CITY OF CLEVELAND
HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

The Workplace Procedures section of this policy manual is intended to create an environment which is safe, healthy and productive. These policies and procedures are designed not only to protect City of Cleveland employees, but are also structured to provide management with the necessary tools to be effective.

Section C – Workplace Policies
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ANTI-DISCRIMINATION

The City of Cleveland promotes a workplace that values and respects the dignity of the individual and that is free of harassment and unlawful discrimination based on sex, race, color, religion, national origin, age, marital status, sexual orientation, disability, military/veteran status and any other basis protected by state, or local law which has jurisdiction over the employee. Harassing and discriminatory behaviors are unlawful and will not be tolerated. Any retaliation against a complainant (the person who accuses another of unlawful harassment) or individuals cooperating with an investigation is also unlawful and will not be tolerated. For purposes of this policy, "workplace" includes, but is not limited to City of Cleveland work sites, city sponsored events and work related travel.

The City of Cleveland will respond promptly to complaints of harassment and discrimination. Where it is determined that inappropriate behavior has occurred, the City of Cleveland will act to eliminate the behavior and impose corrective action up to and including discharge.

If you have reason to believe that you are the victim of harassment or discrimination please call:

The Department of Human Resources
City Hall- 601 Lakeside Avenue, Room 121
Cleveland, Ohio 44114
(216) 664-2493

Or you may contact the following outside agencies:
Office of Equal Employment Opportunity Commission
1240 E. 9th Street, Suite 3001
Cleveland OH 44199
(216) 522-2001

Ohio Civil Rights Commission
615 W. Superior Avenue
Cleveland, Ohio 44113
(216) 787-3150

This policy has been issued under the authority of:

Trudy Hutchinson
Signature

Director of Personnel & HR
Title

March 17, 2008
Date

C-1

ANTI-IDILING POLICY

Reduce Vehicle Idling

Vehicle idling gets zero miles per gallon; unnecessary idling wastes fuel and pollutes. Running an engine at low speed (idling) also causes twice the wear on internal parts compared to driving at regular speeds. The break-even point for shutting off and restarting gasoline engines or leaving it to idle is 30 seconds – from the point of view of both emissions and fuel consumption.

Over the last several years, Northeast Ohio and the City of Cleveland have been attempting to lessen pollutants that pose a detriment to the region's air quality. These pollutants include nitrogen oxide, carbon dioxide, particulate matter, and volatile organic compounds. However, the region is still in a non-attainment status.

Idling of vehicles consumes approximately 17% of the fuel that a vehicle has on board.

Effective immediately, unless exempted in the following section, no City vehicle or piece of equipment is to be idled in a non-emergency situation. The operator of the vehicle/equipment is to turn-off the unit and the keys are to be removed from the ignition.

<u>EXEMPTIONS</u>

The following situations will allow idling, as needed:

1. Emergency vehicles at scenes where lights, PTOs, and/or other accessories are needed to accomplish the mission;
2. Division of Police vehicles working traffic enforcement details;
3. Department of Public Service, Department of Parks, Recreation and Properties, Department of Public Utilities, and Department of Port Control vehicles at job sites requiring the use of emergency lights, PTOs, and/or other accessories to accomplish their assignment; and
4. Inclement weather situations and the supervisor authorizes the use of the vehicle/equipment heater-defroster for the work crew's comfort according to the guidelines listed below;
   If the outside temperature is: Above 32 degrees F: 5 minute maximum
   Between -10 and 32 degrees F; 15 minute maximum
   Below -10 degrees F: as necessary

NOTE: Operators of vehicle/equipment and supervisors will be judicious in the idling of units at emergency scenes and job sites. If not all the units at the scene/site need to be idling, those units must be turned-off and the keys removed from the ignition.

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Each vehicle/equipment operator will be responsible for the idling operation of their unit and will have the unit keys in their possession to ensure that crewmembers do not arbitrarily violate the policy without the operator's knowledge.

Supervisors in each department/division will be responsible for the adherence and enforcement of the idling policy. Violations of the policy are will be documented as to the vehicle/equipment operator, vehicle code, location, date and time, weather conditions, and circumstances of the violation.

The vehicle/equipment operator will be informed of the violation by the supervisor at the time of the infraction.

The appointing authority of each department/division will be responsible for the discipline of employees found to be violating the policy. Discipline will be per City of Cleveland disciplinary procedures, any union contract, and in a progressive manner.

This policy has been issued under the authority of:

Signature

DIRECTOR - PUBLIC SERVICE

Title

March 17, 2008

Date

C-2

ATTENDANCE POLICY

I. Employees shall report to work at the regularly scheduled arrival time and remain at work until the scheduled departure time. Employees shall observe unpaid lunch and break times as scheduled. Deviations from an employee's established attendance requirements are covered by leave policies as described in the Human Resources Policies and Procedures Manual and in the applicable collective bargaining agreements.

An employee who fails to adhere to attendance requirements shall undergo progressive discipline as detailed in the schedule described in this policy. If an employee's previous discipline for any reason under this Policy was within an 18-month time period, the employee will progress to the next step of the Discipline Schedule. Where the most recent discipline issued is more than 18-months old that discipline will no longer be used against the employee, and the employee's discipline will resume at the First Step.

Whenever an employee is granted an approved leave of absence, the time between the effective date of approved leave of absence and his/her return to duty shall not be considered to be part of the 18-month time period mentioned above. Upon return to duty following such leave of absence, such employee shall be required to complete the unexpired portion of his/her 18-month period in order for the discipline to no longer be used against them.

The attendance policy applies to non-exempt employees; however, exempt employees will be held to reasonable standards (i.e. Civil Service Rules) and expectations of their direct supervisor and will be subject to the appropriate level of corrective disciplinary action up to and including termination.

Where the terms of an applicable collective bargaining agreement conflict with this policy, those conflicting terms of the collective bargaining agreement shall apply.

II. For purposes of this policy, standards that apply to "attendance" include and are contained in the following categories:

A. Absence Without Leave (A.W.O.L)
B. Sick/Absence Abuse Control
C. Time and Attendance/Kronos Guidelines
D. Tardiness Control

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III. ABSENCE WITHOUT LEAVE (A.W.O.L.)

A. City employees who are governed by a collective bargaining agreement that specifies an attendance related policy are subject to the disciplinary schedule of the applicable agreement.

B. City employees must report to work at their regularly scheduled times. If an employee is unable to report to work due to illness or for any other emergency, the employee must inform his or her supervisor in accordance within time limits and procedures as designated by the department. Employees are required to call one (1) hour prior to the start of their shift if they are going to be absent. Failure to comply will result in the employee not being paid for the time absent and subject the employee to discipline under the City's Progressive Discipline Policy.

C. Employees who call in thirty (30) minutes after the start of their shift will be considered A.W.O.L. In addition to failing to report to work or calling in at the time designated, an employee will also be considered A.W.O.L., if he or she departs from his or her worksite before the end of his or her shift or workday or for scheduled breaks, without the approval of his or her supervisor.

D. Time records should reflect the proper notations of A.W.O.L. on the days of each occurrence. Once the employee contacts the designated authority, his or her status may change from A.W.O.L. to either Excused Absence or Unexcused Absence, from that point forward. The reason for absence will be noted A.W.O.L., the employee will not receive pay for this period and the employee may be subject to disciplinary action under this policy.

IV. A.W.O.L. Resignation

A. City employees who are governed by a collective bargaining agreement that specifies breaks in seniority, based upon AWOL shall be disciplined according to the disciplinary schedule of the applicable agreement. Employees who are A.W.O.L. for three (3) consecutive scheduled work days shall be classified A.W.O.L. resigned, provided that the requirements of Civil Service Rule 8.45 are met. In order to be considered A.W.O.L resigned, the employer must notify the employee in person or at the employee's last known address via regular U.S. Mail of the A.W.O.L. resignation decision. Absent the employee providing a reasonable justification for the absences within 7 (seven) calendar days, the employee's A.W.O.L. resignation employment status will be considered final.

V. SICK/ABSENCE ABUSE CONTROL

Through sick leave, the City compensates employees who, due to personal or family illness, cannot report to work. Paid sick leave is to be requested or used for an employee who is absent due to medical, dental or optical examination, or treatment of the employee or member of the employee's immediate family. Employees utilizing paid sick leave are to be at home or caring for their illness or that of their sick family member, unless away receiving medical attention such as in a hospital, at a doctor's office or at a pharmacy.

Sick leave is not to be overused (used in excess of the Attendance Policy provisions) or used as additional vacation or personal leave. Employees found overusing or abusing sick leave privileges will be disciplined.

A. Sick/Absence Procedures

1. To control absence abuse, it is necessary that all Appointing Authorities compile accurate attendance records.

2. An employee must report his/her own absence unless prevented from doing so by extraordinary circumstances. All absences are to be reported one (1) hour prior to the start of work.

3. For employees who are engaged in twenty-four (24) hour operations, the employee must report an absence no later than one hour prior to the employee's scheduled starting time, subject to the terms of the applicable collective bargaining agreement.

4. If an employee does not timely notify his or her supervisor or the designated sick call-in line of an absence, he or she will be subject to disciplinary action.

5. The supervisor must inform his or her employees where, when and whom to call when reporting their absence.

6. The date of and reason for the absence must be accurately recorded by the Appointing Authority/designee. Call-in procedures should include such details as:

    a) Reason for absence
    b) Time of notification
    c) Expected date/time of return

B. **Sick/Absence Abuse Program**

1. The basis for disciplinary action shall be more than thirty (30) hours of usage within a rolling calendar quarter, or when an employee exhibits a pattern of usage within <u>any</u> time period. For purposes of this attendance policy, "rolling calendar quarter" shall be defined as any consecutive three (3) month period, calculated from the first day of the month. One time per calendar year an employee can have a non-FMLA sick leave usage of more than one consecutive shift counted only as an 8-hour absence. However, employees may be required to provide medical documentation regarding such absence.

2. A basis for disciplinary action for "pattern" of usage may include but is not limited to
   a) absences occurring before or after vacation and/or personal leave;
   b) absences occurring repetitively before or after weekends or holidays;
   c) absences occurring repetitively immediately before or after paydays;
   d) absences occurring repetitively when difficult jobs or assignments are scheduled;
   e) absenteeism causing individual work performance and /or operational needs to suffer;
   f) absences occurring repetitively during certain times of the month or year.

3. A basis for disciplinary action may also include consistently using most, or all, earned sick leave each year, i.e. employees utilize more time than what has been earned (excused and/or unexcused absences).

4. In no case shall an employee's accumulated sick leave balance be the sole determinant of a pattern of abuse; however, it may be a component.

5. Absences that are documented as approved FMLA, extended medical leave, Funeral Leave, vacation, holiday, personal days or compensatory time shall not be considered as part of the 30 hour threshold or as a pattern of usage. All other absences shall be counted as part of the 30 hour threshold and/or considered for a "pattern" of usage.

6. The employee shall be notified in writing that he or she has used more than thirty (30) hours of sick time within a rolling calendar quarter and is subjected to progressive discipline.

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An employee shall be progressed to the next step of the discipline schedule each time a review of the employee's absences reveals a violation of attendance requirements as set forth herein.

VI. MISSED SWIPE GUIDELINES

The City of Cleveland expects every employee to give the citizens of Cleveland a full and productive day of work during their scheduled working time. Employees of the City of Cleveland will be subject to disciplinary action for time and attendance abuse, including but not limited to falsification of time records.

If this policy conflicts with the provisions of any collective bargaining agreement, it is understood that the collective bargaining agreement supersedes.

A. Procedures

The Kronos System (or other City approved timekeeping software) is the means through which employee attendance records are maintained. Employees are expected to utilize this system so that timekeeping is uniform and reliable. Please refer to the City of Cleveland's Timekeeping Policy for specific details on Timekeeping Rules. The time card is to be used consistent with the following guidelines:

a. Daily swipes are required as follows:

i. Start of work day
ii. In any departments where time for a meal period is not automatically deducted, the beginning and end of the meal period (determined by divisional operating policy)
iii. End of work day

b. Under no circumstances may an employee swipe another employee in or out. Any and all employees involved in this type of violation will be subject to termination.

1. An employee who misses three (3) swipes in a thirty (30) calendar day period due to forgotten swipes or lost cards will be subject to progressive discipline. Each violation of these guidelines due to late swipes will be treated as an incident violating the Attendance Policy.

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VII. TARDINESS CONTROL

The City of Cleveland expects every employee to give the citizens of Cleveland a full and productive day of work. Employees who are tardy, excluding salaried-exempt employees, will not be paid for any time they are absent from work without authorization. Employees of the City of Cleveland will be disciplined for tardiness.

A. Tardiness is defined as
   1. Arriving less than thirty minutes after the start of the work day,
   2. Exceeding the time allotted for lunch
   3. Exceeding the time allotted for break

B. Tardiness Distinguished from AWOL---Employees who arrive thirty (30) minutes or more after their scheduled start time will be considered absent without leave and will receive progressive discipline under the Attendance Policy.

C. Tardiness Control Program

   1. An employee who is tardy three (3) times in a thirty (30) calendar day period will be disciplined under the Attendance Policy.

   2. The employee will be progressed to the next level of discipline for being tardy three (3) times in a thirty (30) calendar day period.

   Any employee who is determined to be tardy is not permitted to make-up any missed time.

VIII. Disciplinary Schedule

Employees who violate any of the above standards listed in Sections III – VII above will receive progressive discipline according to the following schedule:

Step 1: Written Warning I
Step 2: 2nd written warning
Step 3: One (1) Day Suspension
Step 4: Five (5) Day Suspension
Step 5: Discharge from employment

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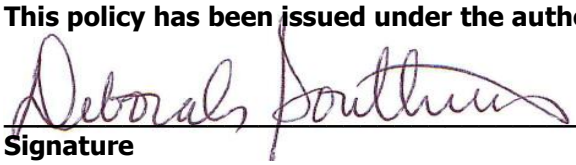
A. Progressive steps in discipline will be preceded by a pre-disciplinary conference. The employee will be notified in writing of the date, time of the conference, and right to request the presence of a representative.

   a. An employee-member of a collective bargaining unit has the right to have his or her union representative attend the pre-disciplinary conference.

   b. Non-union employees may have a representative of their choice.

B. Copies of an adverse disciplinary action will be sent to the Civil Service Commission and the employee's collective bargaining representative where applicable.

This policy has been issued under the authority of:



Signature

Director of HR

Title

September 28, 2015

Effective Date

C-3

CIVIL SERVICE COMMISSION

The Charter of the City of Cleveland provides for appointment of five electors as members of the Civil Service Commission that shall make, promulgate, and when necessary may amend, rules for the appointment, promotion, transfer, lay-off, reinstatement, suspension and removal of city officials and employees in the classified service.

I. Civil Service Rules
   A. Civil Service rules state the terms and conditions of employment for employees who are not represented through a collective bargaining agreement.
   B. The Civil Service rules address, fitness for duty hearings, political activity restrictions and testing requirements that apply to all classified employees.
   C. The most current version of the Civil Service rules is dated 2006.
   D. Copies of Civil Service rules are available through the Civil Service link on the City of Cleveland web page.

II. Civil Service Tests
   A. All employees are eligible to apply to take a Civil Service Test so long as the employee
      1. files a written application on the forms prescribed by the Commission
      2. is qualified in accordance with the minimum entrance qualifications for the examination and
      3. has had his/her application approved in accordance with the rules of the Commission.

III. Meetings of the Civil Service Commission
   The Civil Service Commission holds regular meetings on the second and fourth Friday of every month and are open to the public.

This policy has been issued under the authority of:

Signature

Secretary Of The Civil Service Commission

Title

June 22, 2009

Date

C-4

CRIMINALLY CHARGED EMPLOYEES

A. Policy Statement

All employees are obligated to report charges and convictions. City employees charged with a crime are subject to administrative charges for violations of city policies and procedures whether the misconduct occurred on or off-duty. Administrative charges shall be preferred and held in abeyance pending resolution of the criminal proceeding.

