditions that applied before leave commenced. An employee who takes family or medical leave will not lose any employment benefits that accrued before the date leave began.

Restoration to Employment Following Leave

An employee eligible for family and medical leave – will be restored to his or her old position or to a position of equivalent pay, benefits and other terms and conditions of employment.

Section 7.7: EDUCATIONAL LEAVE:

Upon the advance written request of a regular employee, the Safety and Service Department may grant a leave of absence for purposes of education, training or specialized experience which would be a benefit to the City of Lorain. Each request for an educational leave must detail employee's intentions, both short and long term. The written request shall include tentative schedule employee will follow during leave. A combination of vacation days and/or leave without pay can be used upon approval of education leave. Employee must be employed for one (1) full year and be a full time employee to be eligible for educational leave.

Section 7.8: MILITARY LEAVE:

An employee shall be granted a military leave in accordance with the employee's applicable Collective Bargaining Agreement, city ordinance, and/or applicable state and federal laws. If an employee is involuntarily called to active duty that will exceed thirty (30) calendar days, he/she shall be entitled to continuation of health care for the duration of the time they are on involuntary active duty with the appropriate premium to be deducted from their pay. Any additional insurance deductions will continue to be deducted from an employee's pay unless the insurance provider and City of Lorain are

notified in writing of the cancellation of policy. The employee must pay their share of premiums. In addition, the City of Lorain shall continue to supplement the employee's military pay as per state or federal laws, so that the employee will suffer no loss from his/her current regular income compared to his/her military income. This shall continue for the duration of time the employee is away on involuntary active duty.

Section 7.9: WEATHER EMERGENCY LEAVE:

The Safety/Service Director upon the recommendation of the Department Head may declare all or part of the department closed due to a weather emergency. Individual employees are not authorized to determine if there is a weather emergency that dictates their absence from work or early departure from work.

In cases of a weather emergency, affected employees will be notified as soon as possible that they do not have to arrive at work, or that they are being sent home, depending on the situation. Time missed by employees due to declared weather emergencies will be paid at the employee's regular rate of pay.

Employees who are unable to come to work or who choose to leave work early due to weather conditions when a weather emergency has not been declared must use benefit time in order to be paid.

Section 7.10: OTHER LEAVE:

For other types of employee leave, the employee should consult his/her applicable Collective Bargaining Agreement and city ordinance.

SECTION NO. 8

Employee Discipline

Section 8.1: EMPLOYEE DISCIPLINE:

Employee disciplinary procedure is determined by the employee's applicable Collective Bargaining Agreement and city ordinance.

SECTION NO. 9

Grievance

Section 9.1: Grievance Procedure

Employee grievance procedure is determined by the employee's applicable Collective Bargaining Agreement and city ordinance.

SECTION NO. 10

Miscellaneous Provisions

Section 10.1: STAFF MEETINGS:

Department Heads and Sub-Department Heads are encouraged to have weekly or bi-weekly staff meetings to discuss applicable policies, procedures, projects, and general departmental business.

Section 10.2: SUPERVISOR'S MEETINGS:

All Department Heads under the Appointing Authority of the Safety and Service Director are required to attend supervisor meetings, which will be scheduled by the Safety/Service Department.

Section 10.3: SUPPLIES & EQUIPMENT:

It is the responsibility of the supervisors to see that they are properly used and maintained. Misuse, neglect, theft and abuse of supplies and equipment are prohibited. Accidents involving misuse of equipment may be cause for disciplinary action.

Anticipated supplies and items that are a necessity must be submitted in writing to the Safety/Service Department by the Department Head...

Section 10.4: COPY MACHINES:

Copy machines are available in city departments for official departmental use only. In order to conserve paper, duplex copying is to be utilized and the number of copies is to be limited. When a large quantity of copies (50 or

more) is needed, the copy machine at City Hall (fourth floor) is to be used.

Employees should exercise discretion when copying and should opt to email or scan documents where possible.

