

**AMELIA VILLAGE, OHIO**  
**Ordinance No.: O-2013-45**

**AN ORDINANCE AMENDING O-2012-50 and O-2013-07, TO AMEND SECTION 704,  
PHYSICAL/MENTAL EVALUATIONS OF THE PERSONNEL POLICY MANUAL  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, on December 11, 2012 the Amelia Village Council enacted Ordinance O-2012-50, adopting a new Amelia Village Personnel Policy Manual and subsequently amended the Personnel Policy Manual through Ordinance 2013-07 on February 12, 2013; and

**WHEREAS**, upon implementation of the new Personnel Policy Manual several inconsistencies arose; and

**WHEREAS**, Amelia Village Council wishes to clarify any inconsistencies in the Personnel Policy Manual;

**NOW, THEREFORE**, be it ordained by Council of Amelia Village, Ohio that:

**SECTION I.** Village Council hereby repeals existing Section 704, Physical/Mental Health Evaluations, of the Amelia Village Personnel Policy Manual.

**SECTION II.** Village Council hereby adopts the following Section 704, Physical/Mental Health Evaluations, as part of the Amelia Village Personnel Policy Manual:

**SECTION 704: PHYSICAL/MENTAL EVALUATIONS**

a. Pre-Employment Medical Examination

No person shall be employed as a police officer or Police Chief with Amelia Village unless that person can establish that he/she, not more than sixty (60) days prior to receiving the offer of employment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of police officer or Police Chief as established by the Village Council. The Village shall, prior to hiring any police officer or Police Chief, file with the Ohio police and fire pension fund a copy of the report or findings of said licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for such physical examination shall be paid for by Amelia Village.

b. Post-Employment Physical/Mental Examination

1. Safety Personnel

All police officers and the Police Chief shall, not less than annually, submit to a complete physical examination, including all related or incidental tests requested by the examining physician at an institution and with physicians designated by the Village to be performed at the Village's expense.

The Village shall have the right to reasonably require physical examination or mental health evaluations of any officer, including the Police Chief, whenever any circumstances arise which indicate that further examination or evaluation is necessary. All such evaluations shall be done in

an institution and by physicians chosen by the Village and at the Village's expense. Police officers and the Police Chief, as a condition of their employment, agree to submit not only to the examination but any related examination or testing which may be dictated or required by the reviewing physician. Failure to cooperate in said testing shall constitute insubordination. However, any employee contesting the results of a required physical or mental examination shall be entitled to submit any relevant medical evidence obtained at the employee's expense.

The inability of any police employee to pass routine physical examinations and any related tests shall be deemed grounds for placing the officer on probation until qualifications are met or for terminating the employee if he/she cannot perform the essential functions of his/her job.

2. Non-safety Personnel

Physical/Mental evaluations may be required of Village employees under certain circumstances, and at the Village's expense. Whenever the ability of any employee to perform his/her assigned duties becomes an issue, either through repeated absences (with or without medical excuse) or by refusal to perform specific assignments on physical or mental grounds, the Village may require the employee to undergo physical or mental examination and related testing at the Village's expense. Failure to cooperate in said testing shall constitute insubordination. However, any employee contesting the results of a required physical or mental examination shall be entitled to submit any relevant medical evidence obtained at the employee's expense.

3. Medical Records

Information regarding an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know and/or those who are authorized by the Ohio Revised Code to review such records.

**SECTION VII.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of Amelia Village and its inhabitants. The reason for the emergency is the need to immediately enact these revisions to the Personnel Policy Manual, so any ambiguities be resolved without delay in order to continue the efficient operation of the Village. Therefore, provided this emergency clause receives the affirmative of two-thirds of all members of Council this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

**SECTION VIII.** Council hereby finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

DERRICK CAMPBELL moved to suspend the rules requiring three readings on three separate dates.

CHRIS DICKERSON seconded the motion.

	Yea	Nay	Absent
Derrick Campbell.....	<u>✓</u>	_____	_____
Chris Dickerson.....	<u>✓</u>	_____	_____
Susan Elliott.....	<u>✓</u>	_____	_____
Renee Gerber.....	<u>✓</u>	_____	_____
Katie Krafka.....	<u>✓</u>	_____	_____

DERRICK CAMPBELL moved for the adoption of the ordinance.

CHRIS DICKERSON seconded the motion.

	Yea	Nay	Absent
Derrick Campbell.....	<u>✓</u>	_____	_____
Chris Dickerson.....	<u>✓</u>	_____	_____
Susan Elliott.....	<u>✓</u>	_____	_____
Renee Gerber.....	<u>✓</u>	_____	_____
Katie Krafka.....	<u>✓</u>	_____	_____

DERRICK CAMPBELL moved for the approval of the emergency clause.

CHRIS DICKERSON seconded the motion for the approval of the emergency clause.

	Yea	Nay	Absent
Derrick Campbell.....	<u>✓</u>	_____	_____
Chris Dickerson.....	<u>✓</u>	_____	_____
Susan Elliott.....	<u>✓</u>	_____	_____
Renee Gerber.....	<u>✓</u>	_____	_____
Katie Krafka.....	<u>✓</u>	_____	_____

**Adopted on October 8, 2013.**

Julie Wartman  
Julie Wartman, Clerk Pro Tempore

Todd Hart  
Todd Hart, Mayor

\*\*New language is underscored; language to be deleted is shown as ~~stricken~~.