B. Felony Charges

An employee charged with a felony shall be suspended without pay pending the adjudication of the criminal charges. The Appointing Authority may within his/her discretion allow the employee to continue working in either a limited or regular capacity if the Appointing Authority determines that the charge does not effect the employee's job duties.

C. Misdemeanor Charges

An employee charged with a misdemeanor shall continue working in a regular or limited capacity unless within the discretion of the Appointing Authority the criminal charges relate to or affect their job duties.

D. Use of Benefit Time

Within the discretion of the Appointing Authority, the employee, while suspended without pay, may draw down his/her vacation, personal, or compensatory time. In no event shall an employee be allowed to use sick time.

E. Court Ordered Protection Orders

Upon being granted by the Court, the victim of a Protection Order must notify City of Cleveland Security of such an issuance. With this, if a defendant tries to enter a workplace, Security could intervene in advance of any interaction between defendant and victim.

F. Discipline

Upon adjudication of the criminal charges the pre-disciplinary hearing shall be reconvened. The City reserves the right to amend any administrative charges. The Appointing Authority shall adjudicate the administrative charges.

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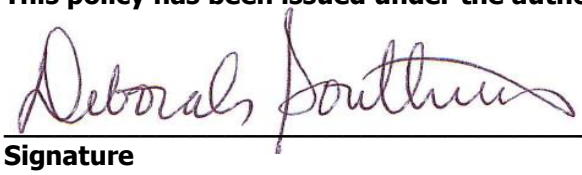
An employee who has been suspended without pay pending adjudication of criminal charges, and who has been subsequently found not guilty of the criminal charges, may request reimbursement for the time on suspension. However, the employee is not guaranteed reimbursement for any time or pay lost during his/her suspension. Whether any reimbursement is awarded will depend on the resolution of the administrative changes, and the facts in each case.

In no event shall an employee be reimbursed for any time or pay in excess of the applicable Speedy Trial period as determined under state or federal law for the alleged crime.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

August 31, 2015

Date

C-5

DRUG-FREE WORKPLACE

I. Policy Statement

A. In accordance with the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D), the City of Cleveland is notifying its employees of the City's policy regarding drugs in the workplace. Without exception, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance while in the workplace is strictly prohibited.

B. This includes the abuse of controlled/prescription drugs.

C. Employees are prohibited from drinking alcohol during work hours.

D. The City requires, pursuant to the Drug-Free Workplace Act, that as a condition of employment, any employee convicted of a drug violation occurring in the workplace must notify his or her Appointing Authority within five days after the conviction.

II. Enforcement

A. Any employee found in violation of this policy is subject to appropriate disciplinary up to and including discharge.

B. Civil Service Rule 9.10 states that any officer or employee in the classified service may be discharged, suspended or reduced in rank for intoxication or misuse or abuse of drugs in the course of his or her employment.

III. Employee Assistance Program

A. The City's Employee Assistance program (E.A.P.) provides confidential counseling and referral services to City employees with drug or alcohol dependence problems.

1. Assessment and referral services are free.

2. If further assistance is necessary, the employee's regular health insurance and his or her ability to pay are considered.

3. EAP information is available in the Department of Human Resources.

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B. Additionally, the Department of Human Resources will periodically offer all employees a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and to further explain this policy.

This policy has been issued under the authority of:

Trudy Hutchinson

Signature

Director of Personnel & HR

Title

March 17, 2008

Date

C-6

EQUAL EMPLOYMENT OPPORTUNITY POLICY

I. Equal Employment Opportunity Policy

A. It is the policy and practice of the City of Cleveland to further the principles of all federal, state and local Equal Employment Opportunity laws, rules, regulations, guidelines and Executive Orders.

1. The City of Cleveland will provide equal opportunity in each and every phase of the City's daily operation to all employees and applicants for employment.

2. The City of Cleveland will continue to recruit, hire, train and promote in all classifications without regard to race, color, religion, sex, age, national origin, physical or mental disability, sexual orientation or status as a Vietnam Era veteran or qualified disabled veteran, except where age or sex are bona fide occupational qualifications.

3. The City of Cleveland will continue to ensure that all personnel layoffs, educational assistance, social and recreational programs and any other terms and conditions of employment are provided in an impartial manner. Every effort will be made to base decisions on employment so as to further the principles of Equal Employment Opportunity.

4. The City of Cleveland will hold accountable all appointing authorities, management and supervisory representatives and employees for their compliance with both the spirit and intent of federal, state and local legislation, government regulations, rules, guidelines and executive orders in providing Equal Employment Opportunity.

B. Complaints of unlawful discrimination will be handled discreetly and confidentially, to the extent permitted by law, through the City's internal complaint procedure, which is administered by the Division of Equal Employment Opportunity (E.E.O.) located in the Department of Human Resources in Room 121 of City Hall.

II. Reporting Complaints

A. Any employee who believes that he or she has been subject to unlawful discrimination should immediately contact his or her supervisor or another supervisor in the chain of command or the Manager of EEO.

B. A supervisor who receives a report of unlawful discrimination must immediately report the complaint to the appropriate management designee who is responsible for handling discrimination complaints; and this management designee must immediately report the complaint of unlawful discrimination to the Director of Human Resources/or designee.

C. If the supervisor, manager or Appointing Authority is the cause of the complaint, or the employee believes that the supervisor, manager or Appointing Authority is otherwise biased or has properly failed to report the complaint, the employee should directly contact the Director of Human Resources/or designee to report his or her complaint.

D. Any complaint of unlawful discrimination, including complaints involving non-City employees (i.e., vendors, contractors, etc.) who may work at or visit City facilities for business or other reasons, should be forwarded to the Director of Human Resources/or designee. Upon receipt of the complaint, the Division of Equal Employment Opportunity (E.E.O.) will contact the complainant immediately to begin the investigation.

III. Confidentiality

A. The privacy of the Complainant(s) and the individual(s) accused of unlawful discrimination will be kept confidential to the extent permitted by the law.

IV. Timeliness

A. The Division of Equal Employment Opportunity (E.E.O.) will thoroughly investigate all complaints as timely as staff and resources allow.

V. Management's Responsibility

A. Each member of management has the responsibility to ensure that the working environment is free of unlawful discrimination.

VI. Corrective Action

A. Corrective action will be taken if any employee, supervisor or other individual is found to be engaging in unlawful discrimination against City employees.

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VII. Retaliation

A. Retaliation for charges made under this policy will not be tolerated. Employees should feel free to raise their concerns about unlawful discrimination to supervision or management without fear of retaliation.

VIII. Contact Personnel

A. If an employee has questions, concerns or wishes to file a charge of unlawful discrimination, he or she should contact the Department of Human Resources, Division of Equal Employment Opportunity (E.E.O.).

B. For additional information, please contact the following agencies:

1. U.S. Equal Employment Opportunity Commission (E.E.O.C.)
   Cleveland District Office
   1240 E. 9th Street, #3001
   Cleveland, Ohio 44199
   216-522-2001

2. Ohio Civil Rights Commission (O.C.R.C.)
   Cleveland Regional Office
   Frank Lausche Building - Suite 885
   615 West Superior Avenue
   Cleveland, Ohio 44113-1899
   216-687-3150

This policy has been issued under the authority of:

Trudy Hutchenson

Signature

Director of Personnel & HR

Title

March 17, 2008

Date

C-7

POLICY ON EMPLOYEE USE OF E-MAIL AND THE INTERNET

Section 1. Purposes

1.0. The purposes of the City of Cleveland's computer and other electronic systems, including, but not limited to, electronic mail ["e-mail"] and the Internet/Intranet ("Net"), are to provide an efficient and effective means of internal and external communications, and to improve work productivity. The City of Cleveland (City) promotes Net and e-mail use that enables employees, volunteers, and contractors to perform City missions and encourages its employees, volunteers, and contractor personnel to develop Net and e-mail skills and knowledge. It is expected that employees will use the Net and e-mail to improve their job knowledge; to access business, scientific, technical, and other information on topics that have relevance to the City of Cleveland; and to communicate with their peers in other government agencies, academia, and industry on matters of relevance to their work for the City. This policy addresses access to, and the disclosure of information to or from all electronic systems. This policy applies to all employees, volunteers, and contractors (collectively "users") of the City of Cleveland.

Among other things, this policy is intended to guide users in the performance of their duties. This policy serves as notice to users that all data, including any that are stored or printed as documents, are subject to audit and review. There is no expectation of personal privacy in the use of the Net and e-mail systems when users use computers or services the City provides. Further, access to the Net and an e-mail system is a privilege, not a right. The City may withdraw this privilege at any time.

Finally, this policy serves to outline acceptable uses of the Net and e-mail systems by users while using government-owned/leased equipment, facilities, Net addresses, domain names, and/or e-mail services registered to or provided by the City. It seeks to ensure that the use of the Net and e-mail systems by City employees, volunteers, or contractors while conducting work for the City and/or while using City provided systems is consistent with the City of Cleveland's policies, all applicable laws, and the individual user's job responsibilities. The Division of Information Technology Services (ITS), or the Departmental or Divisional Systems Administrator, as appropriate, will administer this policy. In the enforcement of this policy, the regular City disciplinary procedures will apply.

The City will review this policy periodically and update it as appropriate.

1.1. This policy applies to:

(a) All Information Technology (IT) resources owned or leased by the City that are used on or accessed from City premises, or that are used for City business. This policy also applies to all activities using any City-paid accounts, subscriptions, or other IT services, such as Net access, and e-mail, or other electronic forms of communication, whether or not the activities are conducted from City premises; and

(b) All full or part-time City employees, volunteers, and contractors who use City resources to access the Net or e-mail systems.

Section 2. Use and Misuse of Net or E-Mail Systems

2.0. Access. The City provides Net and e-mail access to employees for their use in performing their duties for the City. All employees of the City are responsible for using Net and e-mail resources in a professional, effective, ethical, and lawful manner, for legitimate business purposes only. Net and e-mail resources remain, at all times, the property of the City. All Net and e-mail use should be congruent with the City's overall government policies. The City reserves the right to monitor and/or log all network activity with or without notice, including all web site communications. Therefore, users have no expectations of privacy in the use of these resources. Use of the system in violation of this or other City policies is prohibited and may lead to disciplinary action, up to and including termination.

2.1. Acceptable Use. In the course of City work, users may use the Net and e-mail to communicate internally with City coworkers or externally with consultants, vendors, and persons communicating with the City regarding City business. The City provides users with electronic-communications tools to facilitate communications and to enhance work productivity. As with the telephone, there may be occasion to use these facilities for personal purposes. Every employee is expected to minimize the use of the Net and e-mail for personal purposes. Personal use should not interfere with the performance of City-related work, consume significant resources, give rise to more than nominal additional costs, or interfere with the activities of other employees.

Employees must not use of the City of Cleveland e-mail to send or forward personal attachments including photos, music or videos. These large attachments consume significant resources.

In addition to other restrictions and conditions discussed in this policy, all users are prohibited from using any electronic communications tool for improper purposes, including, but not limited to the following:

(a) Operating in a manner that violates or infringes on the rights of any other person, including the right to privacy;
(b) Penetrating computer or network security of any City or other system, or to gain unauthorized access (or attempted access) to any other person's computer, e-mail, voicemail accounts or equipment;
(c) Operating in a manner that violates the terms of any applicable telecommunications license or any laws governing transborder data flow (e.g., laws dealing with data collection, protection, privacy, confidentiality, or security);

(d) Infringing on another person's intellectual-property rights (e.g., copyrights);
(e) Operating in a manner that violates City regulations prohibiting sexual harassment or any other type of harassment;
(f) Using any defamatory, discriminatory, or obscene material;
(g) Restricting or inhibiting other users from using the system, or the efficiency of the computer systems;

(h) Encouraging the use of controlled substances or using the system for the purpose of any criminal intent or activity;
(i) Transmitting material, information, or software in violation of any local, state or federal laws;
(j) Using the system for any other illegal purposes;
(k) Conducting any political activity, defined as, any activity directed toward the success or failure of a political party, candidate for political office, or partisan political group;
(l) Conducting any non-City related fundraising or public-relations activities;
(m) Engaging in any activity for personal gain or personal-business transactions;
(n) Making any unauthorized purchases;
(o) Knowingly opening mail not directed to the user. Except as provided
by law and to the extent the City reserves the right to access and review all electronic uses and records, e-mail messages are confidential;
(p) Sending messages in violation of City IT security policies;
(q) Soliciting or advertising for non-job-related commercial ventures, religious or political causes, or outside organizations;
(r) Sending confidential information without the proper protections;
(s) Expressing personal opinions as an official City stance or opinion;
(t) Sharing jokes, sending chain letters, or inappropriate solicitations;
(u) Misleading the recipient of any message as to the actual identity of the sender;
(v) Wasting productive work time through excessive personal use; or
(w) Forwarding electronic messages without a legitimate business purpose under circumstances likely to lead to embarrassment of the sender or to violate the clearly expressed desire of the sender to restrict additional dissemination.

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The City understands that web "surfing" may be job-related and serves a legitimate-business function, but the potential for abuse exists. The Net provides access to a huge amount of information and resources that greatly enhance our ability to deliver services efficiently. Today there is no single, comprehensive directory of resources available for the Net and users sometimes must "navigate" through much unneeded information to reach useful material. The City encourages exploration of the Net for legitimate business-related or job-related professional activities, but users should avoid "browsing the web" on City time, creating personal "Home Pages," or otherwise using City facilities to access Net sites for reasons unrelated to the City's business and related job responsibilities.

2.2. Making Changes. Users shall not make changes to the way the City's computer systems are configured, or to the settings of the programs loaded on their respective computers. If a user has a problem with his or her computer or one of the programs, the user should contact the ITS Customer Support Center at (216) 664-4357 or send an e-mail to the ITS helpdesk at ITSupport@city.cleveland.oh.us. Users are prohibited from downloading any software, including, but not limited to, free software. To have a new software application added to a computer, contact ITS. Users shall not set up their own connection to the Net on their computers. If users have a need for Net access, they must obtain appropriate permission from their Department Management and permission from the Division of ITS. Once permission has been granted to a user, ITS will establish a Net connection for that user. If a user leaves the City, the user's privileges for using the City's Net and e-mail systems will end.

2.3. Representing the City in All Postings. The information you publish electronically (sometimes called a "posting") reflects on the City in general. Despite all disclaimers that you make (e.g., that your views are your own and may not reflect those of your employer) readers elsewhere will make the association between your posting and the City. You should know that true anonymity is very difficult to obtain when using these tools. While Net relay chat, newsgroup visits, and net "surfing" sometimes appears to be done anonymously (e.g., by employing pseudonyms), accessing such services/servers through the City's network facilities normally leaves an "audit trail" indicating the identity of the City proxy/server (and may leave a trail pointing directly to the specific user). Inappropriate use of City facilities may damage the City's reputation and give rise to liability. Accordingly, each employee is required to be professional in all use of City communications tools.

Do not use personal, non-business related taglines, slogans, or links in your e-mail signature. Taglines, slogans, or links that express inappropriate, political, or controversial themes are prohibited.

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2.4. Providing Unacceptable Content. Although the City does not regularly monitor electronic messages, please be aware that even personal e-mails may be accessed and reviewed by City management without notice.

Under no circumstances may any posting or e-mail originating at the City be in violation of the letter or the spirit of the City's Equal Employment Opportunity or Sexual Harassment policies.

Examples of unacceptable content include:

(a) Sexually explicit messages, images, cartoons, or jokes;
(b) Unwelcome propositions, requests for dates, or love letters;
(c) Profanity, obscenity, slander, or libel;
(d) Ethnic, religious, or racial or hate slurs;
(e) Biased or discriminatory messages; or
(f) Any other message that could be construed as harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin, disability, or religious or political beliefs.
(g) Jokes, chain letters, or solicitations, which are strictly prohibited.

Everyone should be aware that "sexual harassment" includes unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome conduct (including comments) of a sexual nature. The standard for sexual harassment is whether the recipient could reasonably consider the message to be offensive. The sender's intentions are irrelevant.

