

# CITY OF GENEVA

## PERSONNEL MANUAL



## **CHAPTER 252**

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**Policies are defined as the basic rules which guide administrative action for accomplishing an organization's goals and objectives. Clear and completely defined policies are essential to the success of any organization. This manual is a general guide to be utilized by management personnel to insure uniformity and nondiscriminatory application of the conditions of employment.**

**This manual contains those policies set forth by the City of Geneva. The City Manager and supervisors charged with the responsibility of administering such policies must be thoroughly knowledgeable of the manual's contents. In addition, all policies must be administered in a fair, systematic and impartial manner.**

**Undoubtedly, there will be situations which shall require administrative interpretations of the policies contained herein. Every effort must be made to insure that such decisions are made objectively, with the general intent of the policy in mind. (Ord. 2453. Passed 4-10-95.)**

#### **252.02 DEFINITIONS.**

(a) Unless otherwise indicated in these policies, the following definitions shall apply:

- (1) "Active pay status" means the conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, holiday leave, sick leave, administrative leave, paid personal leave and compensatory time off.
- (2) "Appointing authority" means the City Manager.
- (3) "Classified employee" means an employee who has been appointed to his or her position from a certification eligible list or is certified in his or her position pursuant to an examination or the operation of the City of Geneva Civil Service rules and regulations. These positions are police officer and police sergeant.
- (4) "Classification" means a group of positions as defined by the City of Geneva Civil Service Ordinance.
- (5) "Emergency appointment" means an appointment to a position to meet an emergency situation, not subject to civil service law, and limited to a maximum of thirty days.
- (6) "Leave of absence" means a temporary separation from active pay status, authorized and approved by the City Manager, with the employee generally retaining status and seniority rights.
- (7) "No pay status" means the condition under which an employee is ineligible to receive pay and/or benefits, and includes, but is not limited to, leave without pay, leave of absence and disability leave.
- (8) "Supervisor" means an individual who, by classification description, directs and oversees the day-to-day activities of one or more employees.
- (9) "Unclassified employee" means any position that is not in the classified service as per the City Civil Service Ordinance.
- (10) "Unexcused absence" means any unauthorized or unreported absence.

(Ord. 2453. Passed 4-10-95.)

- (b) References in this chapter to "manual," "this manual," "policies" or "these policies" shall be construed to mean "this chapter."

**252.03 CLASSIFIED AND UNCLASSIFIED EMPLOYMENT.**

- (a) All employees of the City of Geneva are presumed to serve in the unclassified civil service, unless the positions which they occupy have been specifically adopted into the classified civil service by Ordinance or by operation of law. After the completion of the prescribed probationary period, classified employees may be disciplined only for cause.
- (b) Employees who serve in the unclassified civil service serve at the pleasure of the City Manager. After completion of the prescribed probationary period, unclassified employees may be disciplined in accordance with this Chapter.

**252.04 OBJECTIVES.**

- (a) The City Council and the City Manager recognize that a personnel system which recruits and retains competent, dependable City Personnel is indispensable to effective, efficient and equitable Municipal services.
- (b) The policies and procedures set forth in this manual are designed to:
  - (1) Promote high morale and foster good working relationships among employees of the City of Geneva by providing uniform personnel policies, equal opportunities for advancement and consideration for employee needs;
  - (2) Enhance the attractiveness of a career with the City of Geneva and encourage each employee to give his or her best effort;
  - (3) Encourage courteous and dependable service to the public;
  - (4) Provide fair and equal opportunity for qualified persons to enter into and progress in the City service, based on merit and fitness, as determined through objective and practical personnel management methods; and
  - (5) Ensure that all City operations are conducted in an ethical and legal manner so as to promote its reputation as an efficient, progressive body in the community and the State of Ohio.

(Ord. 2453. Passed 4-10-95.)

**252.05 EQUAL EMPLOYMENT OPPORTUNITY.**

- (a) The City of Geneva shall support equal employment opportunity for all employees.
- (b) All employees and applicants for employment with the City of Geneva will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated or otherwise dealt with in a fair and equitable manner, based solely upon individual merit, fitness and bona fide occupational qualifications as each individual might possess. No personnel decision shall be based upon race, color, creed, religion, sex, national origin, age, disability or other non job-related criteria.

(Ord. 2453. Passed 4-10-95.)

**252.06 MANAGEMENT RIGHTS.**

The City of Geneva maintains the right and the authority to administer each City department, to promulgate rules and regulations and to exercise the prerogatives of management, including, but not limited to, the following:

- (a) Determine matters of inherent managerial policy which include, but are not limited to, areas of discretion or policy, such as the functions and programs of the public employer, standards of service, its overall budget, utilization of technology and organizational structure;
- (b) Direct, supervise, evaluate or hire employees;
- (c) Maintain and improve the efficiency and effectiveness of governmental operations;
- (d) Determine the overall methods, process, means or personnel by which governmental operations are to be conducted;
- (e) Suspend, discipline, demote or discharge for just cause, or lay off, transfer, assign, schedule, promote or retain, employees;
- (f) Determine the adequacy of the workforce;
- (g) Determine the overall mission of the employer as a unit of government;
- (h) Effectively manage the workforce;
- (i) Take action to carry out the mission of the public employer as a governmental unit; and
- (j) Administer drug and alcohol pre-employment testing and employment testing, as required by any State and/or Federal statute.