Section 10.5: FAX MACHINE:

Fax machines are available to the employees of the City of Lorain for official business.

Section 10.6: TELEPHONES:

A modern, up to date telephone system is provided for the employees of the City of Lorain., Depending on employee, department, and circumstance, a mobile phone may be provided to certain employees of the City of Lorain. Telephones, both fixed and mobile, are primarily used for conducting departmental business.

However, it is recognized that that there will be occasions when employees need to make short, personal telephone calls on City telephones, both fixed lines mobiles, in order to deal with occasional and urgent domestic crises. Where possible, these non-urgent calls should be made during scheduled breaks or outside of the normal working day when they do not interfere with work requirements. Equally, it is legitimate to receive personal calls about domestic crises and arrangements and occasional short, non-urgent calls can be received providing they do not interfere adversely with work requirements.

The use of City of Lorain telephones for either private or City purposes which are in any way excessive, defamatory, obscene, or otherwise inappropriate will be treated as misconduct under the appropriate disciplinary procedure per applicable Collective Bargaining Agreement and city ordinance.

Where the city has grounds to suspect possible misuse of telephones, it reserves the right to monitor the destination and length of out-going calls and the source and length of in-coming calls. This would not normally involve the surveillance of calls but in certain rare circumstances where there are reasonable grounds to suspect serious misconduct, the City reserves the right to record calls.

Section 10.7: MANAGEMENT INFORMATION SYSTEM /EMAIL AND INTERNET SERVICE:

A comprehensive computer network system is provided for the Lorain City for the efficient and secure management of departmental information. Specific computer hardware/software is provided to staff members identified by division supervisors.

Email: *An email account will be provided to those employees identified by the Department Head.*

As with telephones, it is recognized that employees can use email for personal means in certain circumstances. Email should be treated like any other form of written communication and, as such, what is normally regarded as unacceptable in a letter or memorandum is equally unacceptable in email communication. It is legitimate for employees to make use of email outside of the normal working day for personal reasons to send messages that are in no sense obscene or defamatory or otherwise inappropriate. Employees should be careful that before they open any attachment to a personal email they receive, they are confident that the content is in no sense obscene or defamatory. Equally, if an employee receives an obscene or defamatory email, whether unwittingly or otherwise and from whatever source, he/she should not intentionally forward the email to any other address, except to an investigator in the City of Lorain Management Information Systems Department.

The use of email for either personal or City purposes to send or forward messages or attachments which are in any way defamatory, obscene or otherwise inappropriate will be treated as misconduct under the appropriate disciplinary procedure per applicable Collective Bargaining Agreement and city ordinance.

Where the City has reasonable grounds to suspect misuse of email in either scale of use, content or nature of messages, it reserves the right to monitor the destination, source and content of email to and from a particular address. The City of Lorain will maintain an immediate archive of all emails sent and received through the City's Email system.

The City of Lorain also reserves the right to access an employee's email account in his/her unexpected or prolonged absence (i.e. sickness) in order to allow it to continue to undertake the employee's normal role. In normal

circumstances the employee concerned will be contacted before this is done, in order to provide him/her with prior knowledge.

Internet Service: *Internet service will be provided to those employees identified by the Department Head.*

The primary reason for the provision of Internet access is for the easy retrieval of information for research purposes in order to enhance the ability of employees to undertake their City of Lorain role. However, as with email, it is legitimate for employees to make use of the Internet in its various forms outside of normal working hours for personal purposes as long as it is not used to view or distribute improper material such as text, messages or images which are derogatory, defamatory, or obscene. It is recognized that there can be occasions where it is sensible for the employee to make occasional use of the Internet for personal reasons such as a private transaction, rather than having to spend considerably more time out of the office. Examples of this might include a bank transaction or booking a holiday. As long as such personal use is confined to non-working hours, it is permissible.