In addition to prohibitions on sending or uploading offensive materials, City communications tools (e-mail, browsers, newsreaders, etc.) also shall not be used to access or download obscene materials or "content" that may be illegal.

2.5. Electronic Forgery. Electronic forgery is defined as misrepresenting a user's identity in any way while using electronic-communications systems (e.g., by using another's e-mail account without permission, or by modifying another's messages without permission). Electronic forgery is not allowed for any purposes. For example, messages written by others should be forwarded "as-is" and with no changes, except to the extent users clearly indicate where they have edited the original message (for example, by using brackets [] or by using other characters * * * to flag edited text).

For e-mail messages, users may not take any action to misrepresent the identity of the person responsible for the message. Users may send e-mail messages using another person's account, but only with prior express approval from the account owner, and only where the text of the message indicates the user is the author.

For newsgroup postings, users may not misrepresent the identity of the sender, and may not make postings on an anonymous or fictitious basis.

2.6. Intellectual Property. The Net offers a universe of information, useful in conducting and furthering business operations. Users must always respect copyrights and trademarks of third parties and their ownership claims in images, text, video, and audio

material, software, information, and inventions. Users must not copy, use, or transfer others' materials without appropriate authorization. Users should be aware that downloaded software and other copyrighted material might be subject to licensing obligations or restrictions. Even when software is labeled "freeware" or "shareware" there may be retained licensing restrictions that prohibit or limit the usage or commercialization of such items.

Users should also note that patent rights may exist independently of any other intellectual-property rights and that this may be owned by the author of the software or even by an unrelated third party. If users have any questions in this regard, they should contact someone in the City's Department of Law.

2.7. Transmitting Confidential Information. Confidential information (whether owned by the City, its customers, its vendors, or other persons) is not to be disclosed to unauthorized persons without prior authorization by the City. The question of "authorization" will be a function of the type and ownership of the confidential information. Also, "authorization" for disclosure may be limited to certain specific individuals within the organization (e.g., on a "need-to-know" basis).

In some cases, posting or e-mailing confidential information that relates to new products or services can constitute a "publication" and prevent the City from applying for patents or later treating the information as a "trade secret." These consequences can follow even from postings or distributions that are not to the general public.

Generally, the common-sense prohibition of casual disclosures means confidential information should not be contained in an e-mail sent to outsiders or posted to newsgroups, and should not be placed on City communications tools that are available to third parties (e.g., on unsecured PDAs, laptops, or notebook computers that are accessible to non-City personnel). Users should post such information on "web pages" only when they are certain that the web page is not accessible from locations outside the City firewall.

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Section 3. Limits of Privacy

3.0. Retention and Security of Messages. E-mail messages and computer-stored items all are City property and business records, and may have legal and operational effect identical to that of traditional, hardcopy documents (e.g., they are "discoverable" in litigation, and can be used in evidence). Unless subject to a specific legal exception, e-mail that documents the organization, functions, policies, decisions, procedures, operations, and other activities of the City is a public record. Accordingly, all e-mail messages should be treated as though others may later view them (while confidential information may be contained in such messages, these messages should be created with the same care you would use in creating hardcopy documents).

Remember that no electronic-communications facility is completely secure. This means information stored on or carried over City communications tools may be the subject of accidental or intentional interception, misdelivery, attack, or authorized City review.

Any e-mail deemed a public record is subject to the Ohio records-retention laws. All users are expected to follow the City's policy on Retention of E-mail Messages and should not destroy e-mails without following the proper procedures.

If a user receives a security alert, warning, or virus, the user must report that to the ITS Customer Support Center immediately. A User must not forward this information to other users. ITS will be responsible for alerting other users.

3.1. A Limited Expectation of Privacy. The City respects the personal privacy of its employees. Because communications tools are provided for the City's business purposes, however, the City reserves the right to access, retrieves, read, and discloses any data, messages, or files stored on City systems for any purpose. Users and others should have no expectation that any information transmitted over City facilities or stored on City-owned or leased computers is or will remain private. These systems are City-owned and/or controlled and are accessible at all times by the City for maintenance, upgrades, or any other business or legal purposes. Employees should be aware that even when a message is erased or a visit to a website is closed; it is still possible to recreate the message or locate the website that was accessed. In the course of their duties, system operators and managers may monitor employee use of the Net or review the contents of stored or transmitted data at any time.

The City permits occasional personal use of all these communications tools on the express understanding that it reserves the right (for its business purposes or as may be required by law) to review employee use of, and to inspect all material created by or stored on, these communications tools. Use of these tools constitutes each employee's permission for the City to monitor communications and to access files that are made on or with these communications tools.

The City reserves the right to monitor use of these systems to prevent abuse, to enforce other policies, and to access information. Access may occur, but is not limited to, the following situations:

(a) Investigation of suspected impropriety;
(b) Violation of City policy;
(c) Obtaining Information for legal requirements;
(d) Suspected criminal activities;
(e) Breach of system security;
(f) Collecting substantive information to routinely or randomly monitor employee performance and conduct;
(g) Determining the presence of illegal material or unlicensed software;
(h) Ensuring City systems are not being used to transmit discriminatory or offensive messages, or regarding the infringement or violation of any other person's rights;
(i) Ensuring the electronic communications tools are not being used for inappropriate purposes; or
(j) Managing, operating and resolving issues associated with the ownership and operation of the system.

City Management may disclose the contents of these systems within or outside of the City without the employee's permission. Furthermore, all communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. **The City has unlimited access to protect the security of these systems and the City's property rights.**

Section 4. E-mail Etiquette and "Best Practices"

4.1. Writing Effective Messages. E-mail is ideal for corresponding with colleagues in different parts of the world, across time zones, and even in the same office. Using e-mail can save money (e.g., postage, telephone charges, travel), but it cannot always substitute for face-to-face meetings or telephone calls. Interpersonal communication should generally be a user's first choice whenever possible. In addition, e-mail should not be used to resolve conflict or to say things that would not be said in person. Users should use common sense in determining when to use e-mail, what is said, and to whom. Remember that no electronic communication is private and the City reserves the right to monitor and review all communications originating from or entering the computer systems.

. E-mail messages may be considered part of the City's official records and may be subject to disclosure as a public record. Compose e-mail messages in the same manner and with the same good judgment used for any other City communication.

- Use a descriptive subject line. Never leave a subject line blank. It may determine whether or not the message gets read. Use a short descriptive statement to help the recipient decide when he or she should read the message. Take care not to overstate the urgency of the message simply to get attention.

- If the communication is to a Law Department representative for the purpose of seeking legal advice, mark the end of the subject line and the top of the e-mail text "(ATTY-CLIENT-PVG)." (Forgetting to do so will not constitute a waiver of the City's privilege.)
  Use courtesy and respect. As with any other form of business correspondence, e-mail messages should be written using courtesy and respect for the recipient. Don't employ rude or facetious remarks that could be seen as unethical or defamatory.

- Don't use all caps. Using ALL CAPS in e-mail is equivalent to SHOUTING. In addition, all caps makes text difficult to read, as does all lower case.

- Check spelling, grammar, and punctuation. Don't ignore the basics of writing, punctuation, and spelling in e-mail correspondence, and be aware of the tone of your message. Use trade jargon, and abbreviations sparingly and appropriately based on your intended recipient.

- Use a signature. Include useful information such as your telephone number, position in the City, location, and e-mail address. Different signatures for different recipients may be appropriate. For example, shorter signatures may suffice for e-mail to City coworkers.

4.2. Sending Effective Messages. Don't rely on e-mail alone for sending urgent messages. The recipient may be out of the office and not checking e-mail frequently. Follow up with a telephone call or fax.

- A cc: (which used to mean carbon copy) suggests that the message is for information only—no action is necessary by the cc-recipients. Send carbon copies only to those who really need a copy. Sending unnecessary copies wastes everyone's time.

- Blind carbon copies should be used with caution, if at all. They may give the appearance that the user is going behind someone's back. If you can't copy the person directly, consider not sending the message at all.

- Avoid sending "heat of the moment" messages. When responding to a "hostile" message, don't hit the SEND button until you have had a chance to cool off (use the "overnight rule"—sleep on it, re-read your message, and revise it before sending). E-mail messages that are sent in the heat of the moment are often regretted. Once sent, they cannot be retrieved.

Communications that would be inappropriate under other City policies are equally unacceptable if delivered via electronic communications. These communications may include, but are not limited to, harassing or discriminatory comments, breaches of confidentiality, and insubordinate statements.

- Avoid sending unnecessarily wordy messages. Remember that some people have to pay for each byte of data they receive. Keep messages succinct without being so terse as to be rude.

- Don't leave the sender of a message hanging. If you cannot respond to an e-mail request in a timely manner, consider sending a quick reply stating you have received the message and give an estimate of the time it will take you to provide a full response.

4.3. Replying to Messages. Be careful to use "Reply-to-All" only when appropriate. Typically, users should address a reply only to a single person and not to all those who received the original message. Likewise, be careful when replying to a message that was sent by a Bulletin Board (BB) or automatic re-mailer--if you are not careful, your reply may be sent to the entire audience subscribing to the BB rather than only to the individual who wrote the original message.

Include the original e-Mail when replying. This is a matter of both courtesy and efficiency. It avoids making the sender search for his or her original message and may help to avoid confusion. Use the reply feature to return automatically the original message and to insert the return address. When the original message is lengthy, however, include only enough of it to jog the sender's memory--sending long messages can be burdensome on those using dial-up connections. Also, where your reply is relevant to only a portion of the original message, consider excerpting and including in your reply only the relevant portion(s).

Don't send an attached file when a text message is sufficient. A few lines or even paragraphs of text do not warrant a file attachment. Receiving attachments can be time-consuming (especially when the recipient is using a dial-up connection) and requires the recipient to take extra steps to open and read the file. Send attachments for long messages or when special formatting is necessary. When you send attachments, take the time to make sure that the attachment does not contain unnecessary graphics (like letterhead, images, pictures, or logos) or embedded multimedia—these can increase download time and take up memory by an order of magnitude.

4.4. Forwarding Messages. Don't indiscriminately forward an e-mail to others. Keep in mind the perspective and rights of the author of the original message-he or she may not be happy that you have forwarded it. Wherever in doubt, it's more polite to check with the original author, perhaps by sending a reply message suggesting that the original message should be distributed to others. Be doubly careful when forwarding e-mail to persons who are not part of the City.

Don't forward messages marked "Private," "Confidential," or "Attorney/Client Privilege" without express permission from the author. Avoid communicating confidential and sensitive information, such as performance reviews, disciplinary and/or corrective actions, personnel information, and health or medical information via e-mail.

Forwarding chain letters in the office is prohibited. If you receive a chain letter, ignore it and inform the sender that it is an inappropriate use of City time and bandwidth.

Save or archive your e-mails on a regular basis. If you need help with this procedure call the ITS Customer Support Center at extension 4357, or e-mail them at the IT HelpDesk: ITSupport@city.cleveland.oh.us.

4.5. Protecting Emails from Viruses. Viruses may be easily (and accidentally) transmitted via e-mail attachments or postings. It is users' responsibility to protect their files by updating the City's virus protection via Net connections when prompted to do so.

When users receive a virus, they should notify the sender (if they know that person) that the file was infected. This may help halt further transmission of the virus. Ensure attachments have no viruses. Avoid opening an e-mail when you do not know the sender.

- To prevent computer viruses from being transmitted through the system, employees are not permitted to download any software onto their computer or any drive in that computer.

- When downloading a file or opening an e-mail attachment, users must scan all materials with City provided virus protection software.

- Additional consideration of policies established by the Office of IT Planning and Review, and the Division of ITS should be used in determining how to handle potentially damaging e-mails or files.

4.6 E-mailing To The Appropriate Person. Email makes it possible for us to contact, directly and immediately, the Mayor and other highly placed people in the City. Users should carefully consider, however, both the potential benefit and the consequences of

sending an e-mail to these people, especially if it means going over someone's head and breaking the rules of management protocol and etiquette.

4.7. Checking Your E-mail. Reading e-mail is a professional responsibility, just like answering the telephone. As a general rule, users should check their e-mail at least twice a day when they are not traveling. When on the road, users should check e-mail as often as possible or enable a colleague to check it for them. If the periodic chime and window announcing "You Have New Mail," is distracting, users should consider disabling automatic checks and manually check their e-mail.

4.8. Sending Unsolicited Messages. When sending unsolicited messages, users should choose their distribution vehicle carefully. E-mail can quickly become junk mail if unsolicited messages are distributed indiscriminately to an inappropriate audience. Sometimes simply hitting the delete key is the answer. As the number of unsolicited messages increases, the recipient's in-box becomes overloaded with "junk." We can all appreciate this dilemma. Responsibility lies with each of us, therefore, to choose the right vehicle and distribute messages to the intended audience in the most efficient manner for both the sender and the recipients.

4.9. Use of Bulletin Boards. Bulletin Boards (BB) distribute posted messages to all people who have "registered" with them. For other BBs, an employee may register and resign by sending a message directly to the BB (using a precise format that prevents an actual posting of the registration message). Be careful when sending a registration or resignation message to a bulletin board—if users fail to follow the required format exactly, their message may be posted to all subscribers. This type of junk e-mail tends to irritate many people. Likewise, if someone unknowingly posts a message like this, don't magnify the junk by posting an ugly response back to the BB. Instead, send a polite message, directly to that person only, explaining the proper procedure.

4.10. Consuming Bandwidth with Unauthorized Tools and Use of Customized Templates, Colored Backgrounds, Screens and Screensavers. As web-based technology use expands in the City, newer and trendier tools such as real-time audio, desktop videoconferencing and webcasting (e.g., Pointcast) are readily available to City employees with email and Internet access. These tools can consume significant bandwidth, which is not unlimited and not free. Accordingly, these tools are prohibited without prior authorization from the employee's appointing authority. Always keep in mind the consumption of scarce bandwidth, which can slow up the performance of the Internet and email response, and can potentially bring the system to a halt through excessive usage of unauthorized images, graphics, video, etc.

Good business communications requires clean and crisp email messages that are not cluttered with fancy images, logos, colored frames and borders. The use of colored backgrounds, flowers, special artic colors and elaborations are prohibited. The City

standard for email background is white for clarity of communications. The use of boards and fancy backgrounds should not be used for City emails. Email transmissions should minimize the use of elaborate signatures and images, which do not enhance the message or information. This enables the City to more effectively utilize this IT asset, i.e., network bandwidth.

4.11. E-Mail and/or Net access requires passwords for security; users should be aware, however, that the reliability of such tools for maintaining confidentiality cannot be guaranteed. Additionally all passwords should be made known to the City, through the employee's immediate supervisor and/or systems administrator.

Section 5. Enforcement and Consent.

5.1. This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the Net and e-mail systems provided by the City of Cleveland, and is not necessarily exhaustive. Questions about specific uses should be directed to the user's supervisor.

Immediately upon implementation of this policy, supervisors will be responsible to provide a copy of this policy to, and collect signed consent forms from, all employees who currently have access to the City's Net or e-mail systems. Failure to obtain signed copies to be submitted and maintained by the Division of ITS will result in the revocation of the Net and e-mail account for the employee.
Any user violating these provisions or applicable local, state, or federal laws is subject to immediate loss or restrictions of Net/e-mail privileges, additional disciplinary actions, up to and including termination of employment, and/or criminal prosecution.

5.2. Consent Agreement. All City employees, who are provided with access to the City's e-mail system and/or the Net, are required to abide by the City's policy contained here and in other relevant documents.

As a condition of employment, all City employees must acknowledge that all computer and electronic systems, including, but not limited to, electronic mail and Net network activity are the property of the City, and therefore, they should not consider any activity to be private.

Current users of the City's Net or e-mail systems must sign the consent form provided, within thirty (30) days of receiving a copy of this policy.