(Ord. 2453. Passed 4-10-95.)

**252.07 DISSEMINATION.**

All employees shall be notified of the existence of these policies, and each City department shall keep a copy available for review by employees. Employees are permitted to use business hours to review these policies.

(Ord. 2453. Passed 4-10-95.)

**252.08 AMENDMENTS; COPIES.**

- (a) These policies may be amended, revised or deleted at any time by the City of Geneva.
- (b) Copies of all revised policies will be sent to those employees who are policy manual holders.

(Ord. 2453. Passed 4-10-95.)

**252.09 POSTING OF VACANCIES; APPLICATION.**

- (a) The employer shall post, internally, for five working days, vacancies which occur or are imminent within the City, except in those cases where an employee is eligible for reinstatement from layoff to the vacant position.
- (b) During the five-day posting period, any employee wishing to apply for the vacant position shall submit a written application or resume to his or her supervisor.

- (c) The supervisor or the City Manager or his or her designee shall not be obligated to consider any application submitted after the close of the posting period.
- (d) All qualified employees applying for the position shall be interviewed by the City Manager or his or her designee.
- (e) Current full-time or part-time employees will be considered for vacant positions. If a current employee is not appointed, the City Manager will fill the position through the selection of qualified outside job applicants.
- (f) An application must be properly completed and submitted before an applicant will be considered for employment.
- (g) The City Manager reserves the right to choose the most qualified applicant when filling a vacancy.

(Ord. 2453. Passed 4-10-95.)

**252.10 EVALUATION OF APPLICANTS.**

- (a) The City Manager or his or her designee shall evaluate all job applicants. Applicants must submit to reference checks, interviews, medical examinations, background checks, performance tests and/or other job-related screening procedures, including drug testing.
- (b) An applicant may be required to provide any information and undergo any examination necessary to demonstrate his or her qualifications for the position sought, insofar as such information and examination are job related.

(Ord. 2453. Passed 4-10-95.)

**252.11 BASIS FOR SELECTION; DISQUALIFICATION.**

- (a) Appointments to vacant positions, either from internal promotion or selection from outside job applicants, shall be made based solely on the applicant's knowledge, skills and abilities, and other job-related qualifications, as ascertained through fair and practical selection methods.
- (b) An applicant shall be eliminated from consideration if the applicant:
  - (1) Does not possess the knowledge, skills and abilities necessary to effectively perform the duties of the vacant position;
  - (2) Has made a false statement of material fact on the application form or supplements thereto;
  - (3) Has committed or attempted to commit a fraudulent act at any stage of the selection process;
  - (4) Is an alien and is not legally permitted to work; or
  - (5) Fails to meet the standards set or any other reasonable and legal grounds relating to the requirements of the position.
- (c) If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria applies, the employee will be terminated for dishonesty, incompetency, nonfeasance or malfeasance.

(Ord. 2453. Passed 4-10-95.)

**252.12 PROMOTIONS.**

- (a) Promotional opportunities shall be offered to qualified employees whenever possible. The employer may limit a selection process to qualified employees or may allow such employees preference in application and/or consideration, to the extent as permitted by law.
- (b) Factors to consider for promotion include an employee's completion of any required probationary period, required training courses, annual performance evaluation ratings, the employee's work history and experience, potential supervisory ability and any other job-related criteria.

(Ord. 2453. Passed 4-10-95.)

**252.13 TRANSFERS.**

- (a) A transfer may be defined as the movement of an employee from one job to another where there is no change in level of responsibility, classification or salary. Generally, such transfers will be made from one position at a different job location, or to a different work crew.
- (b) A request for transfer may be submitted by an employee or by management if such a transfer is in the best interest of the City of Geneva.
- (c) A request for transfer will be granted at the sole discretion of the employer. In all cases, the needs of the employer will determine if such a request is granted. The needs of the employer take priority over the wishes of the employee in such matters.

(Ord. 2453. Passed 4-10-95.)

**252.14 EMPLOYMENT OF RELATIVES.**

- (a) The City will not employ a new full-time employee who is an immediate family member of a current full-time employee in the same department. Immediate family shall be defined as a spouse, child, sibling, parent, any in-law, grandparent, grandchild, legal guardian or in loco parentis.
- (b) Changes in the existing status or positions of present employees shall not be required if such relationships exist at the time of the adoption of this policy.

(Ord. 2483. Passed 2-5-96.)

**252.15 EMPLOYMENT STATUS.**

All employees of the City of Geneva shall be classified as full-time, part-time, temporary, seasonal or intermittent, as follows:

- (a) A full-time employee is an employee who works for forty hours per week on a regular scheduled basis or who works any other standard workweek, as designated by the employer.
- (b) A part-time employee is an employee who works fewer than forty hours per work week on a regular basis, as designated by the employer.
- (c) A temporary employee is an employee hired for a limited period of time, fixed by the employer, not to exceed sixty workdays.

- (d) A seasonal employee is an employee who works a certain regular season or period of the year performing some work or activity limited to that season or period of the year.
- (e) An intermittent employee is an employee who works in a classification whose hours of work are determined by the employer, and whose hours or work are sporadic, not scheduled, and determined by staffing and workload requirements.