Unauthorized use of the Internet will be treated as misconduct under the appropriate disciplinary procedure per the employee's applicable Collective Bargaining Agreement and city ordinance. The City of Lorain reserves the right to monitor the use of the Internet from particular Personal Computers or accounts where it suspects misuse of the facility.

Telephone/Email/Internet Monitoring Policy: *It is the policy of the City of Lorain that no member of staff is permitted as a matter of routine to monitor a fellow employee's use of the City of Lorain's telephone, email service, or the Internet via the City of Lorain's networks (the only exception is where designated telephone liaison officers are authorized to receive print-outs of telephone call details from particular extensions for recharging purposes). However, as has been stated, where there are reasonable grounds to suspect an instance of misuse or abuse of any of these services, a duly authorized Department Head may seek permission from the appropriate Appointing Authority for the recording of an employee's telephone calls and for the monitoring of use of telephones, email or the Internet. Once approved, the monitoring process will be undertaken by designated staff in Management Information Systems acting, for operational purposes, under the direction of the appropriate Appointing Authority.*

These staff are required to observe the strictest confidentiality when undertaking these activities and they will record or monitor only to the extent necessary to establish the facts of the case. They will make their reports directly to the Appointing Authority or his delegated representative, who, in consultation with the appropriate Department Head, will determine the actions that may need to be taken in any particular case.

Section 10.8: PUBLIC RECORD POLICY:

The City of Lorain acknowledges that openness leads to better informed citizenry, which leads to better government and better policy; and desires to strictly adhere to the State of Ohio's Public Record Act (Ohio Revised Code 149.43). SEE EXHIBIT H.

“EXHIBIT B”

The City of Lorain

Acknowledgement of Employee Manual

I, _____ acknowledge
Full Name

Receipt of the City of Lorain’s Employee Manual. Further, I

Acknowledge my rights and responsibilities as prescribed within the
City of Lorain’s Employee Manual.

Signature

“Exhibit C”

CITY OF LORAIN

Orientation of New Employee

Name:	Position:	Date of Hire:
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In order to ensure that new employees receive the information they need, as employees of the City of Lorain, each new employee and the immediate supervisor must review the following items. The employee and the supervisor must both sign and date this acknowledgement form to affirm the fact that the information listed has been reviewed. This completed form will be maintained in the employee’s permanent personnel file; the employee will receive a copy.

Orientation Task	Reviewed By	Orientation Task	Reviewed By
Introduction to work area and other staff members.		Office Procedures:	
Review of position description and explanation of job duties and responsibilities.		E-mail address / Network - computer log on / Internet log on:	
Explanation of organization structure, line of authority, and chain of communication.		Security System – pass codes issued:	
Review of work rules, procedures and policies for lateness, absence, and other leave requests.		Copy / Fax / Printer – pass code issued:	
Review procedure for reimbursement of travel expenses.		Desk phone – Voice mail box / long distance calls – pass code issued:	
Probationary period and performance evaluations.		Requisition / Reimbursement Procedures:	
Discussion of work hours, lunch, time work/time off plan.		Personnel Policies Manual	Date Issued:
Department benefits available to employee such as:			
Public Employees Retirement System			
Health Insurance	Date Issued:		
Holidays, Vacations			
Continuing Education			

Both the new employee and the supervisor should ensure that they fully comprehend the above listed information prior to signing this document. All efforts should be made to complete this process within two (2) weeks after the new employee begins work.

Supervisor:	Date:
Employee:	Date:

“EXHIBIT D”

Ohio Revised Code

Applicable Sections per Employee Manual

102.01 Public officers - ethics definitions.

As used in this chapter:

(A) “Compensation” means money, thing of value, or financial benefit. “Compensation” does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.

(B) “Public official or employee” means any person who is elected or appointed to an office or is an employee of any public agency. “Public official or employee” does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. “Public official or employee” does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(C) “Public agency” means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. “Public agency” does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.

(D) “Immediate family” means a spouse residing in the person’s household and any dependent child.