All employees must receive appropriate training and sign this agreement prior to obtaining new access to Net or e-mail systems provided by the City. The employee must sign the consent form provided in this policy. By signing the consent form, the employee or authorized user acknowledges they have received a copy of the policy,

read it, and understand the City's Policy and the potential penalties for non-compliance.

No employee or authorized user will be granted email or Internet usage without a signed consent form on file by the appropriate departments as listed at the end of the consent form.

This policy has been issued under the authority of:

Signature

Title

April 17, 2009

Date

C-8

City of Cleveland Employee Consent Form for Internet/Intranet and E-mail Usage

I, _____, have read the City's Policy on Employee Use of E-Mail and Internet/Intranet ("Net") and agree to comply with all of its terms and conditions. I understand and agree that all computer and electronic activity, including, but not limited to, electronic mail and Net network activity, being conducted with City resources is the property of the City.

I acknowledge and consent to the City's right to monitor, log, access, and review all such activity, with or without notice. I therefore understand and agree that I have no expectation of privacy in the use of these resources. understand that such City monitoring may include printing and reading all electronic mail, websites, and data entered, left, backed up, or stored on the City's computing equipment, whether or not I have intended its deletion.

Finally, I understand that violation of this Policy may subject me to disciplinary action, up to and including, termination of employment.

Employee Name:_____

Employee ID Number:_____

Date:_____

Employee Signature:_____ _____

Department/Division:_____

Received By:_____

(Supervisor or Appointing Authority) Date:_____

Distribution of Copies: One Copy - Attention: Department of Human Resources One Copy - Employee Department File One Copy - Division of Information Technology and Services One Copy - Employee

C-8-1

GIFTS AND GRATUITIES POLICY

I. **Policy Statement--**Pursuant to the Ohio Revised Code, Section 102.03(E) "no public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties."

II. **Gifts and Gratuities**

A. During the course of one calendar year, no employee is permitted to accept any item or items of a cumulative value that exceeds $25.

B. Individuals who receive gifts are advised to return the gift.

C. Employees may be required to disclose the nature and value of items accepted from current or potential vendors who do or may do business with the City.

III. **Employee Events**--City of Cleveland employees shall not sponsor parties for their staff where the costs of which are covered in whole or in part by donations or receipts from the sale of tickets to individuals who are doing or seeking to do business with the City.

This policy has been issued under the authority of:

Trudy Hutchinson

Signature

Director of Personnel & HR

Title

September 30, 2008

Date

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FUEL SYSTEM POLICY/PROCEDURES

1. Policy Statement

This policy shall ensure the efficient, responsible use of fuel for City purposes and complements the **City of Cleveland Vehicle Use Policy**.

The Division of Motor Vehicle Maintenance (MVM) is responsible for the overall management, operation and maintenance of the city's fuel system. This includes purchasing and delivery of fuel, the automated fuel dispensing system, fuel cards, dispensing pumps and storage tanks.

2. Driver Identification Cards, Vehicle Cards and Miscellaneous Cards

a. Any driver required to fuel vehicles or equipment will be issued a Driver's Identification Card, upon request (See Form "Employee Fuel Card Request", C-10-1). This card along with the Vehicle Card will be used to dispense fuel.

b. Request for issuance of a driver identification card must be approved by the driver's Commissioner.

c. Lost or stolen identification or vehicle cards must be reported to the supervisor and MVM, immediately, to cancel the card and reissue if needed. Transactions made on unreported lost or stolen cards will be the responsibility of the employee whom the card was issued.

d. Replacement of a lost or deactivated card must be approved by the driver's Commissioner.

e. A $15.00 fee must be paid by the employee to replace a lost, stolen or damaged card.

f. Cards that do not operate properly can be replaced by bringing the card to the Motor Vehicle Maintenance Fuel office and completing the appropriate form.

g. Driver ID cards are to remain in the possession of the driver assigned. It is a violation of this policy for an employee to knowingly allow use of the driver identification card by any other person.

h. The employee is responsible for all fuel transactions made with the driver card that has been assigned.

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i. Each City of Cleveland vehicle has a vehicle card (fuel card) assigned to it. This card is to be used only for the vehicle that it is assigned to and must be kept with the vehicle at all times. It is a violation of this policy for an employee to knowingly allow use of the vehicle card by any other person or vehicle.

j. Vehicle cards are issued by the type of fuel that the vehicle consumes. (gasoline or diesel) Vehicles that utilize both diesel and gas carry a special code or number and are issued two separate cards, one vehicle card and one miscellaneous card with a unique ID that identifies the vehicle. Miscellaneous cards issued for a specific vehicle cannot be used for other purposes.

k. Miscellaneous fuel cards will be issued only by MVM upon request of the Commissioner of the user division. Miscellaneous fuel cards will be used only for small portable equipment or containers. Divisions that have been issued miscellaneous cards should maintain a log that contains the date when the card was used, the quantity, the purpose and the name of the user or employee. At the end of each day the user or employee should turn over the card to the department/division appointed custodian for safekeeping.

l. On termination of employment, the identification card must be turned in to the supervisor. Transactions made on unreturned cards will be the responsibility of the former employee to whom the card was issued.

m. Refueling of one or more cars by an employee on behalf of other employees is strictly prohibited under this policy. City policy does not permit complimentary fill-ups of one employee's assigned vehicle by another employee. Each employee must obtain his or her own fuel using the fuel cards issued for that purpose.

3. Fueling Procedures/ Rules

a. Go to an approved city of Cleveland fueling site. (See Report "Fuel Site Location", C-10-2)

b. Follow the prompts at the pump

c. Swipe vehicle card and driver identification card

d. Enter odometer / hour meter reading. When fueling off road equipment, generators and compressors, the hour meter reading must be used in place of an odometer reading.

e. Enter fuel terminal number

C-10

f. Pump fuel

g. Miscellaneous Fuel Cards (used for filling equipment) will be set to allow a maximum of 5 gallons per fueling.

h. A log shall be maintained by the divisions for each Miscellaneous Fuel Card noting the location, date and purpose for the transaction.

i. Vehicles/individuals will not be permitted to refuel more than twice a day.

j. Exceptions for number of times a day refueling can occur and the 5 gallon limit for miscellaneous cards will be reviewed on a case specific bases. A written justification and list of individuals must be submitted by each department director to the Director of Public Service for approval. These lists will be kept on file at MVM and Public Service.

k. Vehicles must be refueled prior to the fuel gauge going below one quarter (¼) of a tank, minimum.

4. Odometer Reading Corrections

a. Corrections made to the odometer reading of a vehicle will not be made over the phone unless validated by a supervisor.

b. If the mileage cannot be validated by a supervisor, then the vehicle must be brought to 4150 East 49th Street to be validated by Motor Vehicle Maintenance.

c. Anytime a fueling odometer error occurs, an Odometer Error Correction Form (C-10-3) must be completed and signed by the MVM employee who corrects the error and the employee who requested the correction.

d. The Odometer Error Correction Form will be filed at MVM and a copy will be sent to the commissioner/chief of the Division and the individual assigned by each Division to review the monthly fuel usage report.

e. Departments/Divisions will be supplied with a list of contact names to make needed corrections in the event a vehicle has an odometer error outside of normal business hours.

5. Fuel Tracking & Accountability

a. In order to track fuel usage, prevent system abuse, and assure the proper billing of each division/department, the division of MVM generates monthly inter-

department service charge/fuel usage reports for all user divisions/departments.

b. These reports will be distributed by MVM by the 15th of each month for the previous month to all user divisions/departments.

c. The Commissioner/Director of each division/department will appoint an individual as fuel monitor who is responsible for reviewing the Monthly Fuel Usage Report, to identify any irregularities, discrepancies, or inaccuracies.

d. Each Commissioner/Director must submit the name and phone number of the Fuel Monitor to the Commissioner of MVM.

e. The Commissioner of MVM will maintain a list of Fuel Monitors and distribute the monthly reports identified herein, directly to them.

f. Any change in the Fuel Monitor shall be reported to the Commissioner of MVM as soon as the change occurs.

g. In addition to Divisional/Departmental reviews, MVM will conduct citywide spot audits of the Fuel Usage Reports following the policy detailed herein.

h. Any irregularities, discrepancies, or inaccuracies identified must be reported in writing to the attention of the appointing authority of the division with the problem.

i. The appointing authority of the division should forward this information to the appropriate director.

6. **City Divisions'/Departments' Responsibilities:**

a. Each Fuel Monitor should review the Monthly Fuel Usage Reports to identify any irregularities, discrepancies, or inaccuracies.

b. Specific focus should be given to amount of fuel dispensed, low miles per gallon (MPG), frequency of transactions, and time of day and place where fueling occurred relative to an employee's job duties. Fuel consumption standards shall be provided with the Monthly Fuel Usage Report.

c. A Fuel Transaction Review Form must be completed each month by the Fuel Monitor to identify the issues detailed within this policy.

C-10

d. The Fuel Transaction Review Form must be completed and signed whether or not any problems are identified. This form must be returned to the Fleet Data Manager at the Division of Motor Vehicle Maintenance by the last business day of each month.

e. Cards assigned to employees that are transferred, retired or terminated must be returned to the Division of Motor Vehicle maintenance as part of the exit interview process. MVM will deactivate the driver's ID cards.

f. Vehicles transferred, retired from service or loaned to other departments should be reported promptly so that the applicable transfer form can be completed and submitted to MVM. Vehicle cards of retired vehicles will be deactivated. Transferred/loaned vehicles will be noted by MVM so that fuel charges will be made to appropriate department.

g. Each department/division should maintain a daily vehicle use log (See Report "City Wide Mileage", C-10-4) or vehicle trip ticket to keep track of vehicle and fuel use and be able to compare or validate the monthly MVM monthly report. The vehicle log or trip ticket should contain at the minimum the date of use, the vehicle number, the name of employee, beginning and end mileage, quantity of gas, and location of fuel station.

h. All drivers of City owned vehicles are subject to this policy and any other policies pertaining to the use of city property.

i. Direct any questions regarding the Monthly Fuel Usage Reports to Fleet Data Manager at (216) 420-8112.

7. Policy/Procedure Violations

a. Any violation of this policy and/or improper use of City fuel will result in disciplinary action up to and including termination.

b. If theft is identified, a police investigation will take place and criminal charges will be made where appropriate.

c. The City will use all legal means available to recover the costs of misappropriated fuel.

This policy has been issued under the authority of:

Signature

DIRECTOR - PUBLIC SERVICE

Title

August 1, 2008

Date

C-10

CITY OF CLEVELAND
Department of Public Service
Division of Motor Vehicle Maintenance
Employee Fuel Card Request Form

Name & Employee ID Number: _____
(Please print clearly)

Division/ Acct Code: _____

Department: _____

Payroll Number: _____

Reason a new card is needed:

_____
_____
_____
_____
_____
_____
_____

_____ _____
Print Name Signature

Date Card Issued: _____

Issued By: _____

C-10-1

Revised: 7/08

DIVISION OF MOTOR VEHICLE MAINTENANCE

AUTOMATED FUEL DISPENSING SYSTEM LOCATIONS

SITE NO.		SITE NAME	LOCATION	TYPES OF FUEL (Diesel=DSL Unleaded=UNL Natural Gas=CNG)
0	GLENVILLE SERVICE CENTER	GLENVILLE SERVICE CENTER	10801 LEUER AVENUE	DSL
1	FIRE STATION 30	ENGINE #30	10225 ST. CLAIR AVE.	DSL / UNL
2	FIRE STATION 10	ENGINE #10	1935 EAST 101 ST	DSL / UNL
3	E. 65TH ST SERVICE CENTER	EAST 65TH	2301 EAST 65TH ST	DSL / UNL
4	FIRE STATION 13	ENGINE #13	4950 BROADWAY AVE	DSL / UNL
5	PARKS MAINTENANCE	JOHNSTON PARKWAY	4701 JOHNSTON PARKWAY	DSL / UNL
6	CLEVELAND PUBLIC POWER	CPP W. 41ST	2490 WEST 41ST ST	DSL / UNL / CNG
7	RIDGE ROAD SERVICE CENTER	RIDGE ROAD	3727 RIDGE ROAD	DSL / UNL
8	CLEVELAND HOPKINS INTERNATIONAL AIRPORT	HOPKINS	5300 RIVERSIDE DRIVE - AIRPORT ACCESS	DSL / UNL
10	6TH DISTRICT POLICE STATION	POLICE 6TH	881 E. 152ND ST	UNL
11	4TH DISTRICT POLICE STATION	POLICE 4TH	9333 KINSMAN RD	UNL
12	BURKE AIRPORT	BURKE AIRPORT	1501 N. MARGINAL RD. - AIRPORT ACCESS	DSL / UNL
13	FIRE STATION 20	ENGINE #20	3765 PEARL ROAD	DSL / UNL
14	2ND DISTRICT POLICE STATION	POLICE 2ND	3481 FULTON ROAD	UNL
15	1ST DISTRICT POLICE STATION	POLICE 1ST	3895 W. 130TH ST	UNL
16	JOSEPH STAMPS SERVICE CENTER	STAMPS CENTER	4150 S. MARGINAL RD	DSL / UNL
18	STRONGSVILLE PUMPING STATION	STRONGSVILLE	18640 PEARL RD	UNL
21	HIGHLAND PARK GOLF COURSE	HIGHLAND PK CEMETERY	22100 CHAGRIN BLVD	UNL
22	CROWN PUMPING STATION	CROWN PUMP	955 CLAGUE RD	UNL / DSL
26	CLEVELAND PUBLIC POWER	CPP E. 140TH	743 E. 140TH ST.	DSL / UNL
27	TWINSBURG PUMPING STATION	TWINSBURG WATER	8021 BAVARIA RD	DSL / UNL
28	PARKS MAINTENANCE FACILITY	HUMPHREY PK	207 E. 161 ST.	DSL / UNL
29	HARVARD YARDS WATER	WATER DEPT	4600 HARVARD AVE	DSL / UNL

C-10-2

CITY OF CLEVELAND
Department of Public Service
Division of Motor Vehicle Maintenance
Odometer Correction Form

Date: _____

Department: _____

Division: _____

Vehicle Type: _____

Vehicle Code: _____

License Number: _____

Reason for Correction: _____

_____

_____

Current Odometer Reading: _____

Requested By: _____ _____
Print Name Signature

_____
Employee ID Number

Corrected By: _____ _____
Print Name Signature

_____
Employee ID Number

Site going to fueling at: _____

Revised 7/08

C-10-3

City of Cleveland Mileage Report

Department /Division _____

Vehicle Code _____ Vehicle Description _____ License Number _____

Month _____ Year _____ Section Assigned _____

Date	Points of Travel From	Points of Travel To	Odometer Reading Start	Odometer Reading Finish	Total Miles	Purpose of Trip	Driver's Name (PRINT)	Driver's Signature (SIGN)
/ /								
/ /								
/ /								
/ /								
/ /								
/ /								
/ /								
/ /								
/ /								
/ /								
/ /								
/ /								
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LAST DRIVER MAKING ENTRY RESPONSIBLE FOR ENSURING BLANK FORM AVAILABLE FOR CONTINUATION OR FOR THE FOLLOWING MONTH.

Comments: List date and noted problems, damage or other vehicle related items

ONE FORM(S) FOR EACH CALENDAR MONTH - MUST BE SUBMITTED MONTHLY:

MVMrev7/08 SEND COMPLETED FORMS TO DON HASKINS, MPSO FOR VEHICLE RECORDS AND/OR IF REQUESTED BY AUDITORS dlh

C-10-4

HUMAN IMMUNODEFICIENCY VIRUS (H.I.V.) ACQUIRED IMMUNE DEFICIENCY SYNDROME (A.I.D.S.) WORKPLACE POLICY

I. General Policy

A. The City is committed to providing service to all citizens regardless of their Human Immunodeficiency Virus (H.I.V.) status. In support of this commitment, the City will disseminate accurate and current information to all employees.

B. In those special occupational settings where there may be a potential risk of exposure to H.I.V., the City of Cleveland will provide specific, ongoing education and training to reinforce appropriate infection control procedures and ensure that they are implemented.

