

ORDINANCE NO.: 22-1202

**AN ORDINANCE AMENDING THE PERSONNEL POLICY AND PROCEDURE
MANUAL OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RUSSELLS
POINT AND DECLARING AN EMERGENCY**

WHEREAS, Chapter 147, Employees Generally, empowers Council to determine employee benefits, personnel provisions, policies, and regulations, among other things, per Section 147.01, which states:

147.01 COUNCIL POWERS.

The job classifications, pay procedures, pay scales, employee categories, number of employees, benefits, personnel provisions, policies and regulations shall be determined by Council in accordance with the skills, ability and the work performed by the employee.

(Ord. 14-1109. Passed 10-6-14.)

and;

WHEREAS, Chapter 147, Employees Generally, adopts a Personnel Policy and Procedure Manual to govern the Village's employment of its employees, per Section 147.02, which states:

**147.02 PERSONNEL POLICY AND
PROCEDURE MANUAL.**

The Village has adopted a Personnel Policy and Procedure Manual for the purpose of establishing policies and procedures for employees. Copies are on file at the Village Municipal Building.
(Ord. 14-1109. Passed 10-6-14.)

and;

WHEREAS, the Village makes a good faith effort to periodically review and update its Personnel Policy and Procedure Manual as employment practices and legal obligations change over the passage of time.

and;

WHEREAS, Council for the Village of Russells Point desires to amend the Village of Russells Point Personnel Policy and Procedure Manual adopted by Ordinance 14-1109, for the purpose of updating its policies and procedures for employees, as reflected by Exhibit A attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Russells Point, County of Logan, State of Ohio:

SECTION 1: Ordinance 14-1109, passed on October 6, 2014, adopted the Village of Russells Point Personnel Policy and Procedure Manual. That Manual is hereby amended to reflect updates to the following sections, as reflected in Exhibit A:

Instruction Period	Section 3.10
Overtime / Compensatory Time	Section 4.08
Sick Leave	Section 5.01
Holidays	Section 5.03
Alcohol and Drug Abuse	Section 7.06
Discipline Procedures	Section 8.02

The amendment additions are reflected in bold and underline text and the amendment deletions are reflected in strikethrough text. Each amended section shall reflect the date upon which it was amended through the passage of this Ordinance.

SECTION 2: Except as amended herein, all other Sections and Sub-Sections of the Village of Russells Point Personnel Policy and Procedure Manual shall remain unchanged, in effect, and enforceable.


SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Russells Point which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 4: Any past legislation inconsistent with this Ordinance is hereby repealed regarding the inconsistent part or parts only.

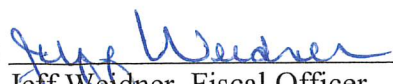
SECTION 5: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this Village as dictated by the Ohio General Assembly.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 16th day of September 2022.



Robin Reames, Mayor

ATTEST: 

Jeff Weidner, Fiscal Officer

APPROVED:

Approved as to form this ____ day of August, 2022.

Lynnette Dinkler, Esq.
Village Solicitor

- A. Newly Appointed Employees: Although in most positions, the employee serves at the pleasure of the employer, each employee will serve an instructional period that begins at the commencement of employment. The purpose of this period is to determine the employee's suitability for the appointed position. Each newly appointed employee's performance shall be reviewed during the employee's first six (6) months of employment with the village in order to closely observe and evaluate the employee's performance and aptitude for the job. If an employee's performance is found to be unsatisfactory, the employee may be removed from service.

Notwithstanding the other policies in this manual, newly hired *appointed* employees shall not be entitled to receive any fringe benefits as outlined in this manual except for health insurance and or other benefits mandated by applicable law (e.g., overtime, sick leave) until the employee has successfully completed his/her new hire evaluation and instructional period.

- B. Promoted Employees: A similar evaluation and instruction period shall also occur following an employee's promotion to determine the employee's ability to perform in a newly obtained position. If the employee is promoted to a non-supervisory position, the evaluation and instruction period shall be for six (6) months. An employee promoted to a supervisory position shall be initially evaluated for a period of one (1) year.
- C. Instructional Period: Only such time, during which an employee is in active pay status, shall be counted as part of the instructional period. Part-time employees who work a portion of each workday shall have their instructional period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who work less than the normal number of workdays per week shall have their instructional period determined based upon the number of hours actually worked. One thousand forty (1,040) hours constitutes a six (6) month instructional period.
- D. Nothing contained herein shall be construed to grant any greater employment rights to an employee following completion of the evaluation/instruction period. The employer does not intend, by adopting this policy, to waive any right to remove an employee.