(Ord. 2453. Passed 4-10-95.)

**252.16 SENIORITY.**

- (a) Seniority shall be defined as the uninterrupted length of full-time continuous service with the City of Geneva. Termination of employment lasting less than thirty-one days does not constitute a break in continuous service. An authorized leave of absence also does not constitute a break in continuous service, and seniority time continues to accumulate during the leave, provided that the employee complies with the rules and regulations regarding the leave of absence.
- (b) For purposes of layoffs, seniority is defined as full-time continuous service with the City of Geneva.
- (c) A break in service occurs if an employee is terminated for any reason other than layoff and is not reinstated within one year of the termination date. If an employee is reinstated within one year of the termination date, continuous service will not be broken and prior service will be credited to the employee for purposes of determining seniority. Employees who are reinstated within one year will retain previously accumulated seniority, but will not be credited with seniority for the time spent away from public service.
- (d) Seniority, for purposes of vacations, is calculated according to the number of years of full-time/part-time service with the City of Geneva or any municipal corporation of the State of Ohio. The service need not be continuous; however, completion of one year of service with the City of Geneva is required before eligibility for any vacation leave is established.
- (e) Seniority, for purposes of determining retirement benefits, is defined by the provisions of the retirement system in which the employee participates.

(Ord. 2453. Passed 4-10-95.)

**252.17 ETHICS.**

The City of Geneva is a public agency and, as such, is responsible to the community and the citizens it serves. All employees are expected to maintain the highest possible ethical and moral standards and to perform their duties within the guidelines established by appropriate statutes and other rules and regulations as may be set forth by the City of Geneva. Conduct that interferes with normal operations of the City, brings discredit to the City or is offensive to the public or to fellow employees will not be tolerated. Such conduct shall include, but shall not be limited to:

- (a) The engagement in any transaction, business or other interest which is in conflict with the proper discharge of official duties;
- (b) The disclosure of confidential information without proper authorization;
- (c) The use of confidential information or influence of position to advance personal, financial or other private interests;
- (d) The acceptance of any gift, in the form of a service, loan, item or promise, from any person, firm or organization which maintains an interest in any business with the City of Geneva;
- (e) The acceptance of any gift, in the form of a service, loan, item or promise, from any person, firm or organization that may tend to influence an employee in the proper discharge of official duties; and
- (f) The engagement in any matter which represents a conflict of interest with the City of Geneva. (Ord. 2453. Passed 4-10-95.)

**252.18 PROBATIONARY PERIODS.**

- (a) Every person entering City service under these policy provisions shall be required to successfully complete a probationary period of at least 365 days. The probationary period begins with the effective date of the appointment or promotion.
- (b) Supervisors shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to jobs and City service. Supervisors shall recommend retention of only those employees who meet acceptable standards during the probationary period.
- (c) A probationary employee may be separated at any time during the probationary period when, in the judgment of the employer, the employee's fitness and/or quality of work is not such as to merit continuation in the job.
- (d) A newly promoted employee shall also be subject to a 180-day probationary period. Such employee may be returned to his or her former position during the second half of the probationary period when it is the judgment of the employer that the employee's fitness and/or quality of work is not such as to merit continuation in the promoted position. Such action shall not be considered disciplinary or eliminate the employee from consideration for future advancement.
- (e) A newly hired, probationary full-time employee may be terminated during his/her probationary period and shall have no appeal over such removal. Any employee failing a promotional probation shall have the right of appeal through the grievance procedure within five days following notice of failure of probation.
- (f) Based on performance/behavior, a department head and/or employee may be placed on administrative probation, if the City Manager and/or the responsible department head deems it appropriate, for a period of six months.

- (g) Upon establishing an administrative probation period, the department head and/or the City Manager will inform the employee, in writing, with a justification for such action.
- (h) There shall be a conference between both parties as well as a completion of a personnel evaluation form by the supervisor and a self-evaluation by the employee using the same form. During this time, remedial steps for correcting the deficient performance/behavior shall be noted and advised. There shall be subsequent evaluations at three months and a final evaluation at six months.
- (i) Depending on the outcome of the administrative probationary period (six months), the supervisor may recommend the following:
  - (1) Keeping the employee at present status;
  - (2) Demoting the employee and/or reducing the employee's compensation; or
  - (3) Terminating the employee.
- (j) During the probationary period, the employee's status shall remain at status quo. It is the intent to correct and improve the performance of the employee, not to terminate him or her.

(Ord. 2453. Passed 4-10-95.)

**252.19 PERFORMANCE EVALUATIONS.**

- (a) A performance evaluation is designed to help the City, the supervisor and the employee measure how well the employee is performing the job and to provide a tool for management decisions regarding training, assignment, promotion and retention of employees.
- (b) An employee shall be evaluated annually during the anniversary month of the date of hire or the date of the last promotion. Special evaluations or 6-month evaluations may be made if authorized by the employer or the designee, and may include a step increase. Probationary employees shall be evaluated at the midpoint of their probationary periods and, again, immediately prior to the completion of the probationary period.
- (c) Each employee shall be provided with a copy of the performance evaluation. The supervisor shall discuss the report with the employee and shall counsel the employee regarding his or her career and any improvement in performance which appears desirable and/or necessary.
- (d) Employees shall be given the opportunity to add comments to their evaluation forms. All employees shall be required to sign the evaluation form to verify that the employee has seen the completed document. The employee's signature does not mean agreement with the evaluation. The supervisor shall provide each employee with a copy of the evaluation, and one copy shall be retained in the employee's personnel file.