II. Specific Policies

A. People with A.I.D.S. or H.I.V. infection are entitled to the same rights and opportunities as people with other serious or life-threatening illnesses. Any employee known to have A.I.D.S. or conditions associated with H.I.V. who is able to continue safe and effective work performance shall be entitled to remain in the same job classification and work location unless it is medically determined that this would significantly threaten the health of the public, the employee or his or her co-workers.

B. Any employee who encounters H.I.V. exposure will be offered anonymous or confidential testing with pre- and post-test counseling as well as access to confidential clinical support services and additional counseling.

C. Some employees work in occupations that may put them at greater risk of H.I.V. infection (e.g., medical facilities, laboratories, security personnel who might come in contact with blood, etc.). These employees may be required to attend training sessions with special emphasis on the use of universal precautions where there might be exposure to blood-borne pathogens.

D. The same strict confidentiality requirements that apply to any medical disclosure shall be followed for H.I.V. or A.I.D.S -related health problems in the City's workforce. H.I.V.-infected employees may request a confidential benefit consultation to assist them in managing health, leave and other benefits.

C-11

E. The City will provide employees with sensitive, accurate and up-to-date education about risk-reduction in their personal lives by sponsoring educational presentations about A.I.D.S. and H.I.V.-related conditions and prevention. This effort is designed to reduce risk-taking and misinformation' among employees and to offer current and accurate information about this important public health concern. Cleveland Department of Public Health educators in conjunction with the Department of Human Resources will be responsible for planning and conducting such presentations.

F. Management will demonstrate sensitivity to the possibility that employees with H.I.V. or A.I.D.S. and their co-workers may be subject to particular stress or concerns about this disability. Managers and supervisors will receive training that includes dealing with issues of confidentiality, how to approach any necessary counseling and referrals and how to help a chronically ill employee continue working and remain productive.

G. This policy will be reviewed on a regular basis. Recommendations will be made as needed to ensure compliance with the most current epidemiologically-accepted facts about A.I.D.S. and H.I.V.-related conditions.

This policy has been issued under the authority of:

Trudy Hutchinson

Signature

Director of Personnel & HR

Title

March 17, 2008

Date

C-11

CITY TICKET PROCEDURES

The following procedures will be followed when tickets are issued to employees who drive City vehicles:

I. POLICY STATEMENT

1. It is the policy of the City of Cleveland that employees adhere to all traffic ordinances in the performance of their City work.
2. The responsible party is identified as either the responsible employee or, if unknown, the Commissioner of the Division for failure to keep a tracking log of the use of assigned City vehicles.

II. EMPLOYEE RESPONSIBILITY

1. City employees shall adhere to all traffic ordinances and regulations while they are performing their duties and while operating City vehicles.
2. Employees are responsible for any tickets they incur for parking, moving violations or any other traffic ticket issued to the employee when the employee was provided with the necessary items to operate the City vehicle to do his/her job.
3. Employees must pay the ticket or file for an Ex-Parte hearing.
4. The employee is required to pay the fine within the time period allowed, following the same procedures available to any citizen who is served with a ticket.
5. The employee must provide proof of payment to the director or director's designee no later than the next working day after the expiration of the grace period given for the ticket.
6. If an employee believes he/she has received a traffic ticket in connection with the operation of a City vehicle in the course of his/ her duties and that the ticket is issued in error or that the ticket is improper, the employee may challenge that ticket through the appeal process for traffic tickets as noted below.
7. Any employee who violates or fails to adhere to any provision of this policy statement is subject to disciplinary procedures.
8. An employee who continues to incur traffic tickets while driving a City vehicle in the performance of his/her duties is subject to progressive discipline.

9. If the employee fails to pay the ticket within the specified time, and there is no appeal pending, the cost of the ticket will be deducted from the employee's pay.
    i. If an employee has one unpaid ticket, the cost will be deducted from one paycheck.
    ii. If an employee has more than one unpaid ticket, the total dollar amount of the tickets will be divided by the number of tickets to spread it out. This equal amount will be deducted for the number of paychecks equal to the number of tickets. (3 tickets: $100, $160 & $25=$285/3tickets=$95/per paycheck for 3 pays.)

III. Departmental Responsibilities

A. Each department shall keep track of the use of its City vehicles and be able to determine which employee within the department is responsible for a ticket received on a department vehicle.

B. The director shall assign an appropriate manager or managers to ensure that all use of City vehicles is logged and the employee/driver of the City vehicle is identified for each vehicle use.
    1. The manager in charge of the vehicle-use log is to be provided with this policy.
    2. The manager in charge of the vehicle-use log is expressly advised that the log is subject to audit.
    3. A manager assigned to administer the vehicle-use log is expressly advised that failure to record vehicle use and maintain the vehicle-use log is grounds for discipline.

C. The responsible party is identified as either the responsible employee or, if the employee is unknown, the Commissioner of the Division for failure to keep a tracking log of the use of assigned City vehicles. The cost of the ticket will then come out of the Commissioner's pay.

D. It is the Director or designee's responsibility to distribute tickets received from Motor Vehicle Maintenance to the responsible employee. Tickets should be distributed promptly so that the employee receives maximum benefit of the time limits within which payment must be received. The Director or designee shall note the payment due date.

E. It is the Director's or designee's responsibility to follow up with the employee if proof of payment of the ticket is not received on the next business day following expiration of the payment period.

F. An employee who fails to pay the ticket as directed is subject to progressive discipline.

G. An employee who continues to incur traffic tickets while driving a City vehicle in the performance of his/her duties is subject to progressive discipline.

Note: Red light camera violations can be seen at **http://www.public.cite-web.com/** Put the ticket number in (**citation/violation #)** excluding the letter, and the last number for the citation number and then 9 digit numbers for the pin for future use.

IV. Appeal Procedure

Any City employee who receives a ticket while on the job driving or responsible for a City vehicle and wishes to appeal it must abide by the following procedures:

1. Employees must file for Ex-Parte or pay the ticket.
2. All tickets must be contested within 15 calendar days of the date of issue.
3. All department/division(s) will be notified weekly that there is/are outstanding ticket(s).
4. Ex-Parte Hearing Procedure: (see attached form)
   - If the employee has an Ex-Parte procedure, the ticket payment is placed on HOLD pending the outcome of that judgment.
   - If the outcome of the Ex-Parte proceeding is in the employee's favor, the ticket will be dismissed.
   - If the result of the Ex-Parte hearing is not in the employee's favor, the ticket remains the employee's responsibility and the employee is notified that payment of the ticket is due immediately.
   - If the Ex-Parte procedure is not initiated and payment is not made, the amount of the ticket will be deducted from the employee's check.
5. All Ex-Parte requests must include the original ticket issued.

V. Definitions

A. "Employee" means any full-time, part-time or seasonal employee or officer of the City of Cleveland under permanent or temporary appointment, and includes volunteers and interns.

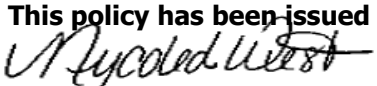
B. "Director" means the director of the department or his or her designee. In the case of boards, commissions and offices, "director" refers to the appointing authority or their designee.

C-12

C. "Department" includes boards, commissions and offices of the City of Cleveland.

D. "Ex-Parte" refers to the procedure conducted by the Parking Violations Bureau that determines whether a ticket will be waived.

This policy has been issued under the authority of:



Signature

Interim Director Personnel & HR

Title

March 19, 2010

Date

C-12

CITY OF CLEVELAND
PARKING VIOLATIONS BUREAU/PHOTO SAFETY DIVISION
1200 Ontario Street
Cleveland, Ohio 44113
(216)664-4744

CITIZEN STATEMENT:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

NAME:_____**DATE**:_____
ADDRESS:_____
CITY_____STATE_____ZIP_____
TICKET NO._____ ISSUE DATE_____LIC.PLATE_____
Phone_____E-mail_____

IN-PERSON HEARING REQUEST
(You will be scheduled to appear in person before a Hearing Examiner. You will be notified by mail of the date you will be required to appear.)

EX-PARTE HEARING REQUEST
(Explanation of the circumstances surrounding infraction without an in-person appearance. Any evidence should be attached.)

Check here if vehicle towed ☐

C-12-1

City of Cleveland, Department of _____ VEHICLE USE LOG

Line #	Date	Employee ID	Driver Name (Printed)	Vehicle No.	Time Out	Time In	Employee Signature
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

C-12-2

REQUIRED LICENSES FOR OPERATION OF CITY VEHICLES

I. General Provisions

A. Obtaining an Operator's License or a Commercial Driver's License

The job duties of certain classifications in the City of Cleveland require the operation of one or more types of City motorized vehicles. The provisions contained herein shall be construed as the City's policy with respect to the operation of such vehicles, specifically with respect to licenses which may be a requirement thereto.

B. Verification Requirements-Commercial Driver's License and Operator's License

No employee shall be allowed to operate a City of Cleveland motor vehicle unless he or she has obtained the valid license which is required to operate a particular vehicle. In addition, the employee shall provide his or her immediate supervisor with verification of their valid license immediately upon request. Failure to provide such verification shall disqualify an employee from operating any City motor vehicle for which a specific license is required and may subject the employee to disciplinary action. The City will verify an employee's driver's license status every six (6) months for all employees using vehicles for City business.

II. Notification of Driving Violations Procedure

A. Commercial Driver’s License

1. An employee who is required to operate a motor vehicle as a part of his or her duties on behalf of the City shall be required to notify his or her immediate supervisor of any conviction, plea of no contest and/or payment of waiver related to a driving offense (including speeding tickets), with the exception of non-moving violations (i.e., parking tickets, etc.), within 72 hours of such conviction. Furthermore, such an employee shall be required to notify his or her immediate supervisor of any motor vehicle accidents in which he or she is involved, including personal vehicle, within 72 hours of the occurrence. An employee's failure to timely and/or accurately report, as provided herein, shall render such employee subject to appropriate disciplinary action, and the employee will be held personally liable for any fines incurred by the City as a consequence of the employee’s failure to timely and/or accurately report.

2. Notwithstanding the above, if an employee holds a position for the City whose duties require that the employee have a valid Commercial Driver's license (CDL), he or she shall be required to notify his or her immediate supervisor upon any of the following:

    a. the suspension, revocation or cancellation of his or her CDL by any state of foreign jurisdiction;

    b. the loss of his or her privilege to drive, including any disqualification from driving a commercial motor vehicle in any state or foreign jurisdiction for any period of time; or

    c. that he or she is subject to an out of service order.

3. The information outlined in a. – c. above must be submitted to an affected employee's immediate supervisor or designee before the end of the business day following the day on which the employee received notice of the action. Failure to comply with this requirement in a timely manner may result in disciplinary action being taken against the affected employee, up to and including pending discharge.

III. Commercial Driver's License (CDL) Requirements

A. If an employee's Commercial Driver's License is suspended or revoked, or if the employee is otherwise disqualified for driving-related infractions, he or she may be given a 90 day period (unless otherwise provided in his or her collective bargaining agreement) within which to re-qualify for the CDL. An employee's eligibility for consideration for alternative duties or placement in other vacant positions during said 90 day period as contemplated herein, an Appointing Authority shall consider such factors as:

1. an employee's attendance and discipline record

2. objective and measurable job-related factors that indicate an employee's job performance relative to other, similarly situated employees

3. performance evaluations conducted over the previous two year period

4. the overall qualifications and abilities of the employee to perform the duties in question.

B. During said 90 day period, the Appointing Authority shall have the discretion to assign such an employee to other duties in his or her respective bargaining unit for which the employee may be qualified, if such alternative duties are available and the Appointing Authority determines that the employee is qualified and capable of performing the essential functions of the position.

C. If no such alternative exists, or the Appointing Authority determines that the employee is not qualified or capable of performing the essential functions of the position, or if after the 90 day period the employee cannot or does not re-qualify for the suspended/revoked CDL, the Appointing Authority shall have the option to either:

1. Place the employee on an unpaid leave of absence not to exceed six months, after which the employee shall be terminated if he or she fails to obtain a CDL within that time, or;

2. Find the employee a vacant, lower position within his or her bargaining unit into which the employee can be reclassified and appointed.

IV. Notification of Driving Violation Procedure

A. Operator's License

1. An employee who is required to operate a motor vehicle as part of his or her duties on behalf of the City shall be required to notify his or her immediate supervisor of any conviction, plea of no contest and payment of waiver related to an offense, with the exception of nonmoving violations, within 72 hours of the offense. Furthermore; such an employee shall be required to notify his or her immediate supervisor of any motor vehicle accidents involving the employee's personal vehicle within 72 hours of the occurrence. Failure of an employee to timely and/or accurately report, as provided above, may result in disciplinary action up to and including suspension pending discharge.

2. If an employee's driver's license is suspended or revoked or if the employee is otherwise disqualified from driving for driving-related infractions, the employee may be given alternative duties. For purposes of determining an employee's eligibility for consideration for alternative duties or placement in other vacant positions, as contemplated herein, an Appointing Authority shall consider the same factors as are listed in the Commercial Driver's License Requirements section, outlined above.

3. During said 90 day period, the Appointing Authority shall have the discretion to assign such an employee to other duties for which the employee may be qualified; if such alternative duties are available and the Appointing Authority determines that the employee is qualified and capable of performing the essential functions of the position.

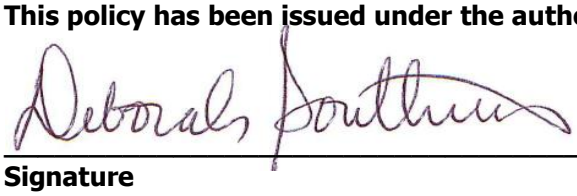
4. If no such alternative duties exist, or the Appointing Authority determines that the employee is not qualified or capable of performing the essential functions of the position, or if after 90 day period the employee cannot or does not re-qualify for the suspended/revoked job-specific license, the employee shall be terminated from employment with the City.

V. Temporary Employee Provision

A. Individuals who may be hired as replacements for employees who are on suspension or leave of absence, as provided herein, shall be notified at the time of their hire that they are being hired on a temporary basis only and that their period of employment with the City may not exceed the date upon which such a suspension/leave of absence concludes.

B. Nothing herein shall be construed as an obligation on the City of Cleveland to create a vacant position or otherwise alter the job duties of any City position, except as cited herein.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

August 31, 2015

Date

C-13

SEXUAL HARASSMENT POLICY

I. Sexual Harassment Policy

A. The City of Cleveland views sexual harassment and sexual advances as unacceptable conduct in the workplace. Such behavior will not be tolerated or condoned. Under Federal Equal Employment Opportunity Commission (E.E.O.C.) guidelines, sexual harassment is defined as: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. These actions constitute sexual harassment when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment.

2. Submission to or rejection of such by an individual is used as the basis for employment decisions affecting any applicant or City employee.

3. Such conduct has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

B. It is not the intent of the City of Cleveland to regulate social interaction or relationships freely entered into by City of Cleveland employees; however, the City does view sexual harassment and sexual advances as unacceptable in the workplace.

1. The City of Cleveland will not tolerate sexual harassment in any form which imposes a requirement of sexual cooperation as a condition of employment, promotion, layoff, training and any other term or condition of employment.

2. No supervisory personnel may use explicit or implicit sexual behavior to control, influence or affect the career, salary or job of an employee.

3. All employees shall be afforded a working environment free from unsolicited verbal comments, gestures or physical contact of a sexual nature.

C. Complaints of sexual harassment will be handled discreetly and confidentially, to the extent permitted by law, through the City's internal complaint procedure, which is administered by the Equal Employment Opportunity (E.E.O.) Division and is located in the Department of Human Resources Room 121 of City Hall.

II. Reporting Complaints

A. Any employee who believes that he or she has been subject to sexual harassment should immediately contact his or her supervisor or another supervisor in the chain of command or the City's EEO Manager.