(E) “Income” includes gross income as defined and used in the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, “appropriate ethics commission” means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the Supreme Court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G) “Anything of value” has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Revised Code.

(H) “Honorarium” means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. “Honorarium” does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official’s or employee’s office or position of employment.

(I) “Employer” means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.

(J) “Executive agency decision,” “executive agency lobbyist,” and “executive agency lobbying activity” have the same meanings as in section 121.60 of the Revised Code.

(K) “Legislation,” “legislative agent,” “financial transaction,” and “actively advocate” have the same meanings as in section 101.70 of the Revised Code.

(L) “Expenditure” has the same meaning as in section 101.70 of the Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Revised Code when used in relation to activities of an executive agency lobbyist.

Effective Date: 03-02-1994; 05-18-2005

2921.42 Having an unlawful interest in a public contract.

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest;

(2) Authorize, or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family, or any of a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A) (4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A) (1) or (2) of this section is a felony of the fourth degree. Violation of division (A) (3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of the township trustee's family, or the township trustee's business associate.

(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

Effective Date: 06-23-1994; 2007 HB119 09-29-2007

149.43 Availability of public records for inspection and copying.

(A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

- (b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;
- (c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;
- (d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;
- (e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;
- (f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;
- (g) Trial preparation records;
- (h) Confidential law enforcement investigatory records;
- (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;
- (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;
- (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;
- (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;
- (m) Intellectual property records;
- (n) Donor profile records;
- (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;
- (p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information;

(q) In the case of a county hospital operated pursuant to Chapter 339. Of the Revised Code or a municipal hospital operated pursuant to Chapter 749. Of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;

(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(z) Records listed in section 5101.29 of the Revised Code.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT:

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer from the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A) (7) and (B) (9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, “firefighter” means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A) (7) and (B) (9) of this section, “EMT” means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. “Emergency medical service organization,” “EMT-basic,” “EMT-I,” and “paramedic” has the same meanings as in section 4765.01 of the Revised Code.

(8) “Information pertaining to the recreational activities of a person under the age of eighteen” means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person’s parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(9) “Community control sanction” has the same meaning as in section 2929.01 of the Revised Code.

(10) “Post-release control sanction” has the same meaning as in section 2967.01 of the Revised Code.

(11) “Redaction” means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a “record” in section 149.011 of the Revised Code.

(12) “Designee” and “elected official” have the same meanings as in section 109.43 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall

make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

(7) Upon a request made in accordance with division (B) of this section and subject to division (B) (6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

In any policy and procedures adopted under this division, a public office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to

obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT shall disclose to the journalist the address of the actual personal residence of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT and, if the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

As used in this division, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(1) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

If a requestor transmits a written request by hand delivery or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or

class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requestor shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(2)(a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C)(1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C) (2) (c) of this section when either of the following applies:

(l) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(l) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C) (2) (c) (l) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(D) Chapter 1347. Of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

(2) The public office shall distribute the public records policy adopted by the public office under division (E) (1) of this section to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. Of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F) (1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or data base by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F) (1) and (2) of this section, “surveys, marketing, solicitation, or resale for commercial purposes” shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Effective Date: 02-12-2004; 04-27-2005; 07-01-2005; 10-29-2005; 03-30-2007; 2006 HB9 09-29-2007; 2008 HB214 05-14-2008

102.03 Representation by present or former public official or employee prohibited.

(A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. Or 3734. Of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A) (4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A) (4) of this section “person” does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, “matter” includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A) (4) of this section, “matter” includes

the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission,

authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The House of Representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in

accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

Effective Date: 09-05-2001; 09-15-2004; 03-31-2005; 04-26-2005

102.04 No compensation to elected or appointed state official other than from agency served.

(A) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

(D) A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

(E) No public official or employee who files a statement or is required to file a statement under division (D) of this section shall knowingly fail to disqualify himself from any participation as a public official or employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