OVERTIME / COMPENSATORY TIME

SECTION 4.08

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- A. Any employee may be required to work in excess of the normal workday or workweek schedule to fulfill the operational demands of the village. All employees who are not exempt from overtime provisions of the Fair Labor Standards Act (FLSA) shall be credited with compensatory time **or paid** at the rate of one and one-half (1½) times the employee's regular hourly rate of pay for all hours worked in excess of 40 hours in any workweek. **Payout and crediting of compensatory time will be determined as follows:**

1. **If the employee has worked ten (10) or less overtime hours in a pay period, the employee shall be paid.**
2. **If the employee has worked over ten (10) overtime hours in a pay period, the employee shall be paid for ten (10) hours of overtime and credited with compensatory time for the remaining overtime hours.**

The village may declare FLSA 207(K) partial exemption work periods for law enforcement personnel. If such exemption is declared, law enforcement personnel will be credited with compensatory time for overtime hours in accordance with the FLSA 207(K) schedule. Employees may accrue a maximum of 40 hours of compensatory time (i.e., 26 2/3 hours overtime at time and one-half (1½)). Once the employee has exceeded the 40 hours of accrued compensatory time, any subsequent vacation and floating holiday leave requests will be denied until such time as the compensatory time is reduced to 40 hours. The village fiscal officer shall provide a Notice of Excessive Compensatory Time (Form 21) to employees who have exceeded the 40 hour maximum compensatory leave time balance.

- B. The standard workweek for nonexempt employees will be seven (7) consecutive days, beginning Saturday 12:01 a.m. and continuing through Friday 12:00 midnight. Eligibility for overtime shall be based upon all hours worked during the standard workweek.
- C. Eligibility for overtime will be based upon all hours actually worked in a workweek.
- D. Normally, any additional work hours must be authorized by the department head or designee in advance of the overtime being worked. However, unusual or emergency circumstances (i.e., emergency call-outs) may require employees to work overtime without having prior authorization of the department head. Whenever such circumstances occur the department head shall be notified by the next scheduled workday.
- E. When a FLSA nonexempt employee is required by the employer to perform water testing on a Saturday, Sunday, or on a day observed as a holiday, the employee shall work with the employee's immediate supervisor to schedule the equivalent amount of time spent performing water testing as time off in the same workweek the weekend or holiday water testing occurs so as not to obligate the village to the overtime expense (e.g., if the employee is scheduled to perform water testing for two (2) hours on Saturday, the supervisor schedules the employee to quit working two (2) hours earlier than normally scheduled on Friday; if the employee performs water testing on Sunday, the supervisor schedules the

employee to commence work two (2) hours later than normally scheduled the following Monday; etc.).

The employee shall accurately record the time actually spent performing weekend and holiday water testing on the employee's time card.

- F. Scheduled overtime which is subsequently cancelled for any reason shall not entitle the employee to compensatory time.
- G. Compensatory time for overtime hours shall normally be credited to the employee on the same date the employee is paid for the regular hours worked in the same pay period. If the calculation of the overtime hours cannot reasonably be calculated within this time frame, such compensatory time shall be credited with the next regular pay.
- H. Employee requests for compensatory time off shall be scheduled at a time mutually convenient for the employee and the employer. The appointing authority may require employees to use their compensatory time.
- I. Employees shall request compensatory time off in writing on a Request for Leave of Absence form (Form 19). Requests for compensatory time off should be made by the employee as far in advance as possible and must be approved by the mayor or the employee's immediate supervisor.
- J. Earned compensatory time shall be recorded as straight time hours after computing the number of overtime hours worked at time and one-half (1½).
- K. Upon any separation of employment, employees shall be paid for their accrued but unused compensatory time at their current straight-time hourly rate.