(Ord. 2453. Passed 4-10-95.)

**252.20 CLASSIFICATION PLAN.**

- (a) The employer or its designee shall administer a classification plan based on the analysis of the duties and responsibilities of positions within the

organization. Class specifications shall include a class title, the nature of the work, examples of duties and minimum qualifications.

- (b) Upon employment, each employee shall be provided with a copy of the class specification for his or her position and any amendments thereto.
- (c) The duties and responsibilities of each position shall be reviewed on an annual basis by the employer or designee for accuracy, and any necessary adjustments shall be made to the classification plan as may be determined by this review.

(Ord. 2453. Passed 4-10-95.)

#### **252.21 MATERNITY LEAVE.**

- (a) 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 employer. The employee may use any or all of her 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 the employee can work.
- (b) The leave of absence will end at the time certified by the employee's physician, but not to exceed six months pre-delivery, delivery and recovery time. Additional leave may be allowed if necessitated by medical reasons and shall be deemed a disability separation. A medical statement from the employee's physician supporting such necessity must accompany the employee's separation request. In addition, a physical exam by a qualified physician may be required at the request of the employer. Expenses incurred from such requested physical exam shall be paid by the employer.
- (c) No later than thirty days after the termination of pregnancy, the employee must notify the employer, 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. Should no similar position exist, the employee may be laid off.
- (d) Employees, if enrolled in the insurance program, will receive hospitalization benefits during the period of leave, provided that the employee continues to pay the required insurance premium, per COBRA regulations.
- (e) In general, pregnancy and childbirth shall not differ from any long-term illness in considering an employee's rights and responsibilities.

(Ord. 2453. Passed 4-10-95.)

## **252.22 UNPAID FAMILY AND MEDICAL LEAVE.**

- (a) As a result of the Federal Unpaid Family and Medical Leave Act of 1993, signed into law on February 5, 1993, unpaid family and medical leave is available under certain circumstances. Therefore, the following will be the policy of the City of Geneva: Eligible full-time employees will be provided up to twelve weeks of unpaid leave during any twelve-month period for one or more of the following reasons:
  - (1) Birth of a son or daughter;
  - (2) Placement of a child with the employee for adoption or foster care;
  - (3) A serious health condition that makes the employee unable to perform the functions of the employee's job; and/or
  - (4) A serious health condition of a member of the employee's immediate family which requires the attendance and/or care of the employee.
- (b) Eligible full-time employees are those employees who have been employed by the employer for at least twelve months and who have worked 1,250 hours during the previous twelve-month period.
- (c) Immediate family, for the purposes of this policy, shall be defined as a:
  - (1) Spouse;
  - (2) Child, including stepchild; and
  - (3) Parent.
- (d) The twelve-month period, for the purposes of this family and medical leave policy, shall be determined as twelve months from the first date that the employee takes leave under this policy.
- (e) A father and a mother, both working for the employer, are entitled to an aggregate total of twelve weeks of unpaid leave under this policy.
- (f) An employee who exercises his or her options under this policy will be continued to be covered by the health insurance plan provided by the City of Geneva. Such coverage shall be under the same conditions as health insurance would have been provided if no leave were taken. If, at the conclusion of the maximum leave time allowed under this policy, the employee is unable to return to work, the employee may continue to participate in the health insurance plan by the employee paying the premiums, per COBRA regulations.
- (g) Employees who take leave under this policy are entitled to return to the same or equivalent positions, with equivalent benefits, pay and other terms and conditions of employment. The employer may deny a position to an employee who is among the highest ten percent where the denial is necessary to prevent substantial and grievous economic injury to the operations of the employer and where the employer notified the employee of its intent to deny restoration and the basis for the denial.
- (h) Employees who are on unpaid leave under this policy shall not accrue any employment benefits during any period of leave, but shall maintain their seniority with the employer, provided that such employees immediately return to work at the conclusion of the leave.

- (i) Employees, whenever possible, are to provide at least thirty days advance written notice to the employer before beginning to take leave under this policy.
- (j) Leave resulting from the birth of a child or the placement of a child for adoption cannot be taken intermittently or on a reduced leave schedule, unless requested by the employee and approved by the employer. Employees who are requesting leave for childcare purposes must take the leave within twelve months of the qualifying event.
- (k) Leave resulting from a serious illness of the employee, or an employee's spouse, child or parent, can be taken intermittently or on a reduced leave schedule when medically necessary.
- (l) When leave is requested as a result of a serious health condition, the employer may require the employee to provide a written certification issued by a health care provider verifying said serious health condition.
- (m) The employer may require a second or third opinion by a health care provider if there is doubt of the validity of the certification provided by the employee. The cost of said additional opinions shall be paid by the employer.

(Ord. 2453. Passed 4-10-95.)