(F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

Effective Date: 10-20-1980

CITY OF LORAIN
INJURY REPORT FORM

EXHIBIT E

To be completed by Employee

Please print in ink or type

Name _____ Social Security # _____

Birth Date _____ Sex: Male Female Phone _____

Street Address _____ City/State/Zip _____

Department _____ Occupation _____ Years _____

Date of Injury _____ Time _____ AM PM

Date of onset of symptoms _____

Describe what caused the injury/symptoms, what you were doing just before the incident, and what you did after the incident (if you need more space, write on the back of this form). Be specific – name any objects or substances involved:

Did you report this incident to anyone? Yes No If not, why not? _____

If yes, who did you report it to? _____ Title/Position _____ When _____

Did anyone see you get hurt? Yes No If yes, who? _____

What part(s) of your body was/were affected? BE SPECIFIC: For example - right elbow, left knee, right index finger

What type of injury did you experience? BE SPECIFIC: For example – bruise, scrape, laceration, pull

Was any first aid provided at the scene? Yes No If yes, describe: _____

Did you seek other medical treatment? Yes No If yes, when: _____

Where? _____ If treatment was not sought immediately, explain why: _____

Is this an aggravation of a previous injury/symptom? Yes No If yes, when were you last treated for the previous injury? _____

By whom/where? _____ Have you ever had a similar injury? Yes No

If yes, describe other injury: _____

MEDICAL RELEASE

Under current workers' compensation law, the employer is entitled to a signed medical release

I hereby authorize any person or persons who have in the past or will in the future medically attend, treat or examine me, or any person who may have information of any kind which may be used to reach a decision in any claim for injury or disease arising from the injury/illness described above, to **disclose such information** to my employer, my employer's managed care organization, or to my employer's designated representative, **CompManagement, Inc.** A copy of this form will serve as the original.

Employee Name (Print) _____

Employee Signature _____ Date _____

Required

“EXHIBIT F”

Vehicle Usage Policy

I. PURPOSE AND SCOPE

The purpose of this policy is to provide a clear set of policies and guidelines regulating the use of City owned or leased vehicles by City Employees and to avoid conflicts or misunderstandings regarding vehicle use. This policy is to establish standard requirements and procedures to comply with Internal Revenue Service regulations relating to City vehicle usage in the course of providing City services and conducting City business.

This policy is intended to ensure the safety and well-being of City employees and the public, to facilitate the efficient and effective use of City resources to minimize the City’s exposure to liability, and to monitor the purchase, use and sale of city owned and leased vehicles.

II. APPLICABILITY

The entire policy applies to all City employees, excluding the Mayor, Fire Chief, Firefighters, Police Chief and Police Officers, which are covered under a separate ordinance and policy.

III. DEFINITIONS

A. Expense Reimbursement – that payment for approved expenses relating to personal automobile use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

B. Municipal Vehicle – those automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the City of Lorain and licensed for travel on a public way.

C. Personal Automobile – that automobile owned or available for private use by the employee.

IV. POLICY

A. Municipal Vehicles

It is the policy of the City of Lorain to authorize the acquisition, disposal and utilization of city owned or leased vehicles for use by officials of the City, in the conduct of their employment responsibilities, either during the work shift or on a twenty-four (24) hour on-call basis. Municipal vehicles are not personal vehicles and are not for personal use. Municipal vehicles should be viewed as belonging to the citizens of Lorain and are assigned solely for purposes consistent with providing services to those citizens.

B. Expense Reimbursement

It is the policy of the City of Lorain to reimburse employees for reasonable expenses which they incur as a result of personal automobile use on behalf of official City business. Automobile use must be pre-approved by the Appointing Authority, and either an Expense Reimbursement Voucher (Exhibit A) or a Daily Vehicle Usage Log (Exhibit B) must be submitted in order for an employee to be reimbursed for such expenses.