1. The supervisor must immediately report the complaint to the appropriate management designee (who may be a supervisor) who is responsible for handling sexual harassment complaints; and this designee must immediately report the complaint of sexual harassment to the Director of Human Resources/or designee.

2. If the supervisor, manager, or Appointing Authority is the problem, or the employee believes the supervisor, manager, or Appointing Authority is otherwise biased or has failed to report his or her complaint, the employee should directly contact the Director of Human Resources/or designee to report his or her complaint.

B. Any complaints of sexual harassment, including complaints involving non-City employees (i.e., vendors, contractors, etc.) who may work at or visit City facilities for business or other reasons, should be communicated to the Director of Human Resources within twenty-four (24) hours of the initial complaint. Upon receipt of the complaint, the Division of Equal Employment Opportunity (E.E.O.) will contact the complainant immediately to begin an investigation.

III. Confidentiality

The privacy of the complainant(s) and the individual(s) accused of sexual harassment will be kept confidential to the extent permitted by law.

IV. Timeliness

The Manager of Equal Employment Opportunity (E.E.O.) will thoroughly investigate all complaints as timely as staff and resources allow.

V. Management's Responsibility

Each member of management has the responsibility to ensure that the working environment is free of sexual harassment.

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VI. Corrective Action

Corrective action will be taken if an employee, supervisor or other individual is found to be engaging in sexual harassment of City employees.

VII. Retaliation

A. Retaliation for charges within the confines of this policy will not be tolerated.
B. Employees should feel free to raise their concerns about sexual harassment to supervision or management without fear of retaliation.

VIII. Contact the Department of Human Resources

A. If the employee has questions, concerns or wishes to file a charge of sexual harassment, please contact the Department of Human Resources, Manager of Equal Employment Opportunity (E.E.O.).

B. For additional information, or to file a complaint please contact the following agencies:

U.S. Equal Employment Opportunity Commission (E.E.O.C.)
Cleveland Field Office
Anthony J. Celebrezze Federal Building
1240 E. 9th Street, Suite #3001
Cleveland OH 44199
Phone: 1-800-669-4000

Ohio Civil Rights Commission (O.C.R.C.)
Cleveland Regional Office
Lausche State Office Building
615 W. Superior Ave., Suite 885
Cleveland, OH 44113
Phone: (216) 787-3150

This policy has been issued under the authority of:

Trudy Hutchinson
Signature

Director of Personnel & HR
Title

March 17, 2008
Date

C-14

SOLICITATION AND DISTRIBUTION

I. Policy Statement

A. In order to provide specific rules and regulations for employees and outside organizations in the City of Cleveland and all buildings under the control of the City Government, the following rules shall apply:

1. Employee No-Solicitation Rule – Any Solicitation by an employee of another employee on the property of the City of Cleveland, while either employee is on his or her working time when an employee's duties require that he or she be engaged in work tasks. However, such solicitation is permitted during non-working time and in non-work areas.

2. Employee No-Distribution Rule – Distribution of any type of literature, brochures, goods, etc., during working or non-working time in work areas is prohibited. Employees will not be permitted to sell crafts, items for schools, clubs and organizations, during working or non-working time, in working areas. However employees may distribute goods and written materials, sell small crafts and other items for schools, clubs and organizations, during non-working time, in non-work areas.

3. Employee No-Access Rule - Employees are not permitted access to City offices, service facilities and departments outside normal working hours, or during an employee's off-duty hours, for the purpose of solicitation, without the written approval of the Appointing Authority or designee.

4. Non-Employee Solicitation and Distribution – Non-Employees are not permitted access to City offices or departments, including the interior of the facilities and other working areas, for the purpose of solicitation and/or distribution. This Section does not apply to vendors, as defined in the Definitions section of this policy.

B. Any exceptions to the provisions of this policy shall only be at the express authorization of the appointing authority.

Definitions – For purposes of the Solicitation and Distribution policy, the following definitions shall apply:

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A. Distribution – An act of distributing goods, materials and/or written materials.

B. Employee – Any person in the employ of City of Cleveland, in any status.

C. Non-Work Area – Any area on or off an employer's premises not designated as a work area.

D. Non-Work Time – Any time during an employee's work day where the employee is totally relieved of work duties, such as break time and lunch time. Whether and employee is in paid or unpaid status during these times is immaterial to the designation of non-work time shall be limited only to those days on which an employee is not scheduled to work (he or she is off-duty).

E. Off-Duty Hours – Any time before or after a work shift.

F. Solicitation – An act of requesting an individual to purchase goods, materials or services or plea for financial contribution.

G. Vendor – Any individual or group engaged in or desiring to engage in the supply of goods, materials or services to the City and its Employers, which goods, materials or services are utilized in the conduct of public business.

H. Work Area – Any office, building or physical location where official business is transacted and/or operations are being conducted. This includes any public or private area where employees are engaged in work activities.

I. Work Time – All time when an employee's duties require that he or she be engaged in work tasks, but does not include an employee's own time, such as meal periods, scheduled breaks and time before or after a work shift.

This policy has been issued under the authority of:

Trudy Hutchenson

Signature

Director of Personnel & HR

Title

March 17, 2008

Date

C-15

VEHICLE-USE POLICY

DEFINITIONS

A. "Accident" is defined as any intended or unintended event from which vehicle damage results.

B. "Motor Vehicle" refers to an automobile, truck or other vehicle that is commonly used on a public roadway.

C. "Vehicle" is defined as any piece of motorized equipment that is operated so that a driver is conveyed from place to place in order to perform job duties.

I. RULES OF OPERATION

A. While engaged in City business, no employee shall operate any vehicle, whether City-owned or otherwise, without holding a valid Ohio driver's license. If required for the class of vehicle operated, the employee shall hold a Commercial Driver's License "CDL".

B. Each employee who operates a vehicle, City-owned or personal, while engaged in City business shall submit a photocopy of his or her current Ohio driver's license, and CDL, if applicable, to the employee's appointing authority.

C. Each employee who may have occasion to operate a vehicle while engaged in City business shall immediately notify his or her appointing authority of any change in the employee's driving status, including any suspension, expiration without renewal, or revocation of driving privileges. If an employee's driver's license or driving privilege is suspended and he or she is assigned a City-owned vehicle, the employee shall make immediate arrangements acceptable to the appointing authority for the return of the City-owned vehicle to the City. An employee's failure to notify his or her appointing authority of any adverse action affecting the employee's ability to drive will result in disciplinary action, up to and including termination. (See HR Policy C-13 Required Licenses for Operation of City Vehicles).

D. Each employee shall comply with all City policies and all laws, rules and regulations concerning the operation of vehicles. Each employee shall operate a vehicle in a safe manner and use defensive driving skills to avoid accidents with others, as appropriate for the weather conditions, the road surface, and/or the actions of others.

1. An employee who is involved in a motor vehicle accident is subject to the Motor Vehicle Accident Procedure (Procedure C-18-1).

2. As provided by State law, if an employee is operating a City vehicle within the scope of his or her employment, and if damages or personal injuries are sustained by a third party in connection with the operation of the vehicle, the employee may request, through the employee's appointing authority to the Director of Law, that the City provide the employee with legal representation and indemnification. If the employee is operating a vehicle outside the scope of employment, the employee is not entitled to legal representation or indemnification by the City. The Director of Law shall determine in each case whether legal representation and indemnification is appropriate.

3. An employee who willfully or negligently causes damage to a City of Cleveland vehicle is subject to discipline up to and including discharge.

E. An employee shall operate a City vehicle only while acting within the scope of his or her employment unless the employee is authorized to use the vehicle for long-term regular use as provided in Section V below.

1. Employees are advised that if an employee operates a City-owned vehicle or personal vehicle while outside the scope of his or her employment, then the employee is personally liable for any damages or injuries sustained as a result of the operation of the vehicle.

2. Employees are further advised that it is against State law for any individual to operate a motor vehicle without complying with the Ohio Financial Responsibility Law, including obtaining appropriate liability insurance. An employee may obtain a policy of insurance at his or her own expense to cover this liability. Employees should be aware that policies of personal automobile insurance may, and frequently do, exclude losses sustained during the operation of a City vehicle unless a rider is purchased. Employees must check with their own insurance agent or carrier to determine coverage.
3. If an employee uses a non-City vehicle while engaged in City business, the employee shall carry an automobile-liability policy covering that use.

F. Employees shall follow all safety policies with respect to operation of motorized vehicles or equipment including the requirement to wear seat belts while operating a vehicle on City business. The driver of a City motor vehicle shall require all occupants of the motor vehicle to do the same.

G. Employees are responsible for the security of any City vehicle in their control. No employee shall leave a vehicle unlocked or with the keys in the ignition.

H. Employees shall not transport any person other than City employees, or those with whom the City is conducting business, within a City motor vehicle. Employees are advised that an employee who is transporting any person other than a City employee or those with whom the City is conducting business, will be deemed to be acting outside the scope of his or her employment and will be denied City representation and indemnification for any loss, suit, claim, damage, bodily, or personal injury that any third party claims or sustains.

I. It is the policy of the City that employees should use City motor vehicles solely as transportation for or to conduct the public business of the City and, if authorized in accordance with Sections IV and V of this policy, for commuting or long-term general use purposes. Use of a City-owned vehicle for personal use, other than as may be authorized in Human Resources Policy B-16 is prohibited. An employee is not acting within the scope of his or her employment when operating a City-owned vehicle for personal use. If an employee violates this policy, the employee will be subject to discipline.

J. Except in the case in which an employee has been authorized to use a commuting vehicle under Human Resources Policy B-16, employees using a City-owned motor vehicle shall return the vehicle to a designated City parking lot at the end of the workday.

K. Each employee shall follow the City's Motor Vehicle Accident Procedure (Procedure C-16-1) for the reporting of any accident while operating a City-owned motor vehicle and the City's Parking Tickets policy (C-12) if the employee receives a parking infraction ticket while operating a City-owned vehicle.

L. Any employee taking a City-owned motor vehicle beyond an adjacent county (Geauga, Lake, Lorain, Medina, or Summit) must have the pre-approval of his or her appointing authority, and comply with the City travel policy where applicable.

M. Any employee driving a City-owned motor vehicle shall obtain all fuel needed for the vehicle at a City pump.

N. All employees using a vehicle while engaged in City business shall strictly adhere to this policy. Any employee who violates any provision of this policy is subject to disciplinary action.

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O. The fueling of city-owned vehicles shall be done in accordance with the CITY OF CLEVELAND FUEL SYSTEM POLICY/PROCEDURES (C-10)

II. EFFICIENCY AND CONSERVATION OF RESOURCES

A. Employees are required to operate City of Cleveland vehicles so that City resources are conserved and costs associated with vehicle operation are minimized.

1. Employees who operate City of Cleveland vehicles in the course of their employment are required to use the shortest or most direct route when traveling on City of Cleveland business.

2. No City of Cleveland vehicle should be used to transport an employee or group of employees to a lunch or other recreational destination.

3. City crews who work on a remote job site are not permitted to use a City vehicle to pick up lunch from a location greater than three miles from the job site.

B. An employee who willfully or negligently causes damage to a City of Cleveland vehicle is subject to discipline up to and including discharge.

1. Vehicle damage that occurs in the course of business must be immediately reported by the employee to the supervisor.

2. The driver shall then complete the City of Cleveland accident report (O.W.C.-3) within twenty-four (24) hours of the accident.

3. Accidents that are not referred to the Motor Vehicle Accident Review Committee (see procedure C-16-1) must be reviewed by the appointing authority or designee.

4. In cases where it is believed that driver abuse and/or neglect contributed to damage to a vehicle, an incident report shall be completed by the Motor Vehicle Maintenance unit leader and forwarded to the division superintendent.

5. If in the opinion of the division superintendent, further action is justified, the report is to be forwarded to the fleet manager for notification of the appropriate department or division head and the Office of the Mayor.

6. The fleet manager shall make a semi-annual report, February and August, to the Director of Finance and the Director of Public Works that shows reports filed the cost of abuse/neglect and responses received from the user.

7. If an investigation suggests that a City of Cleveland vehicle was damaged through employee abuse or neglect, this information may form the basis for discipline subject to an employee's due process right.

8. The City of Cleveland does not waive the right to seek redress for damages done to City of Cleveland motor vehicles or motorized equipment.

IV. USE OF PERSONAL VEHICLE; MILEAGE REIMBURSEMENT

i. In the case of an employee not assigned a City-owned vehicle, for whom pool cars are not available or not practical; such employee may be reimbursed for mileage if required to use his or her own vehicle to conduct City business. The employee shall keep mileage records to verify mileage for reimbursement from the City.

ii. Mileage reimbursement will be made in accordance with Section 171.43 of the Codified Ordinances or applicable collective bargaining agreement.

iii. While operating a personal vehicle on City business, the employee shall strictly adhere to this policy.

V. USE OF CITY OWNED POOL VEHICLES

A. An employee using a pool car may only travel between the place where the pool car is kept and the location of official City business is conducted.

B. No employee shall operate a pool car without first signing it out unless his or her appointing authority has specifically assigned a pool vehicle to such employee. Departments shall keep records (such as sign-out sheets) showing each use of the motor vehicle by an employee sufficient to ascertain the date of use, the name of the employee(s) using the vehicle, the destination of the vehicle, the mileage to each destination, and the business purpose of the trip.

C. Pool cars shall not be assigned to employees who operate motor vehicles under Human Resources Policy B-16.

VI. POLICY APPLICABILITY & ENFORCEMENT

This policy applies to the officers and employees of all departments, divisions, boards, commissions, and offices of the City of Cleveland. Should the City have reason to believe that any employee is not complying with this policy; the City shall have the right to request documentation demonstrating that the vehicle was used appropriately. Failing such documentation, the City reserves the right to revoke driving privileges or to place the value of the vehicle plus fuel on the employee's

Form W-2. Any employee of the City of Cleveland who fails to comply with the policies and procedures stated in this policy may be subject to disciplinary action.

This policy has been issued under the authority of:

Signature

DIRECTOR - Public Service

Title

Date

MOTOR VEHICLE ACCIDENT PROCEDURE

I. Definitions

A. "Accident" is defined as any intended or unintended event from which vehicle damage results.

B. "Motor Vehicle" refers to an automobile, truck or other vehicle that is commonly used on a public roadway.

C. "Vehicle" is defined as any piece of motorized equipment that is operated so that a driver is conveyed from place to place in order to perform job duties.

II. Policy—Employees are required to adhere to department/division safety policies when operating vehicles or motor vehicles on the job.

III. Motor Vehicle Accident Procedure--The following are the procedures to be followed for the reporting of motor vehicle accidents involving the use of City owned vehicles/motorized equipment by employees.

A. The employee/driver ("driver") shall, immediately following a motor vehicle accident on a public highway, street or public place, contact the Cleveland Police Department, (or other appropriate law enforcement agency), and have a police report made of the accident. The driver must then make certain that a police report (OH-1) is filed. If the Cleveland Police do not arrive at the scene the employee/driver must proceed to the Police District closest to the accident location, or follow the directions of the appropriate law enforcement agency.

B. The driver shall secure names and addresses of all persons involved. If any persons are injured in the accident, the driver will find out to which hospital they were transported or referred or note the name/number of the transporting ambulance company and/or EMS Unit.

C. The driver shall give to the other party his or her name, department/division where he or she works and the license number of the vehicle. He or she shall not discuss the question of liability with any party or make any statement, whether oral or written, regarding the accident, except to a member of the appropriate law enforcement agency, the city Law Department or staff member from the Offices of Risk Management and of Workers' Compensation.

D. The driver shall get the names, addresses and phone numbers of witnesses to the accident and, if possible, signed statements. If the identity of the other driver is in doubt, securing signed witness statements should be left to the Law Department. If witnesses will not offer statements, the driver should note their license numbers.

E. The driver shall contact his or her immediate supervisor, at the earliest possible moment, preferably after contacting the appropriate law enforcement agency, stating the location of the accident, personal injuries, and nature of the damage to the motor vehicle(s).