SICK LEAVE**SECTION 5.01**

- A. Accumulation of Sick Leave: ~~All full-time and part-time employees accumulate .05 hours of sick leave for each hour actually worked (i.e., four (4) hours of sick leave for an employee who works 80 hours during the pay period), not to exceed four (4) hours per pay period. Employees may carry over to the following year all sick leave previously accumulated with no limit.~~ **Employees shall be entitled for each completed eighty (80) hours of service (hours actually worked) to sick leave of four and six-tenths (4-6/10) hours with pay (.0575 hours for each hour). Unused sick leave shall be cumulative without limit.** Full-time salaried employees shall accrue sick leave based on a 40 hour workweek. Accrued sick leave shall not be available for use by the employee until the accrued sick leave hours are reflected on the employee's pay stub.
- B. Usage: Upon approval of the appointing authority, sick leave may be used for the personal illness, injury, pregnancy or childbirth-related medical condition of the employee or exposure to a contagious disease which could be communicated to other employees, **and illness, injury, or death in the employee's immediate family.**
- C. Charging Sick Leave: Employees absent on approved sick leave shall be paid at their applicable hourly or salaried rate. Sick leave payment shall not exceed the employee's normal straight time hourly, daily, or weekly earnings. If an employee is paid for sick leave which is subsequently denied, the amount over-paid shall be deducted from the employee's next paycheck. Sick leave shall be charged in minimum increments of ~~one (1) hour~~ **one-quarter (1/4) hours.**
- D. Employee Responsible for Notification: An employee requesting sick leave must notify the department head or designee of the employee's absence and reason therefore as soon as possible and by no later than one (1) hour prior to their scheduled starting time. Employees must follow the applicable notification requirement each and every day the employee will be absent, unless other arrangements are approved in advance by the employee's department head.
- E. Written Request Required: In order to be compensated for sick leave, an employee must complete a Request for Leave of Absence form (Form 19) and submit it to the employee's department head immediately upon return to work or, if the employee is unable to return to work by the end of the pay period, by no later than 8:30 a.m. on the Monday following the end of the two (2) week pay period in which the sick leave was used. If the employee is sick the last day of the pay period the employee must make arrangements to complete and submit a Request for Leave of Absence form (Form 19) within the above described time period.
- F. Physician's Statement Required: In the event the employee requires the care of a physician while on sick leave or in the case of an absence exceeding three (3) consecutive workdays, the employee shall be required to furnish a physician's statement specifying the reasons for the employee's inability to report to work and the date the employee is able to return to work.

The department head may also require a physician's statement in cases where the employee has an excessive or patterned use of sick leave.

If the employee is unable to return to work and perform the duties of his/her position by the date the physician indicated in his/her original statement, the employee shall be required to provide another physician's statement which indicates the new date when the employee will be able to return to work and perform the essential functions of the employee's position.

- G. Review of Request: The department head shall review the completed Request for Leave of Absence form (Form 19) and the circumstances surrounding the absence. The department head shall recommend or not recommend approval of the sick leave and sign the Request for Leave of Absence form (Form 19). The form shall then be forwarded to the village fiscal officer who shall determine if the employee has the requested sick leave available. If the employee has sufficient leave available the form shall be forwarded by the village fiscal officer to the mayor who shall make the final decision whether to approve the sick leave request. If approved for payment, the mayor shall so indicate on the form and forward a copy to the village fiscal officer for payment. The village fiscal officer shall place the original request form ~~in the employee's personnel file~~ **with the corresponding time record**. If payment of the sick leave is denied, the mayor shall so indicate on the form, direct the department head to notify the employee and submit the original copy of the Request for Leave of Absence form (Form 19) to the village fiscal officer to be placed ~~in the employee's personnel file~~ **with the corresponding time record**.
- H. Denial of Sick Leave Request: The employer maintains the right to investigate the circumstances surrounding an employee's request for sick leave. A request for sick leave may be denied if:
1. The requested leave does not qualify for the use of sick leave as provided herein.
 2. The employee fails to comply with the procedures for requesting leave usage.
 3. The employee fails to present a required physician's certificate and a properly completed request form by 8:30 a.m. on the Monday following the week in which the sick leave was used.
 4. An investigation of the sick leave request discloses facts inconsistent with the proper use of sick leave, such as a pattern of using sick leave before or after regular days off, participating in activities while on sick leave which are inconsistent with the employee's alleged illness or injury, falsification of sick leave records including a physician's statement/certificate, or other evidence of intent to defraud.
 5. The employee requesting sick leave is working another job.

The above are examples of circumstances which would be cause to deny payment of sick leave and/or invoke disciplinary action which may include dismissal.