V. PROCEDURES

A. Expense Reimbursement – Personal Vehicles

1. Expense Reimbursement is intended for travel outside the City of Lorain. Employees will not be reimbursed for personal automobile use within Lorain without advance approval of the Appointing Authority or the Department Head and either the Safety Director or Service Director.
2. When an employee is authorized to use a personal automobile for work-related travel, he or she shall be reimbursed at the then applicable Internal Revenue Service automobile mileage rate.
3. The mileage rate is intended to include the cost of gasoline; repairs, insurance, and general wear and tear on the automobile.
4. In addition to the mileage rate, the City will reimburse employees authorized to travel outside of Lorain, driving personal or municipal

vehicles, for tolls and reasonable parking expenses, when receipts are provided.

5. The City of Lorain retains the right to require employees who are reimbursed for work-related travel to show proof of the following minimum levels of insurance coverage and to list the City of Lorain as an additional insurer:
 - a) Bodily Injury: \$100,000/\$300,000
 - b) Property Damage: \$25,000
6. Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.
7. In order to be reimbursed for pre-approved personal automobile use, employees must complete either an Expense Reimbursement Voucher (Exhibit A) or a Vehicle Usage Log (Exhibit B). This form should be submitted to the Appointing Authority or the Department Head and either the Safety Director or Service Director for approval, prior to submission to the Auditor for payment.
8. In the event that an employee's personal vehicle is damaged during an approved, work-related trip, and the damage is not due to recklessness and/or willful or wanton conduct of the employee, the City of Lorain will reimburse the employee, upon receipt of verification of payment of a deductible (comprehensive or collision) to cover part of the cost of repair, up to a maximum of \$500 or the amount of the deductible, whichever is less, per occurrence.
8. The Appointing Authority is responsible for maintaining accurate records of driver license numbers of employees authorized to use commuting and pooled vehicles. As such, employees are required to complete an authorization form (Exhibit C) prior to using said vehicles. These records may be requested at any time for review by the Appointing Authority.

B. Assignment of Pooled Municipal Vehicles

The Service Director has the authority and responsibility to assign Pooled municipal vehicles and may assign such vehicles in a manner consistent with departmental workload and employee function. The

assignment of vehicles may be rescinded at any time by the Appointing Authority.

C. Assignment of Municipal Vehicles with commuting privileges. The Appointing Authority has the authority and responsibility to assign vehicles with commuting privileges.

1. The assignment of vehicles with commuting privileges will be made in writing to the Appointing Authority, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria which will be used in the determination of eligibility with commuting privileges shall include:
 - As determined by the as necessary in carrying out job duties;
 - Officially designated on-call status;
 - Requirement for frequent emergency availability;
 - Emergency or other equipment contained in the vehicle;
 - Assignment of work responsibilities and duties due to weather;
 - Assignment of work responsibilities of a particular job or project;
 - Planned attendance of an out of town, work related event, meeting, seminar, or sanctioned program;
 - Such assignment may be rescinded in writing at any time by the Appointing Authority.
2. Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for personal reasons other than for commuting or de minimis personal use (de minimis is defined as minor personal use—lunch, errand, etc.—during the course of daily business and in route to/from City Hall or sites where business is conducted).
3. Limited in city use of vehicles outside of the normal work day may be granted by the Appointing Authority if said use is determined to be necessary and reasonable for city purposes and functions.

4. Whenever a position becomes vacant, the authorization for commuting privileges is reevaluated.
5. **No employee residing outside of the City of Lorain may be authorized to use Municipal vehicles with commuting privileges.**
6. Employees assigned municipal vehicles with commuting privileges or privileges for using a Pooled vehicle will be given a copy of this policy and will be required to sign a statement (Exhibit D) indicating that they have read and will comply with the rules and provisions of this policy. Further, employees must also sign an authorization form (Exhibit C) allowing the City of Lorain to review insurance information when deemed appropriate. Any employee in violation of this policy is subject to disciplinary action including, but not limited to verbal warning, written reprimand, and time off without pay, loss of use of vehicle or termination as provided by the Collective Bargaining Agreement and Civil Service law.
7. **Taxable Fringe Benefit**
The Auditor's Department shall be responsible for determining any fringe benefit tax liability (Per IRS regulations as defined in IRS Publication 15-B) and will be provided with the names of all employees authorized who use Municipal vehicles with commuting privileges, and the normal, one-way commuting distance, for each annual period ending December 31st.