**252.23 SEXUAL HARASSMENT.**

- (a) The City of Geneva strictly prohibits sexual harassment of its employees in the workplace by any person or in any form. This policy is consistent with the guidelines on sexual discrimination issued by the Equal Employment Opportunity Commission.
- (b) Specifically, it is both illegal and against the policies of the City of Geneva 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 employment, evaluation, compensation, advancement, assigned duties, shifts or any other condition of employment or career development.
- (c) After appropriate investigation, any supervisor or other employee who has been found to have sexually harassed another employee or job applicant will be subject to appropriate disciplinary action, consistent with the provisions contained in this manual, up to and including termination.
- (d) The City of Geneva also recognizes that false accusations of sexual harassment can have serious effects on innocent personnel. The City of Geneva trusts that all employees will act responsibly to establish a pleasant working environment, free of discrimination and harassment.

(Ord. 2453. Passed 4-10-95.)

## **252.24 POLITICAL ACTIVITY.**

This policy lists the specific political activities permitted and prohibited to City employees. Violations of this section may result in disciplinary measures, up to and including possible terminations.

- (a) Activities Permitted.
  - (1) Registration and voting;
  - (2) Expressing opinions, either orally or written;
  - (3) Voluntary financial contributions to political candidates or organizations;
  - (4) Circulating of nonpartisan petitions or petitions stating views on legislation;
  - (5) Attendance at political rallies;
  - (6) Signing nominating petitions in support of individuals
  - (7) Display of political materials in the employee's home or on the employee's property;
  - (8) Wearing political badges or buttons, or the display of political stickers on private vehicles.
- (b) Activities Prohibited.
  - (1) Candidacy for public office in a partisan election;
  - (2) Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
  - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
  - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
  - (5) Service in an elected or appointed office in any partisan political organization;
  - (6) Acceptance of a party-sponsored appointment to any normally filled by partisan election;
  - (7) Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward success;
  - (8) Solicitation, either directly or indirectly, of any assessment, contributing or subscription, either monetary or in-kind, for any political party or political candidate;
  - (9) Solicitation of the sale, or actual sale, of political party tickets;
  - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
  - (11) Service as, witness or challenger, for any party or partisan committee; Participation in political caucuses of a partisan nature; and
  - (12) Participation in political caucuses of a partisan nature; and

- (13) Participation in a political action committee which supports partisan activity.

(Ord. 2453. Passed 4-10-95.)

#### **252.25 USE OF CITY VEHICLES.**

- (a) Assigned employees operating or using City-owned vehicles shall be subject to the following regulations:
  - (1) Employees operating City vehicles are required to have a proper and valid motor vehicle operator's license in accordance with the type of City vehicle the employee operates. Employees shall not use or permit the use of a City vehicle for any purpose other than official business. Employees shall not permit family members or friends to ride in City-owned vehicles, unless specifically authorized by a Department Head; and
  - (2) An employee who operates a City-owned vehicle must exercise caution and responsibility and adhere to sound safety regulations. Traffic fines or arrests for illegal or improper use of vehicles are the sole responsibilities of the employee. Reckless or destructive operation of vehicles are grounds for disciplinary action.
- (b) It is the employee's responsibility to report needed vehicle repairs or maintenance and/or any malfunctions to the employer or designee.

(Ord. 2453. Passed 4-10-95.)

#### **252.26 CITY WIDE TELEPHONE USE**

The purpose of this section is to establish a policy for the approval use of the City's telephone system. This policy will provide a structure in which the telephone system can be most effectively used and prevent occurrences of abuse.

##### **APPLICABILITY**

- (a) The City's telephone system is one of our primary means of conducting business with the citizens and businesses of the City. Our telephone system must be used in the most productive and effective manner to satisfy those that we serve. Personal preferences will be secondary to utilization that best meets our customer satisfaction goals.
- (b) The telephone system includes any City owned telephone processing equipment and any telephones connected to this system. Desk phones, mobile phones, cell phones/ walkie talkies and pagers are included in this telephone system. All such equipment any related software and any related information retained by the system including voice mail are the property of the City of Geneva.

Mobile phones, cell phones/walkie talkies and pagers shall be issued only to those employees with a demonstrated work-related need for these types of communication devices. The department head or other authorized personnel

shall be responsible for determining if such a need exists. When an employee no longer has a demonstrated need for the equipment or when employment is terminated, the employee shall return any equipment that has been issued to him/her. Supervisors will annually review the inventory of users to ensure designated employees continued to demonstrate a need for these devices. Like all other City assets and resources, cellular phones and similar are acquired with public funds to enable our employees to transact the public's business in the most efficient and cost-effective method possible. Employees who have been assigned these devices shall use them in the same manner and with the same care and stewardship as do employees who have conventional, stationary telephone equipment. Loss of any equipment shall be reported immediately to the employee's department head. If theft is suspected, a report shall be completed with the Police Department.

Any employee assigned a mobile phone shall be conscientious of the monthly allotted minutes and/or package dollar amount to ensure that it is not exceeded. Billable minutes used for personal calls shall be reimbursed to the City. A periodic review of all cellular phone bills will be conducted by the department head or his/her designated representative to ensure proper use. It is the employee's responsibility to understand the features and conditions of his/her particular plan. Cell phone/walkie talkie users agree to contact other cell phone/walkie talkies users by direct connect a majority of the time, with only rare instances requiring cellular to cellular connections.