The department head shall inform any employee, whose sick leave request is denied, the reasons for such denial and thereafter take the necessary disciplinary action for the employee being absent without approved leave.

- J. Sick Leave Abuse: Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including dismissal. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation days off and/or weekends or the excessive use of sick leave may result in sick leave denial and appropriate disciplinary action. Employees are expected to be home or hospitalized while on sick leave unless on a medical-related errand or appointment.
- K. Sick Leave on a Scheduled Holiday: Any employee who calls in sick on a holiday which the employee was scheduled to work shall not receive another day off for such holiday.
- L. Credit for Prior Public Service Accumulated Sick Leave: Previously accumulated sick leave of an employee who has been separated from the public service shall be placed to the employee's credit upon the employee's re-employment in the public service, provided that the re-employment takes place within ten (10) years of the date on which the employee was last terminated from public service and no portion of the unused balance was previously converted to cash. This ten-year period shall be tolled for any period during which the employee holds elective public office, whether by election or by appointment. An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave.
- M. Employees are responsible for requesting the Employer credit the previously accrued sick leave.
- N. Sick Leave Conversion: Upon retirement or upon death of an employee, the employee shall receive payment of accrued but unused sick leave for active service with the Village of Russells Point if the employee has at least ten (10) years of continuous service as a public employee with the Village, state or any political subdivision of the state or any combination thereof. The amount of the payment shall be fifteen percent (15%) of the employee's accrued but unused sick leave, up to a maximum of 240 hours (30 days) accrued leave. Payment shall be based on the employee's regular rate of pay at the time of retirement or death.

Payment under this policy shall eliminate all sick leave credit accrued by the employee at the time of payment. No payment shall be made in lieu of accumulated sick leave on termination of employment for reasons other than retirement or upon death while employed with the Village of Russells Point.

HOLIDAYS

SECTION 5.03

- A. Eligibility: Full-time and part-time employees are entitled to the paid holidays listed herein provided the employee **has completed their instruction period, and** works the entire shift on the last scheduled workday immediately before and after the holiday unless on paid leave approved at least **forty-eight (48)** hours in advance of the holiday. Part-time employees are entitled to paid holidays listed herein provided the part-time employee would have been normally scheduled to work on the holiday. Elected officials, temporary, seasonal, and intermittent employees are not eligible for holidays or holiday pay.
- B. Holidays: Eligible employees are entitled to the following holidays:
1. New Year's Day (January 1)
 2. Martin Luther King Day (third Monday in January)
 3. Presidents' Day (third Monday in February)
 4. Memorial Day (last Monday in May)
 5. Independence Day (July 4)
 6. Labor Day (first Monday in September)
 7. ~~Columbus Day (second Monday in October)~~
 8. 7. Veterans' Day (November 11)
 9. 8. Thanksgiving Day (fourth Thursday in November)
 9. **Day After Thanksgiving (in lieu of Columbus Day – fourth Friday in November)**
 10. Christmas Day (December 25)
- C. Observance:
1. Non-Continuous Operations: Employees working in departments which normally operate Monday through Friday on a non-continuous basis shall observe holidays that occur on Saturday, on the preceding Friday and holidays that occur on Sunday, on the following Monday. Each full-time employee working in a non-continuous operation shall receive the holiday off with eight (8) hours pay. Each part-time employee working in a non-continuous operation shall receive the holiday off with pay equivalent to the number of hours normally scheduled up to eight (8) hours.
 2. Continuous Operations: Employees working in departments which operate on a continuous basis seven (7) days per week shall observe the holiday on the date specified in B above.
- If the employee works the holiday the employee shall accrue floating holiday leave for the time worked not to exceed eight (8) hours plus be paid the employee's regular hourly rate for all hours worked on the holiday.

3. If a holiday falls on an employee's regularly scheduled day off, other than Saturday or Sunday, the employee may use the holiday as a floating holiday on a different workday. Floating holidays are to be used within the same calendar year as earned; however, full-time employees may carryover a maximum of eight (8) hours and part-time employees may carry over a maximum of four (4) hours into the following year. Any other remaining holiday time from the previous year shall be forfeited. The department head shall approve or disapprove the floating holiday based on what is in the best interest of the village.
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- D. Employees on Paid Leave: If a holiday occurs while an employee is on preapproved sick leave, vacation leave, or other paid leave, the holiday will not be charged against the employee's paid leave balance and the employee will receive holiday pay as provided in above.
 - E. Employees shall indicate on their time sheet when a holiday occurs or a floating holiday is utilized. Employees shall also identify on their time sheet any hours worked on a holiday.