D. General Rules Governing Municipal Vehicle Use

1. Municipal vehicles may only be used for legitimate municipal business. All mileage, both city and personal (where applicable) must be maintained by a daily vehicle usage log which includes the beginning and ending mileage. The mileage log shall be reviewed by the employee's immediate supervisor and turned in monthly to the Appointing Authority.
2. Municipal vehicles will not be used to transport any individual or cargo which is not directly or indirectly related to municipal business. Passengers shall be limited to City employees and individuals who

are directly associated with City work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in Municipal vehicles unless said usage is de minimis in nature.

3. Vehicles should contain only those items for which the vehicle is designed. The City of Lorain shall not be liable for the loss or damage of any personal property transported in the vehicle.
4. Employees are expected to keep municipal vehicles relatively clean, and to report any malfunction or damage to their Department Heads. Windows and doors shall be closed and locked when not in use.
5. Employees with commuting privileges are expected to park such vehicles in safe locations.
6. Employees must wear seatbelts in vehicles so equipped during operation of the vehicle.
7. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operation.
8. Per Ohio Revised Code 3794.01 (C), **smoking in municipal vehicles is prohibited.**
9. Employees who operate municipal vehicles must have a valid motor vehicle license and may be required to provide proof of valid motor vehicle license once every six (6) months.
10. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances and laws.
 - a. Employees who incur parking or other fines in municipal vehicles will be personally responsible for payment of such fines.
 - b. Employees who are issued citations for any offense while using a municipal vehicle must notify their Department Head in writing immediately, when practicable, but in no case later than 24

hours. Failure to provide such notice will be grounds for disciplinary action in accordance with Section VII of this policy.

c. An employee assigned a municipal vehicle, who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify his or her Department Head in writing immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges.

d. The City of Lorain, per the required authorization forms (Exhibit D and E), has authorization to periodically check driver license numbers and insurance information. Employees must complete an authorization form before using either commuting or pooled vehicles.

11. No employee may use a municipal vehicle for out of state use without advance approval of the Safety Director and/or Service Director.

E. The Safety Director and Service Director will ensure that vehicles purchased or leased for employee use are the least expensive vehicle required for the work assignment. Municipal vehicles purchased or leased should as a first priority is purchases from businesses located within Lorain County unless the State of Ohio Purchasing Program is utilized.

VI. SPECIAL CIRCUMSTANCES

This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the City of Lorain, and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Safety Director and/or Service Director who will provide such clarification and may authorize exceptions to the policy under mitigating circumstances. The Director of Public Safety and the Director of Public Service have the right to amend or alter this Vehicle use Policy at their discretion.

VII. DISCIPLINARY ACTIONS

Failure to comply with any and all provisions of this policy may result in disciplinary action including, but not limited to verbal warning, written reprimand, time off without pay, loss of use of vehicle, termination from service or fine as provided by the Collective Bargaining Agreement and Civil Service law.

“EXHIBIT G”

APPLICATION FOR FAMILY MEDICAL LEAVE

Name: _____

Department: _____

Current Address: _____

Start Date of Anticipated Leave: _____

Expected Date of Return to Work: _____

Reason for Leave (Explain):

NOTE: An employee requesting leave for the employee’s serious health condition or the serious health condition of the employee’s spouse, child or parent, must submit a verifying medical certification from a physician within 15 days of application for leave.

I hereby authorize a health care provider representing **City of Lorain** to contact my physician to verify the reason for my requested family and medical leave.

I understand that a failure to return to work at the end of my leave period may be treated as a resignation unless an extension has been agreed upon and approved in writing by **City of Lorain**.