Occasionally, employees who do not have a City-issued cellular device may need to use their personal cellular phone for critical City business. These calls may be eligible for reimbursement by the City, provided no other option is available. Use of personal cellular phones is discouraged, due to the often high cost of cellular phone usage versus standard phone usage.

Since the telephone system should only be used to conduct City business, this policy applies 24 hours a day, 7 days a week. All full-time, part-time, and casual staff must abide by this policy.

#### VOICEMAIL

- (a) The City provides voice mail for employees to conduct City business. Voice mail may be a "public record" subject to disclosure in the same way that messages of similar substance contained in or upon media are defined as "public record" pursuant to applicable law.
- (b) Employees should, therefore, exercise care regarding the content of their voice mail transmissions.
- (c) All voice mail messages are a part of the City's telephone system and therefore, are considered City property. City Administration reserves the right to review all communications made by City employees in regards to use of the

City's telephone system. Voice mail messages will be monitored for specific reasons, such as evaluating the effectiveness and operation of the telephone system, finding lost messages, investigating of suspected criminal acts, breach of security or other policies, and recovery from system failures. The City will refrain from accessing an employee's voice mail, unless reasons for doing so are consistent with the City's need for supervision, control and efficiency in the workplace. Nevertheless, all City employees are hereby advised that there is no right or reasonable expectation of privacy in the use of the City's voice mail system.

#### ACCEPTABLE USE

- (a) City Employees are expected to abide by the generally accepted rules of etiquette. These include, but not limited to, the following.
- 1) Be polite. Do not get abusive in your messages to others.
  - 2) Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
  - 3) Do not use the system in such a way that would disrupt or interfere with any other user.
  - 4) Prohibited uses include, but not limited to, illegal activities, threats, harassment, slander, defamation, obscene or suggestive messages, racially offensive or derogatory messages, political endorsements, commercial activities, and use or attempt to dial 900 or sexual oriented telephone numbers.
  - 5) Employees shall exercise extreme caution when using a communication device while driving or operating a public vehicle. Unless utilizing a "hands-free" device, employees should stop the vehicle as soon as safely possible to continue using the communication device.
- (b) Voice mail security is an important matter. If an employee feels that he/she can identify a security problem, notify City Administration. Do not demonstrate the problem to other users. Do not use another individual's voice mail account without written permission from that individual.

Any unauthorized change to the user telephone will be considered a security violation.

- (c) Some personal use of the telephone system is expected. Long distance personal calls must be reimbursed to the City.

Any extensive use of the telephone system for non-business reasons is prohibited. The appropriate department head would make this determination.

#### RESPONSIBILITY

- (a) City management has the sole authority to change the telephone system configuration and/or security, and must authorize any changes to user

telephones. Personal long distance access codes must be approved by the appropriate department head and administration.

- (b) The City is not liable for any illegal or inappropriate telephone activity conducted by a staff member.
- (c) In the event that an employee receives voice mail that is of an abusive, threatening, criminal or otherwise inappropriate nature, the employee shall save the message and advise his/her department head. The department head shall review the message and respond in an appropriate manner. If the content of the message is such that intervention or involvement by the Police Department is appropriate, the Police Chief and City Administration shall be notified.

**252.27 UNEXCUSED ABSENCES.**

- (a) Upon returning from an unexcused absence, the employee must report to his or her immediate supervisor and state the reason for the absence. If the supervisor accepts the reason as valid, no discipline will be imposed. If the reasons are not acceptable, the employee will be disciplined in accordance with this Personnel Policy Manual.
- (b) Employees have the right to appeal any imposed discipline through normal grievance procedures contained in this manual.

(Ord. 2453. Passed 4-10-95.)

**252.28 OUTSIDE EMPLOYMENT.**

- (a) Under no circumstances shall an employee have other employment which conflicts with the policies, objectives and operations of the City of Geneva. In addition, an employee shall not become indebted to a second employer whose interests might be in conflict with those of the City of Geneva.
- (b) Other employment conflicts, as set forth in this policy, when a second job impairs the employee's ability to perform the duties of his or her position with the City of Geneva.
- (c) Full-time employment by the City of Geneva shall be considered the employee's primary occupation and shall take precedence over all other occupations.
- (d) The employee shall confer with the department head, the City Manager and/or the City Solicitor to determine whether the secondary job presents a conflict with the City of Geneva's policies, objectives, interests and/or operations. Outside employment, or "moonlighting," shall be a concern to the City only if it adversely affects the employee's job performance. Two common employment conflicts that may arise are:
  - (1) Time conflicts, defined as when the working hours required of a secondary job directly conflict with the scheduled working hours of an employee's job with the City or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance; and

- (2) Interest conflicts, defined as when an employee engages in outside employment which tends to compromise his or her judgment, actions and/or job performance with the City.

Should the employer or its designee feel that an employee's outside employment is adversely affecting the employee's job performance with the City, the employer may recommend, but not demand, that the employee refrain from such activity. However, any conflict, policy infraction or other specific offense, which is the direct or indirect result of an employee's outside employment, shall be disciplined in a manner that is consistent with the policy set forth in this manual.

(Ord. 2453. Passed 4-10-95.)