- A. Generally: The employer is concerned with the effects that alcohol and drug abuse can have on employees, their families, and the employees' abilities to perform their work safely and efficiently. The employer believes that it is important, as a public entity, to serve as a leader in the community in the war against drugs by establishing a policy prohibiting its employees from manufacturing, distributing, dispensing, being in possession of, using, or being under the influence of controlled substances. The following policy is designed to meet the above objectives and comply with the provisions of the Federal Drug-Free Workplace Act of 1988.

For purposes of applying this policy, "being under the influence of controlled substances" shall mean a measurable and detectable amount of any controlled substance in the bodily systems at or above the cutoff levels designated herein.

B. The Purposes of this Policy Are:

1. To prohibit the manufacture, distribution, dispersal, possession, use, or being under the influence of controlled substances.
2. To establish and maintain a safe and healthy work environment for all employees.
3. To ensure the good reputation of the Village of Russells Point and its employees within the community is maintained by requiring employees to comply with all laws regarding the use of controlled substances while on or off duty.
4. To reduce the number of accidental injuries to persons or property.
5. To reduce absenteeism and tardiness and improve productivity.
6. To provide assistance in seeking rehabilitation and/or treatment for employees who voluntarily self-identify a non-illegal substance abuse problem.

The Village of Russells Point regrets any inconvenience or problems that its drug/alcohol testing procedure may cause, but believes the overall benefit to the village, the employees, and the public makes it necessary.

C. Acknowledgment and Notice:

1. All prospective employees will be required to acknowledge they are aware of the employer's alcohol and drug abuse policy and they understand it is a condition of employment.
2. Upon hiring, all successful applicants will receive a copy of the employer's drug and alcohol abuse policy. They also will be required to sign an acknowledgement

form (Form 1) which will become a permanent part of the employee's personnel file.

- D. Preemployment Examination: Prior to appointment to a safety-sensitive position, the employer may require conditionally selected applicants to pass a physical examination which may include blood, urine or similar testing which could identify the use of illegal drugs or alcohol.
- E. "Zero Tolerance": Any use of illegal substances or drugs, reporting to work under the influence of alcohol (i.e., .04 BAC or higher), or the on-duty consumption of alcohol will not be tolerated and will result in termination of the offender's employment.

The sale, purchase, manufacture, transfer, or possession of any illegal controlled substances or unlawfully obtained prescription drugs will be reported to the appropriate law enforcement authority and will result in termination of the employee's employment.

Furthermore, any employee who is unable to perform the essential functions of his/her position due to a drug or alcohol-related offense which results in the loss of a required license or certification shall be terminated from employment.

Abusive use of a legally obtained medication or excessive use of alcohol while off duty may result in less severe discipline and/or one (1) opportunity for rehabilitation provided the employee voluntarily acknowledges his/her problem, agrees to cooperate fully in seeking counseling and rehabilitation assistance, and does not result in the employee's loss of any required license or certification necessary for the employee to perform the essential functions of his/her position.

- F. Substance Abuse Defined: The employer will not tolerate substance abuse by its employees. For purposes of this policy, "substance abuse" includes:
1. Use of Illegal Substances or Drugs: Use of illegal substances or drugs would include those controlled substances listed in R.C. 2925.01 and R.C. 3719.01, including but not limited to, items listed in R.C. 3719.41, Schedules I, II, III, IV, and V, and all harmful intoxicants. "Use of" includes consumption while at work, reporting to work while under the influence, as that term is defined herein, or indictment or conviction for the use of illegal substances or drugs while not at work.
 2. Misuse of Lawfully Obtained Drugs: Misuse of lawfully obtained drugs can encompass either prescription or over-the-counter preparations whenever dosages are exceeded, the employee obtains such drugs from different physicians without informing each physician that he/she is taking drugs prescribed by another physician, or where safety warnings are ignored and the employee drives or operates machinery or performs safety-sensitive work duties while taking such drugs.
 3. Misuse of Alcohol: This includes both the consumption of alcohol while on duty; as well as the act of reporting to duty or working after having consumed sufficient

alcohol to constitute a “positive” result of .04 BAC or higher. Legal conviction for public intoxication, driving while under the influence, or other serious alcohol-related convictions shall also be considered “substance abuse.”