Signature: _____ Date: _____

APPROVED BY:

Appointing Authority: _____ Date: _____

**MEDICAL CERTIFICATION STATEMENT
(Employee's Own Serious Illness)**

Name of Employee: _____

Date condition began: _____

Date condition ended (or expected to end): _____

Medical facts regarding the condition:

Explanation of extent to which employee is unable to perform the functions of his/her job:

Will it be necessary for the employee to work intermittently or to work on less than a full schedule due to this condition:

If yes, please state the probable duration: _____

If the condition is a chronic condition or pregnancy, state whether the employee is presently incapacitated and the likely duration and frequency of episodes of incapacity:

If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments: _____

If the treatments will be provided on an intermittent or part-time basis, provide an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery, if any: _____

If any of these treatments will be provided by another provider of health services, please state the nature of the treatments: _____

Is the employee unable to perform work of any kind: _____

If able to perform some work, is the employee unable to perform one or more of the essential functions of the employee's job: _____

If yes, please list the essential functions the employee is unable to perform: _____

If the employee's condition does not limit his/her ability to perform work, is it necessary for the employee to be absent from work for treatment: _____

Health Care Provider Signature: _____

Date: _____ Office Phone: _____

MEDICAL RELEASE:

I authorize the release of any medical information necessary to process the above request.

Patient's Signature: _____

Date: _____

MEDICAL CERTIFICATION STATEMENT
(Illness of Employee's Family Member)

Name of Employee: _____

Name of ill family member: _____

Date condition began: _____

Date condition ended (or expected to end): _____

Medical facts regarding the condition:

Explanation of extent to which employee is needed to care for the ill spouse, child or parent:

Will it be necessary for the employee to work intermittently or to work on less than a full schedule due to this condition:
_____?

If yes, please state the probable duration: _____

If the condition is a chronic condition or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity:

If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments: _____

If the treatments will be provided on an intermittent or part-time basis, provide an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery, if any: _____

If any of these treatments will be provided by another provider of health services, please state the nature of the treatments: _____

Does the patient require assistance for basic medical or personal needs or safety, or for transportation:
_____?

If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery: _____

If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

Health Care Provider Signature: _____
Date: _____ Office Phone: _____

MEDICAL RELEASE:

I authorize the release of any medical information necessary to process the above request.

Patient's Signature: _____
Date: _____

“EXHIBIT H”

CITY OF LORAIN PUBLIC RECORDS POLICY



INTRODUCTION:

It is the policy of the City of Lorain that openness leads to a better-informed citizenry, which leads to a better government and better public policy. It is the policy of the City of Lorain to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Section 1. Public Records

This office, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City of Lorain are public unless they are specifically exempt from disclosure under the Ohio Revised Code (with the exception of Transient correspondence, which does not require RC-3 form).

Section 1.1: It is the policy of the City of Lorain that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (see Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

Section 2. Records Requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1: Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

Section 2.2: The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this office's general policy that this information is not to be requested.

Section 2.3: Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested

Section 2.4: Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final forms), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the City of Lorain within a reasonable time following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

Section 2.4a: An estimated number of business days it will take to satisfy the request.

Section 2.4b: An estimated cost if copies are requested.

Section 2.4c: Any items within the request that may be exempt from disclosure.

Section 2.5d: Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the **exempt** portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3. Costs for Public Records:

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1: The charge for paper copies is 5 cents per page. The first five copies are free.

Section 3.2: The charge for downloaded computer files to a compact disc is \$1.00 per disc.

Section 3.3: There is no charge for documents e-mailed.

Section 3.4: Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies in advance.

Section 4. Email:

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules. Transient correspondence in all forms may be disposed of without filing of RC-3.

Section 4.1: Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

Section 4.2: The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to Respond to a Public Records Request:

The City of Lorain recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City of Lorain's failure to comply with a request may result in a court ordering the City of Lorain's office to comply with the law and to pay the requester attorney's fees and damages.