### **252.29 WORK SAFETY AND HEALTH.**

Work safety and health is a primary concern of the City of Geneva. The safe and healthful performance of all work assignments is the responsibility of both supervisory and nonsupervisory personnel. It is their responsibility to insure that all safety procedures and/or practices are observed.

- (a) Any employee found to be unwillingly negligent in equipment operation, resulting in either damage to the equipment or an accident, shall be disciplined according to the policy outlined in Section 252.30.
- (b) Any employee found to be deliberately negligent in equipment operation, resulting in either damage to the equipment or an accident, shall be subject to immediate termination.
- (c) All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous conditions or practices in the workplace.
- (d) Any accident involving employees occurring during working hours shall be reported to the employee's immediate supervisor, as soon as practical, and shall be filed in writing. The supervisor shall then notify the City Manager. Upon notification, the City Manager or the supervisor shall review the report and may investigate within forty-eight hours after the accident.

(Ord. 2453. Passed 4-10-95.)

### **252.30 OUTSIDE SOLICITATION OF GIFTS AND DONATIONS.**

- (a) The City of Geneva does not condone unapproved solicitation of gifts or donations to the City of Geneva.
- (b) When an employee is approached with an offer of a gift or donation, the employee must forward such information to the Department Head immediately.

(Ord. 2453. Passed 4-10-95.)

### **252.31 DISCIPLINARY PRINCIPLES.**

The City of Geneva believes that a clearly written discipline policy will serve to promote fairness and equality in the workplace and will minimize potential misunderstandings among employees in disciplinary matters. Furthermore, the City

believes that certain basic principles, set forth below, must be consistently applied in order to effectively and fairly correct unsatisfactory job behavior:

- (a) Employees shall be advised of expected job behavior, the types of conduct that the City has determined to be unacceptable and the penalties for such unacceptable behavior.
- (b) Immediate attention shall be given to policy infractions.
- (c) Discipline shall be applied uniformly and consistently throughout the City and any deviation from standard procedure must be documented.
- (d) Each offense shall be dealt with as objectively as possible.
- (e) Discipline shall be progressive as outlined in this section.
- (f) An employee's immediate supervisor or the City Manager shall be responsible for administering discipline.

(Ord. 2453. Passed 4-10-95.)

### **252.32 GROUNDS FOR DISCIPLINARY ACTION; PENALTIES.**

The examples of Group I, II and III Offenses, set forth below, are characteristic of those offenses which have been historically judged to be of such a nature so as to warrant those penalties established for the group:

- (a) Group I Offenses, in general, may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight, yet significant, decrease in organizational productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by the proper authority, will usually cause only a temporary or minor impact against the organization, unless such acts are compounded over time. Group I infractions will remain in the employee's personnel file for a twelve-month period, at which time the disciplinary notice will have no force or effect, provided that no further offenses occur.
- (b) Group II Offenses may be defined as those infractions which are of a more serious nature than Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses, if left undisciplined by the proper authority, can cause a serious and longer lasting minor impact against the organization than Group I Offenses. Group II infractions will remain in the employee's personnel file for a two-year period, at which time the disciplinary notice will have no force or effect, provided that no further offenses occur.
- (c) Group III Offenses may be defined as those infractions which are of a very serious or, possibly, criminal nature and which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses, if left undisciplined by the proper authority, may cause a long lasting and serious impact upon the organization. Group III infractions will remain in the employee's personnel file for a three-year period, at which time the disciplinary notice will have no force or effect, provided that no further offenses occur.

### **Group I Offenses**

First offense	Instruction and cautioning
Second offense	Written reprimand
Third offense	Three-day suspension without pay
Fourth offense	Ten-day suspension without pay
Fifth offense	Termination

- (1) Discourteous treatment of the public;
- (2) Tardiness, failure to commence duties at the beginning of the work period or leaving work prior to the end of the work period;
- (3) Leaving the job or work area during regular working hours without authorization;
- (4) Making preparations to leave work without specific prior authorization before lunch, an official break time or the specified quitting time;
- (5) Neglect or carelessness in signing in or out;
- (6) Unauthorized absence from work;
- (7) Creating or contributing to unsanitary or unsafe conditions or housekeeping;
- (8) Distracting the attention of others, unnecessary shouting or demonstration, or otherwise causing disruption on the job;
- (9) Malicious mischief, horseplay, wrestling or any other undesirable conduct, including the use of profane or abusive language;
- (10) Failure to cooperate with other employees as required by job duties;
- (11) Failure to use reasonable care of City property or City equipment;
- (12) Neglect or carelessness in the observance of official safety rules or a disregard of common safety practices;
- (13) Failure to observe department rules;
- (14) Obliging the City for any expense, service or performance without authorization;
- (15) Failure to report accidents, injuries or equipment damage;
- (16) Disregarding job duties by neglect of work or reading for pleasure during working hours; and
- (17) Unsatisfactory work or failure to maintain the required standard of performance.