4. Sale, Purchase, Manufacture, Transfer, Use, or Possession of Any Illegal Substances or unlawfully obtained prescription drugs.
 5. The Arrival at Work or Return to Work: Execution of work or being on work time, while under the influence of drugs or alcohol; or circumstances where the laws of Ohio or this policy would presume that the worker was “under the influence” due to a positive test result.
 6. Possession of Alcohol or Drugs: The possession of alcoholic beverages or illegal drugs while on village premises, in a village vehicle, or at a village worksite, except as approved in advance by the employer and required for the performance of work duties (e.g., law enforcement).
 7. Prescription Drugs: No prescription drug will be brought on village premises or to a village worksite by any person other than the employee for whom it is prescribed, or a member of that employee’s immediate family. Such drugs shall be used only in the manner, combination, and quantity prescribed.
 8. Notification of Drug-Related Work Restrictions: Any person taking a prescribed drug or any medication which is known or advertised as possibly affecting or impairing judgment or coordination; causing dizziness or drowsiness; or which may adversely affect the employee’s ability to operate machinery or perform work in a safe and productive manner; shall notify his/her department head of such usage and restrictions before beginning work. Such notification shall include the name(s) of all drugs being taken, the prescribed dosage of each drug, and any warnings or restrictions associated with such drugs that may affect the employee’s ability to think clearly and/or perform his/her work duties in a safe and efficient manner.
 9. Alcoholic Beverage Defined: For the purpose of this policy, an “alcoholic beverage” is any beverage that may only be legally sold and consumed in accordance with state liquor laws due to its alcoholic content.
 10. “Drug” Defined: “Drug” means any substance other than alcohol capable of altering an individual’s mood, perception, pain level, or judgment. A “prescription drug” is any substance legally prescribed by a licensed medical practitioner for individual consumption and treatment.
- G. Emergency Call-Outs: An employee who is not scheduled to work and who is requested to respond to an emergency may decline to respond to such emergency, without disciplinary action or reprimand, if he/she has consumed alcoholic beverages of a sufficient quantity that the employee reasonably believes will place that employee in jeopardy of violating this policy if he or she responds to the call-out.

H. Drug and Alcohol Testing:

1. Suspicion Testing: The village may require current employees to undergo testing for alcohol or drug use when there is suspicion the employee is under the influence of alcohol or drugs while at work.
2. Post-Accident Testing: This type of testing will be conducted whenever there is a suspicion that the employee's use of alcohol or a controlled substance contributed to the accident.
3. Return to Work Following Voluntary Counseling/Rehabilitation: Employees who self-identify a non-illegal substance abuse problem, and who are, by virtue of that problem, returning to work following rehabilitation, must undergo a drug and/or alcohol test and present a negative test result prior to resuming work duties.
4. Safety-Sensitive Testing: CDL drivers and other employees who perform safety-sensitive job duties will be subject to additional testing as follows:
 - a. Random testing.
 - b. Post-accident testing.

I. Testing Protocol and Procedure: Drug testing, under this policy, will be carried out by certified collection sites, working in conjunction with testing laboratories certified by Substance Abuse and Mental Health Services Administration (SAMHSA). Drug tests will utilize urinalysis, while alcohol testing will be by breathalyzer.

1. Positive Result: The initial and confirmatory cutoff levels are set forth in the subsection below titled Drug Testing Technology.
2. Specimen Collection and Testing Procedure: Testing will be conducted by trained collection personnel. Any individual subject to testing under this policy shall be permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen. Collection personnel may use such procedures as deemed necessary to ensure the proper collection of samples to be tested, including but not limited to, specimen temperature measurement, urine adulteration testing, and, if deemed necessary, an observed urine specimen collection by a same-sex observer.
3. Drug Testing Technology: The presence of drugs will be tested by urine testing. All testing will be performed by an approved laboratory. Should the initial test demonstrate the presence of any drugs at or above the screening cutoff levels listed below, then a confirmatory test will be performed. Should the confirmatory test affirm the presence at or above the confirmation levels listed below, the laboratory will report a positive result to the Medical Review Officer.