### **Group II Offenses**

First offense	Instruction and cautioning and/or up to a three-day suspension without pay
Second offense	Written reprimand and/or up to a Ten-day suspension without pay
Third offense	Up to 30 day suspension or Termination

- (1) Sleeping during working hours;
- (2) Reporting for work or working while unfit for duty;
- (3) Being in possession of or drinking alcoholic beverages on the job (part-time undercover officers excepted);
- (4) Conduct violating morality or common decency, e.g. sexual harassment;
- (5) Unauthorized use of City property or equipment;
- (6) Threatening, intimidating, coercing or interfering with other employees;
- (7) Willful failure to sign in or out when required;
- (8) Failure to report for mandatory or emergency overtime work without good reason;
- (9) Willful failure to make required reports;
- (10) Solicitation on City premises without authorization;
- (11) The making or publishing of false, vicious or malicious statements concerning employees, supervisors or the City or its operations;
- (12) Refusing to provide testimony in an administrative hearing or action;
- (13) Giving false testimony during a complaint or grievance investigation or hearing;
- (14) Unauthorized posting or removal of notices or signs from bulletin boards;
- (15) Distributing or posting written or printed matter of any description on City premises, unless authorized;
- (16) Willful disregard of this personnel policy;
- (17) Use of abusive, threatening or obscene language towards supervisors or fellow employees; and
- (18) Unauthorized political activity.

### **Group III Offenses**

First offense Ten-day suspension and/or termination

- (1) Wanton or willful neglect in the performance of assigned duties and/or in the care, use or custody of City property or equipment. Abuse or deliberate destruction in any manner of City property or property of employees;
- (2) Signing or altering another employee's time card or the unauthorized altering of one's own time card;
- (3) Falsifying testimony when accidents are being investigated; falsifying, or assisting in falsifying, or destroying any City records, including work performance reports; or giving false information or withholding pertinent information called for in making an application for employment;
- (4) Making false claims or misrepresentation in an attempt to obtain any City benefit;

- (5) Gambling on or during working hours;
- (6) Stealing or similar conduct, including destroying, damaging or concealing any property of the City or of other employees;
- (7) The use of narcotics or the sale of narcotics;
- (8) Fighting or attempting injury to other employees, other persons or supervisors;
- (9) Carrying or possessing firearms on City property at any time without proper authorization;
- (10) Disclosing confidential information or misuse of City records or information without prior authorization;
- (11) Instigating, leading or participating in any unauthorized walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift or other concerted curtailment, restriction or interference with work in or about the work areas;
- (12) Dishonesty or any dishonest action. Examples of what is meant by "dishonesty" or "dishonest action" include, but are not limited to: theft; pilfering; opening desks assigned to other employees without authorization; theft and pilfering through lunch boxes, tool kits or other property of the City or other employees without proper authorization making false statements to secure an excused absence or to justify an absence or tardiness; and making, or causing to be made, inaccurate or false reports concerning any absence from work; and
- (13) Insubordination by refusing to perform assigned work or to comply with a written or verbal instruction of the departmental supervisors.

(Ord. 2453. Passed 4-10-95.)

### **252.33 GRIEVANCE PROCEDURES.**

- (a) The City of Geneva recognizes that within an organization there will be occasional differences among its employees regarding the interpretation or application of policies, procedures, rules and/or other problems stemming from the conditions of employment. It is the policy of the City of Geneva that employees' questions, grievances and complaints should be heard and answered promptly and followed up with an appropriate action to remedy the particular situation.
- (b) A grievance is defined as a complaint relating to wages, hours of work, the administration of personnel policies, perceived unfair or inequitable treatment or discipline, or other conditions of employment.
- (c) In order to provide employees with an orderly process by which to seek resolution of such differences, the City of Geneva has developed the following grievance procedure:

- (1) Informal conference with supervisor. An employee may request a conference with his or her immediate supervisor within ten working days of the event giving rise to the grievance, or within ten working days from the date he or she could reasonably have expected to know of the event prompting the problem. Within three working days following such conference, the supervisor will inform the grievant of his or her decision.
- (2) Step 1: immediate supervisor. An employee having a grievance and being dissatisfied with the informal conference answer shall file the grievance, in writing, with his or her immediate supervisor. In order for a grievance to be recognized, it must be filed within five working days from the date of the response to the informal conference. The immediate supervisor shall investigate the grievance, hold a hearing and provide a solution or explanation, in writing, within five working days following the date on which the grievance was submitted.
- (3) Step 2: department head (if different than the immediate supervisor). Where the grievant is not satisfied with the Step 1 response, the aggrieved may submit the original grievance to the department head within three working days of the receipt of the Step 1 answer. The department head will review and investigate the grievance and, within three working days of receiving the grievance, shall give the grievant a written response.
- (4) Step 3: City Manager. If the grievance is not satisfactorily resolved in Step 2, the employee may pursue the matter by filing a written grievance to the City Manager within ten working days after the receipt of the Step 2 response. The City Manager shall conduct a hearing of the grievance within fifteen working days of the receipt of the request. The grievant shall be advised, in writing, of the time, place and date of such hearing. If the City Manager is the complainant, or a witness to an event causing and/or leading up to a disciplinary action and/or grievance, an outside administrator shall be selected to act in the place of the City Manager. The decision of the City Manager shall be final and binding on the parties. The action taken by the City Manager shall be reduced to writing, and copies shall be sent to the employee, the immediate supervisor and the department head within ten working days of the City Manager's decision.

(Ord. 2453. Passed 4-10-95.)