Drugs of Abuse	Screening Cutoff Levels	Confirmation Cutoff Level
Amphetamines	500 ng/ml**	250 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Benzodiazepines	300 ng/ml	300 ng/ml
Cocaine	150 ng/ml*	75 ng/ml
Opiates	300 ng/ml	300 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Cannabinoids	15 ng/ml*	10 ng/ml
Methadone	300 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml
LSD	25 ng/ml	

4. Alcohol Testing: Alcohol testing will be performed using a breath test conducted by a trained officer or breath alcohol technician.

If the initial test demonstrates a blood alcohol concentration of .04 or higher, then a confirmatory test will be performed following a fifteen (15) minute waiting period. If the confirmatory test shows a blood alcohol concentration of .04 or higher, the result will be immediately reported to the village representative.

5. Test Review Results: Drug test results will be reported by the testing laboratory to a medical review officer (MRO) contracted by the employer. The MRO will contact the employee to determine whether there are any valid reasons for the presence of the substances for which the employee has tested positive. The MRO will notify the authorized employer's representative of any result he/she determines is positive for the improper use of controlled substances.

6. Status Pending Results: Any employee who is selected for testing post accident or suspicion testing will be driven to and from the collection site by another village employee. Any employee who initially tests positive may not drive a village vehicle or operate village machinery until the initial test result has been confirmed and reviewed by the MRO. At that time, if all tests are negative, the employee will resume his/her job duties. Those with a positive test result will be terminated from employment with the village.

- J. Reporting and Recordkeeping: The mayor's secretary will be responsible for maintaining all records and reports concerning the employer's substance abuse testing program. The mayor's secretary will also be responsible for statistical recordkeeping and drug testing reports, both internally and externally, which the employer or the Bureau of Workers' Compensation or other regulating agencies may require.

*Per R.C. 4511.19

All records, test results, communications, and reports regarding the employer's alcohol and drug abuse policy shall be forwarded to the mayor's secretary to ensure confidentiality of recordkeeping.

- K. Testing Noncompliance: Employees subject to drug or alcohol testing who refuse or fail to cooperate during the testing process or fail to provide a test sample will be disciplined.

- A. The employer has adopted this discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the employer's right to impose a different level of discipline when the circumstances warrant or when the infraction involves an at-will employee or an employee who has not completed his/her new hire evaluation and instruction period.
- B. This discipline policy provides general guidelines for specific offenses; however, the examples of specific offenses given are not all inclusive, and serve merely as a non-binding guide.
- C. The guidelines for discipline provided in this manual do not preclude the application of a more or less severe penalty for a given infraction by any employee. This is particularly true for employees whose service may be terminated at the will of the employer.
- D. All records of discipline shall be maintained in the employee's personnel file.
- E. Supervisors and/or the department heads may issue verbal warnings and written reprimands. These forms of discipline shall be completed and signed by the supervisor or department head, delivered to the employee, and signed by the employee. The completed disciplinary action shall be placed in the employee's personnel file.
- F. The mayor has authority to temporarily reassign or reduce in position or pay, suspend, or terminate an employee with council's concurrence, except those employees as otherwise provided **herein and as otherwise provided in Ohio statutory and decisional law. Should this policy manual conflict with mandatory Ohio statutory law, statutory law prevails.**
- G. The chief of police has exclusive authority to suspend police department employees **per Ohio statutory law.** When an employee is suspended, the chief shall certify to the mayor, in writing, that the employee is suspended and for what cause and immediately shall serve a true copy of the charges upon the person against whom they were made. The mayor shall inquire into the cause of the suspension within five (5) days and may uphold, modify, or dismiss the suspension. If the mayor upholds the charges, the judgment of the mayor may be for the charged employee's suspension, reduction in rank, or termination of employment.
- H. Police employees, suspended for more than three (3) days, reduced in rank or pay, or dismissed by the mayor, may appeal the action to the legislative authority of the village within five (5) days from the date of the mayor's judgment **per Ohio statutory law.**
 - 1. The legislative authority shall hear the appeal at its next regularly scheduled meeting. The employee may appear in person, examine all witnesses, and answer all charges.

2. The legislative authority may dismiss the charges, uphold the mayor's decision, or modify the judgment to one of suspension for not more than 60 days, reduction in rank, or removal from the department. The legislative authority must agree by a two-thirds (2/3) majority to suspend or discharge the employee.