F. If an employee is injured, the employee should inform the supervisor immediately. If the employee is subject to post-accident testing, the employee must report to the designated testing facility for post-accident drug/alcohol testing in accordance with Human Resources Policy C-20 and the applicable CBA. The employee's supervisor must accompany the employee to the testing facility.

G. Upon fulfilling the requirements of filing a police report, the driver shall then complete, the City of Cleveland's accident report (entitled O.W.C.-3) within twenty-four (24) hours of the accident. This report will be received and reviewed by his or her immediate supervisor. If the driver is unable to complete the OH-1 or O.W. C.-3, due to the severity of injury resulting from the accident, the supervisor shall assist with the reporting process and make certain that the city report and O.W.C.-3 are filed within twenty-four (24) hours after the accident.

H. The driver must describe in detail the manner in which the accident occurred and the damage done to all vehicles and property when filling out the O.W.C-3 report. If necessary, the driver should attach an addendum to the O.W.C.-3 report in order to report all relevant information.

I. The O.W.C.-3 along with the O.W.C.-4 will be forwarded by the supervisor to the Office of Workers Compensation within twenty-four (24) hours of the accident. The Cleveland Police Department shall also forward to the claims section of the Law Department a copy of the police report (OH-1) within ten (10) days after the motor vehicle accident. If the accident occurs outside of the Cleveland Police Department jurisdiction, the claims section of the Law Department will obtain a copy of the accident report from the applicable law enforcement agency. The Office of Workers Compensation will then
send copies of all relevant documents to the divisional authority, Motor Vehicle Maintenance, and the Law Department.

J. A city vehicle damaged in an accident must be taken to the nearest city garage for inspection and a cost estimate repair report. This must be done as quickly as possible after the accident. If an accident is allegedly caused by a mechanical failure of said City equipment or vehicle, an assessment should be done as to how to safely convey the equipment/vehicle to Motor Vehicle Maintenance for analysis and repair.

K. Any employee who fails to comply with these instructions may be subject to departmental or divisional disciplinary measures by his or her appointing authority. These instructions were established to protect both the employee and the City of Cleveland.

IV. Employee Accident Review Committee

A. The Motor Vehicle Accident Review Committee will be convened to investigate all motor vehicle accidents (except those involving public safety vehicles on emergency call pursuant to Ohio Revised Code Section 2744.02 (B) (1) (a)-(c) and review the conduct of the City of Cleveland employee/driver.

B. The committee shall include a representative from the following departments/divisions:

1. Office of Risk Management
2. Division of Motor Vehicle Maintenance
3. Office of Workers' Compensation
4. Division of Police, Traffic Unit (when feasible)
5. Law Department
6. Divisional Representation - the divisional representation would attend the review meetings only when the discussion affects that particular division. This individual would serve in an informational capacity and would not vote.

The composition of the committee is at the discretion of the Risk Manager. Any addition, deletion, or modification to of committee members will be solely the decision of the city's Risk Manager.

C. The Motor Vehicle Accident Review Committee shall evaluate all the documentation generated from an accident, including the OH-1, O.W.C.-3, O.W.C.-4 and cost estimate repair reports. The Committee, upon review, will make a determination as to whether the employee/driver's conduct contributed to the accident and whether the accident was preventable or non-preventable. Upon making a determination, the committee will report its' findings to the appointing authority. The appointing authority should defer administering any discipline until the committee issues its findings.

D. f the committee determines the employee misconduct may have been a cause of the accident, within forty-eight (48) hours of providing such determination to the applicable appointing authority, the appointing authority shall issue a written notice to the employee that a pre-disciplinary conference will be conducted in

regard to the matter. The notice of pre-disciplinary conference will contain the date of the hearing and cite any ascertained potential rule violations. If applicable, a copy of the pre-disciplinary notice will also be provided to the affected employees union representative.

E. Subsequent to the pre-disciplinary conference, the appointing authority will, if mandated by the findings and upon conferring with Labor Relations, issue a charge letter to notify the employee of any disciplinary action.

F. If it has been determined that the motor vehicle accident was preventable, but there is no indication of misconduct on the part of the employee, the following schedule will be followed in the administration of appropriate discipline:

1. First Offense - Written reprimand
2. Second Offense - Three (3) day suspension without Pay.
3. Third Offense - Ten (10) day suspension without pay.
4. Fourth Offense - Discharge

If it has been determined that the motor vehicle accident was preventable, but there is no indication of misconduct on the part of the employee, however there are other attendant circumstances and the city driver's conduct partially contributed to the occurrence of the motor vehicle accident, the following schedule will be followed in the administration of appropriate discipline:

1. First Offense - Written reprimand
2. Second Offense - One (1) day suspension without pay and instructional training.
3. Third Offense - Three (3) day suspension without pay and instructional training.
4. Fourth Offense - Five (5) day suspension without pay and instructional training.
5. Fifth Offense - Ten (10) day suspension without pay and instructional training.

6. Sixth Offense - Discharge

G. Upon review of the facts surrounding a preventable accident, if it is determined that an affected employee contributed to said accident through flagrant and /or willful misconduct, or lack of regard for established safety rules/procedures, the schedule below will be followed in the administration of appropriate discipline.

1. First Offense - Minimum ten (10) day suspension without pay, up to and including discharge.

2. Second Offense - Discharge

V. Accident Report Classifications

A. As part of its function to review all motor vehicle accidents involving City of Cleveland vehicles within its jurisdiction, the Motor Vehicle Accident Review Committee will also classify all motor vehicle accidents for reporting purposes. The "classification" process is to focus on the conduct of the driver and whether he or she could have done anything to prevent the motor vehicle accident, regardless of adverse weather or road conditions or the unsafe acts of other drivers or pedestrians. This is the basis upon which a driver's performance will be analyzed and its classification determined. It is in no way related to liability or culpability. the purpose of classifying the motor vehicle accident is to promote safe driving principles among city employees and to protect city property.

B. After careful consideration of the facts, the Motor Vehicle Accident Review Committee must classify every motor vehicle accident into one (1) of three (3) classifications, which are as follows:

1. "A" Accident – Use "A" classification if the driver could have prevented the accident. The driver's conduct contributed to the occurrence of the motor vehicle accident. Usage of a mobile phone or radio while operating a vehicle will be construed as a preventable accident.

2. "B" Accident – Use "B" classification where there are other attendant circumstances and the city driver's conduct partially contributed to the occurrence of the motor vehicle accident. For purposes of classification, this type of accident is nonetheless deemed as being preventable.

3. "C" Accident – Use "C" classification where a city vehicle is involved in an accident as a result of the other driver's conduct or circumstances. This is considered a non-preventable accident. The city driver's conduct did not contribute in any manner to the accident.

VI. Accident Report Categories

The following categories describe possible accident situations. The Employee Accident Review Committee must select the appropriate category (ies) number (s) based on the facts of the particular accident being reviewed.

<u>Motorist</u>

01 None
02 Failure to Yield
03 Ran Red Light, or Stop Sign
04 Exceeded Speed Limit
05 Unsafe Speed
06 Improper Turn
07 Left of Center

08 Followed Too Closely/ACDA
09 Improper Lane Change/Drove off Road/ Improper Passing
10 Improper Backing
11 Improper Start from Parked Position
12 Stopped or Parked Illegally
13 Operating Vehicle in Erratic, Reckless, Careless, Negligent or Aggressive Manner
14 Swerving To Avoid (Due To Wind, Slippery Surface, Vehicle, Object, Non-Motorist in Roadway)
15 Failure to Control
16 Vision Obstruction
17 Driver Inattention (Including usage of mobile phones or radio operation while driving)
18 Fatigue/Asleep
19 Operating Defective Equipment
20 Load Shifting/Falling/Spilling
21 Other Improper Action
22 Unknown

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Non-Motorist

23 None
24 Improper Crossing
25 Darting
26 Lying and/Or Illegally In Roadway
27 Failure to Yield Right Of Way
28 Not Visible (Dark Clothing)
29 Inattentive
30 Failure to Obey Traffic Signs, Signals, or Officer
31 Wrong Side of the Road
32 Other
33 Unknown

VII. Vehicle Damage Policy— An employee who willfully or negligently causes damage to a City of Cleveland vehicle is subject to discipline up to and including discharge.

A. Vehicle damage that occurs in the course of business must be immediately reported by the employee to the supervisor.
B. The driver shall then complete, the City of Cleveland's accident report (entitled O.W.C.-3) within twenty-four (24) hours of the accident.
C. Accidents that are not referred to the Motor Vehicle Accident Review Committee must be reviewed by the appointing authority or designee.
D. Information received from the Division of Motor Vehicle Maintenance or from another repair facility that suggests that a City of Cleveland vehicle was damaged through employee abuse or neglect may form a basis for disciplinary action.
E. Where there is a finding that an employee was responsible for vehicle damage through the employee's willful act or gross negligence, the employee shall be responsible for restitution for all or part of the cost of the damage.

WORKPLACE CASUAL DRESS POLICY

I. Policy Statement

A. It is the policy of the City of Cleveland to provide opportunities for employees to wear casual clothing in the workplace under appropriate circumstances.

B. In the City's Departments, the observation of casual dress days as permitted in this policy is at the discretion of the appropriate Director and, the Mayor or the Chief of Staff as designated by the Mayor.

II. Guidelines

A. Casual dress days are not available for employees who are required to wear uniforms while at work.

B. Even on casual dress days, clothing worn in the workplace must be appropriate to the workplace and must contribute to a positive image of the City's government and its employees.

1. Directors are authorized to determine dress which may not meet this standard and to require employees to change into more professional/appropriate clothing.

2. Shorts, sweat clothes, tank tops, halters, sandals and sandal-like foot coverings are not acceptable in the workplace unless authorized by a Director for employees whose jobs are primarily outside during the summer or for other specific work-related reasons.

C. Management employees who are regularly in contact with the public should always wear business attire.

D. Employees identified by a director who may have contact with the public in the course of their work should have business attire readily available on casual dress days.

This policy has been issued under the authority of:

Trudy Hutchinson

Signature

Director of Personnel & HR

Title

March 17, 2008

Date

C-17

WORKPLACE SMOKING POLICY

I. Introduction

A. Whereas, the U.S., Environmental Protection Agency (E.P.A.), in January 1993, classified environmental tobacco smoke as a Group A (known human) carcinogen, and concluded that tobacco is the primary cause of 434,000 deaths annually in the United States. The U.S. E.P.A. estimates that approximately 3,000 of these deaths are among non-smokers exposed to second hand smoke;

B. Whereas, the American Heart Association estimates that 35,000 people die of heart disease each year from second hand tobacco smoke;

C. Whereas, studies have found that tobacco smoke is a major indoor air pollutant and that breathing second hand smoke is a cause of disease, including lung cancer, respiratory failure, bronchoconstriction and bronchospasm in non-smokers;

D. Whereas the Surgeon General of the United States, in his 2006 report, The Health Consequences of Involuntary Exposure to Smoke, concluded that:

1. There is no risk-free level of exposure to secondhand smoke.
2. Exposure to secondhand smoke has substantial and immediate adverse effects on the cardiovascular system.
3. Establishing smoke-free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace.
4. Smoke-free workplace policies are effective in reducing secondhand smoke exposure. Separating smokers from nonsmokers in the same air space, cleaning the air and ventilating buildings are not effective at eliminating exposure of nonsmokers to secondhand smoke.

E. Therefore, the City of Cleveland enacts the following workplace smoking policy, effective December 7, 2006.

II. General Policy

A. The City of Cleveland is dedicated to providing a healthy, comfortable, and productive environment for all City employees; specifically the City is committed to providing a smoke free environment for all workers.

B. Moreover, the City is committed to educating its workforce, and the general public, about the dangers of smoking and other tobacco use.

C. The guidelines outlined in this section apply for employees utilizing electronic cigarettes and similar devices as well as all forms of smokeless tobacco.

III. Specific Policies

A. Smoking and other forms of tobacco is prohibited in all enclosed or partially enclosed areas of City owned and leased facilities, including but not limited to: offices, hallways, entranceways, lobbies and waiting areas, reception areas, rest rooms, cafeterias and snack bars, elevators, stairwells, meeting and conference rooms, kitchen areas and parking garages in City Hall, the Convention Center, Cleveland Hopkins and Burke Lakefront Airports, all City Fire Stations, Police Stations, Health Clinics, Recreation Centers, the City owned portion of the Justice Center, the East and West Side Markets and the buildings of all City departments. Smoking is prohibited in all City owned and leased vehicles. This policy will NOT apply to the leased portions of the Cleveland Brown's Stadium, Cleveland Hopkins Airport, Burke Lakefront Airport or to facilities or portions of facilities leased to other operators by the City however; these facilities/structures are subject to the new state law, Ohio Revised Code (ORC), Chapter 3794, which is in effect as of 12/07/2006.

B. Smoking is prohibited within twenty feet (20') of the primary entrance of any enclosed or partially enclosed area of any City facility and on any steps leading to such entrance, to the extent that such outdoor area is owned or leased by the City. Such outdoor areas include entranceways, parking areas, steps or lawn. Smoking is not prohibited on public sidewalks, streets or any portion of the public right-of-way that are within twenty feet (20') of a primary entrance. A primary entrance is the main entrance to a building, which is usually the entrance which member if the public use when entering a building. An area outside the facility may be designated for smoking in compliance with this policy.

IV. Implementation

A. NO SMOKING signs are to be clearly posted on all entrances to all City facilities; in all conference rooms, public areas, hallways, lobbies, rest rooms and in all City vehicles. The placement of signs on the exterior of all City owned buildings shall be reviewed by the Director of City Planning or his or her designee. The City Department of Public Health will pay for the NO SMOKING signs for their facilities unless other resources are identified.

B. No ashtrays, including fixed installations, shall be permitted inside any City facility.

C. Smoking cessation classes will be offered to City employees through the City's Health Department and through cooperation with other area agencies.

D. This smoking policy is to be reproduced and distributed to all City employees. The distribution of this policy is part of a broader educational campaign focused at City employees.

E. As appropriate, the City will provide accurate and current information about the risk of smoking and tobacco use to employees.

V. Enforcement

A. Any City employee found to have violated this policy may be subject to disciplinary action.

B. Any individual from the general public found to have violated Chapter 3794 of the OCR, effective 12/07/2006, will be subject to the penalties outlined in the statute.

This policy has been issued under the authority of:

Deborah Southern

Signature

Director of Personnel & HR

Title

December 12, 2013

Date

C-18

WORKPLACE VIOLENCE POLICY

I. Workplace Violence Policy

A. The City of Cleveland endeavors to provide a workplace for City employees which is free from violence and the influence of violence. In doing so, the City fully supports both the language and spirit of laws as they relate to the safety and health of employees and citizens.

B. The City of Cleveland's Workplace Violence Policy includes the recognition that a place of employment safe from the fear of violence is fundamental to the health and well-being of both employees and citizens. TO THIS END, IT IS THE CITY OF CLEVELAND'S POLICY TO PROHIBIT ANY FORM OF WORKPLACE VIOLENCE:'

C. It is also intended that existing management tools/policies such as the progressive discipline policy, sexual harassment policy and the Civil Service rules and regulations be utilized to secure the workplace from violence as well as protect employees from its effects, to the fullest extent possible.

D. Persons engaged in workplace violence may also be personally subject to other civil or criminal liabilities.

E. To ensure that The City of Cleveland maintains a workplace safe and free of violence for all employees, the City prohibits the possession or use of dangerous weapons on City property. This policy is applicable to all City of Cleveland employees, except those employees whose job description dictates otherwise (i.e. Police Officers). Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including termination.

   a. "City property" is defined as all City-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the City of Cleveland ownership or control. This policy applies to all City-owned or leased vehicles and all vehicles that come onto company property.

   b. "Dangerous weapons" include, but are not limited to, firearms, explosives, knives and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

   c. The City of Cleveland reserves the right at any time and at its discretion to search all company-owned or leased vehicles and all vehicles, packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon has been brought onto its property or premises in violation of this policy.

Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline up to and including a termination.

d. This policy is administered and enforced by the Department of Human Resources. Anyone with questions or concerns specific to this policy should contact the Department of Human Resources.

II. Definitions

A. Workplace Violence is behavior or conduct consisting of but not limited to oral and written threats, harassment, intimidation, physical attack or property damage, either occurring at or arising from the employee's place of work with the City.

B. Threat - is the expression of a present or future intent to cause physical or psychological harm. An expression constitutes a threat without regard to whether the person communicating has the present ability to do the harm and without regard to whether the expression is conditional, contingent or future.

C. Harassment - is behavior or communication designed to intimidate, menace or frighten another person.

D. Intimidation – is behavior or communication which includes but is not limited to stalking or engaging in actions intended to frighten, coerce or induce stress.

E. Physical Attack – is unwanted or hostile physical contact including but not limited to hitting, fighting, pushing, shoving or throwing of objects.

F. Property Damage – is behavior or conduct that contributes to the destruction of or damage to private or City-owned property.

III. Coverage

A. This policy applies to all City of Cleveland employees whether full-time, part-time or seasonal status and with either permanent or temporary appointments. It also applies to volunteers and interns working with or under the guidance of City employees.

B. Examples of workplace violence include, but are not limited to, instances in which:

1. The conduct, behavior or communication is abusive and:

   a. Could cause another person physical or psychological harm; or

   b. Disrupts the work of an individual or group of individuals in the City of Cleveland's workforce.

2. The conduct, behavior or communication damages City or employee property.

C. Workplace violence can originate with City of Cleveland employees or – outsiders, known or unknown to the victim and may be work related, personal or random.

D. Violation of this workplace violence policy is presumed by any use or possession of an unauthorized firearm during working hours.

E. A firearm's use or possession is unauthorized unless:

1. Authorized in writing by the City of Cleveland for the employee's specific workplace, and is required as part of the employee's job duties with the City of Cleveland, or

2. Connected with training received from the City in order for the employee to perform the responsibilities of his or her job with the City.

IV. Employee Responsibilities

A. In a case of workplace violence, immediate action by victims or witnesses is especially necessary. Therefore, any employee who experiences or witnesses conduct, behavior or communication as proscribed by this policy must immediately notify his or her supervisor, the Director of the Department to which he or she is assigned, or the Director of the Department of Human Resources.

B. The City maintains the right to inspect lockers, desks, packages, purses, lunch boxes and automobiles on City property for unauthorized firearms or other evidence of intention to violate this policy when there is reasonable suspicion of that individual's potential to violate this policy.

C. The supervisor or manager who receives notice of workplace violence will notify his or her manager (Commissioner, Director), who will notify the Director of Human Resources.

D. Upon being informed of an allegation of workplace violence, the Department of Human Resources and/or designee will investigate the matter and instruct the supervisor about how to proceed.

E. The employee will be notified of the outcome of the investigation and any corrective action taken.

F. An employee accused of violating this policy may be removed from his or her position with pay until an investigation has been completed, if the manager believes that the continued presence of the employee represents a danger to himself/herself, other employees or non-employees.

G. An employee may be authorized to return to City employment after an appropriate period of time has passed.

H. An employee who does return to work may be referred to the City's Employee Assistance provider.

I. The City may take appropriate disciplinary action, up to and including discharge, in instances of misconduct as judged by the City.

J. Employees who knew of information about workplace violence or have reason to believe that violence may occur at or in connection with any activities of the City of Cleveland but did not act consistent with this policy may be subject to appropriate discipline, up to and including discharge.

K. No employee will be subject to retaliation by the City for reporting workplace violence in good faith. Any report of workplace violence will be handled in a confidential manner with information released only on a need-to-know basis.

V. Management Responsibilities

A. Specifically, management employees shall:

1. Support the City of Cleveland's workplace violence policy and should maintain work environments safe from workplace violence as defined in this policy.

2. Post the City of Cleveland's policy and procedures on maintaining work environments safe from violence, threats and harassment.

3. Be aware of potential situations and conditions in which workplace violence may occur. The City's Director of Human Resources and/or the Labor Relations Manager shall be notified immediately of any allegations or reasonable suspicion of violence, threats and harassment and consulted regarding proper investigation and response.

B. An Appointing Authority has the right, in limited circumstances, to inspect or authorize the inspection of employee property, including but not limited to lockers, desks, packages, purses, lunch boxes and automobiles on City property.

The following guidelines shall be followed when conducting an inspection of employee property:

1. The inspection is limited to the purpose of locating unauthorized firearms or other evidence of a violation of or intention to violate this policy, and;

2. There is reasonable suspicion of an individual's potential to violate this policy, or of an individual's actual violation of this policy, and;

3. The Appointing Authority has notified and consulted with the Director of Human Resources prior to commencing the inspection, and the Director concurs with the decision of the Appointing Authority.

C. The Appointing Authority shall take steps to ensure that the inspection is conducted in a discreet manner, with intent to maintain the dignity of the employee(s) subject to the inspection.

D. For all inspections conducted under this policy, the Appointing Authority shall fully and clearly document his or her basis for reasonable suspicion, the method of the inspection, and the results of the inspection. Such documentation shall be forwarded to the Director of Human Resources.

E. The Appointing Authority shall take preventive steps, including referral of employees to the City's Employee Assistance provider for evaluation and counseling in cases where violence has not occurred but is seen as a potential.

F. The Appointing Authority shall take corrective steps, including, where appropriate, disciplinary action up to and including discharge whenever workplace violence occurs. All discipline administered shall be consistent with the applicable provisions of collective bargaining agreements and/or Civil Service rules.

G. The Appointing Authority shall be alert to the possibility of violence, threats and harassment on the part of employees, citizens and any third parties (e.g., stalkers).

VI. Department of Human Resources Responsibilities

A. The Department shall:

1. Advise all newly hired employees of the City of Cleveland's policy prohibiting workplace violence and communicate the policy to all employees and new hires.

2. Investigate claims of workplace violence raised by employees or others.

3. Advise managers on how to address and resolve workplace violence concerns in their area.

4. Report to the Director of the department in which a claim of workplace violence has been made, as appropriate.

5. Monitor policies and practices for compliance with the City of Cleveland's Workplace Violence Policy.

6. Provide training on workplace violence prevention matters to ensure compliance with the City of Cleveland's policy when appropriate.

7. Interact with, assist and coordinate with the Law Department, the City's Employee Assistance provider, Police Division, medical and psychological personnel, as well as departmental Directors, Commissioners and managers in implementing this policy.

8. Work with departments on evaluating existing employee security measures.

B. In a major incident of workplace violence against an employee, the Director of Human Resources or his or her designee will serve as coordinator in:

1. Mobilizing security

2. Notifying the Mayor and Chief

3. Contacting the City's provider of EAP Services

4. Contacting other entities which may be needed such as the Law Department.

5. Contacting the Press Secretary and providing information to staff

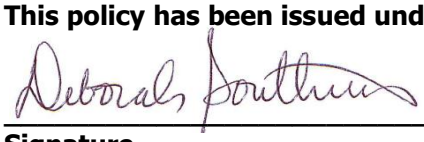
6. Notifying family members of an injured or deceased employee

VII. Employees' Legal Rights

A. Nothing contained in this policy is intended to be a substitute for your right to criminally prosecute anyone who has threatened, menaced, harassed, assaulted or otherwise perpetrated a crime against you.

B. If you believe a crime has been committed, you may contact the City Prosecutor's Office concerning the possibility of filing a complaint

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

March 11, 2013

Date

C-19

DRUG & ALCOHOL TESTING POLICY

I. Mission Statement

The City of Cleveland developed this policy in support of workplace safety and the reduction of workplace accidents and injuries. As part of the City's continuing commitment to increasing and promoting safety in the workplace, productivity, accident prevention, loss control and our commitment to rehabilitation, the City of Cleveland has adopted this Drug and Alcohol Testing Policy. This policy emphasizes the City's strict level of tolerance of drug and alcohol use in the workplace. Under this Program, there is a strict tolerance for employees working while impaired and for on-the-job possession, use, or selling of drugs or alcohol. All levels of employees, including management are subject to this Policy.

II. Statement of Policy

A. City policy shall prohibit the distribution, possession, sale, or use of illegal drugs or alcohol during working hours at any City of Cleveland worksite. "Worksite" means any office, building, property, or motor vehicle, or equipment, owned or operated by the City of Cleveland or any site at which an employee is to perform work for the City. Although this policy is intended to encourage voluntary rehabilitation, nothing in this policy waives the City's rights to discipline an employee, to initiate or to cooperate with law enforcement in prosecuting offenders.

B. All employees shall be required to be fit for work and free from the effects of alcohol, illegal drugs, or the abuse or misuse of prescribed drugs or over-the-counter drugs at all times during working hours. Employees shall be responsible for following the instructions of the prescribing physician or medical provider when taking prescription medication. Employees shall be responsible for following the manufacturer's instruction when taking over-the-counter medication.

C. Employees in safety-sensitive positions as described in the U.S. Department of Transportation (DOT) regulations shall be tested using a six (6)-drug panel:

Drug	EMIT Screen (ng/ml)	GC/MC Confirmation (ng/ml)
Amphetamines	1000	500
Cannabinoids (THC)	50	15
Benzoyleogonine (Cocaine & Crack)	300	150
Opiates	2000	2000
Phencyclidine	25	25

D. Non-DOT employees shall be tested using the standard ten (10)-drug panel:

Drug	EMIT Screen (ng/ml)	GC/MC Confirmation (ng/ml)
Amphetamines	1000	500
Cannabinoids (THC)	50	15
Benzoyleogonine (Cocaine & Crack)	300	150
Opiates	2000	2000
Phencyclidine	25	25
Barbiturates	300	200
Benzodiazepines	300	200
Methadone	300	200
Propoxyphene	300	200

E. An employee testing at and above the levels of the drugs identified shall be considered a positive test, and the employee is in violation of the Policy.

F. Any employee testing at .03% or higher for alcohol shall be considered positive as "under the influence" and is in violation of the Policy and is subject to be relieved of duty for the remainder of the work-day.

G. Any employee testing at .02% shall be automatically subject to be relieved of duty for the remainder of the work-day, unless the employee's Union's superseding collective bargaining agreement indicates otherwise.

H. Drug paraphernalia and items used for substance abuse are prohibited from the workplace at all times. Employees found with such paraphernalia or items used for substance abuse on or in their possession are in violation of the Policy.

III. Employee Awareness

The City provides employees with an opportunity to overcome drug and alcohol related problems through an Employee Assistance Program (EAP).

A. The Department of Human Resources (Labor Relations) shall be the office responsible for maintaining and implementing this Policy.

B. Labor Relations will conduct an initial training when this Policy goes into effect. Labor Relations is responsible to update procedures; communicate with employees, management and supervisory personnel, and union leadership about the policy.

C. Labor Relations is the liaison with the City's testing facilities and is responsible to maintain all records derived from implementing this Policy.

D. Labor Relations will be the resource for employees in all matters related to assistance and access to referral services.

IV. Testing Procedures

A. The City's testing facilities will follow DOT, Bureau of Workers' Compensation, or relevant state, federal or local agencies testing procedures.

B. When testing for drugs, the employee is to provide a urine specimen at the testing facility as prescribed by the regulations. If the specimen tests positive for one of the drugs in the panel, the Medical Review Officer (MRO) will contact the employee and Labor Relations.

   a. Employees are subject to additional types of drug testing (i.e. hair, blood, breath) if it is deemed necessary by the appointing authority and/or Labor Relations.

C. The usual method used for alcohol impairment is by breathalyzer.

D. The testing sites will provide detailed reports of the findings and analyses of the test results to the MRO before forwarding to Labor Relations. The report will include each substance tested and the results, as required by guidelines established by the U.S. Department of Health and Human Services.

E. Labor Relations receives a summary report indicating that the employee passed or failed the test.

F. Employees testing positive for proper use of prescription or over-the-counter medications are not in violation of this Policy.

G. The City is responsible for the initial costs associated with testing under this Policy. Additional costs for independent tests requested by employees are the responsibility of the requester.

V. Testing Categories

A. The City shall conduct Pre-employment Testing for all applicants receiving an offer of employment. Pre-employment testing is done prior to the date of initial employment.

B. Random Testing is unannounced testing of employees selected from a pool of employees where there is no suspicion of drug and alcohol use. Randomly selected employees must immediately attend to the drug test. Every applicable employee has an equal chance of being selected for a random drug test. Employees designated as "safety sensitive" under DOT are required to be tested randomly. Employees defined as "safety sensitive" under Collective Bargaining Agreements (CBA) will be tested randomly.

C. Reasonable Suspicion testing occurs when a supervisor, co-worker, or citizen observes and reports certain behaviors, based on their reasonable and articulated belief that the employee is under the influence of drugs or alcohol.

1. These specific physical, behavioral, or performance indicators may include, but are not limited to, the following:

    a. Balance or gait problems, e.g., lack of balance, unsteady or staggered walk, muscle twitching, red, watery, or glassy eyes, dilated or constricted pupils, or having difficulty focusing eyes;

    b. Disorientation, uncoordinated movement of body and hands, flushing of the face/cheeks, sallow complexion, slurred speech, memory loss, or drowsiness;

    c. Report or observation of drug, or alcohol use, possession, or distribution while on the job An observation may be any of the behaviors described in this policy, direct observation of consumption, or other indications such as, but not limited to, odor, irritability, anxiety, or inability to communicate coherently;

    d. Absenteeism, tardiness, AWOL, or a pattern of absence from work;

    e. Deteriorating work performance;

    f. If the City receives information from a law enforcement agency that an employee is the focus of a criminal investigation into unauthorized drug possession, use, or trafficking;

    g. A report of alcohol or other drug use provided by a credible source, including complaints from citizens; or

    h. Repeated violations of safety policies or work rules.

2. When there is reasonable suspicion/cause that an employee is using illegal drugs or alcohol at work, the following procedure should be followed:

a. If a supervisor suspects or co-worker suspects any of the above behaviors may be caused by drugs and/or alcohol, the supervisor should immediately document the behavior and report it to either the Appointing Authority or his/her designee.

b. The Labor Relations Manager or designee is responsible for concurring in a decision to send an employee for drug or alcohol testing. Documentation that describes the employee's appearance, behavior and other relevant observations that support the testing request must be completed, signed, and dated by a supervisor. Copies must be provided prior to testing to the employee, bargaining unit representative, and Labor Relations.

c. If the Labor Relations Manager or designee orders a drug and alcohol test, the supervisor shall immediately notify the employee that he/she is being directed to submit to a drug and alcohol test. The employee shall immediately report to the testing facility upon being notified by their supervisor. Prior to arriving at the testing facility, the employee will receive the Notice of Testing Procedure Memo from his/her immediate supervisor, manager or appointing authority.

d. If the employee agrees to submit to the drug and alcohol test, he/she will be transported by his/her supervisor, or a supervisor's designee to the City's designated testing facility.

e. An employee who refuses to submit to a drug and alcohol test may be subject to discipline, up to and including discharge, following a pre-disciplinary conference. Any lack of cooperation or significant delay on the part of the employee shall be deemed a refusal.

f. After the employee has submitted to the drug and alcohol test, he/she is relieved of duty for the remainder of the day. Furthermore, he/she will not report to work until the City/Labor Relations has received the results of the drug and alcohol test.

g. The Appointing Authority or his/her designee will be notified by the Labor Relations Manager or designee of the results (positive/ negative) of the drug and alcohol test. However, the actual results will be kept confidential in the Human Resources Office.

h. If the employee produces an initial positive drug or alcohol screen, the Appointing Authority or his/her designee will hold a pre-disciplinary conference with the employee to advise the employee of the results, and inform the employee that he/she must enroll in the City's Employee Assistance Program (EAP). The employee shall also be informed that he/she may receive a copy of

i. the results by request, from contacting Labor Relations. The employee will not be reimbursed for time lost while waiting on the results. Please see the Positive-Results Procedure Section of this Policy for additional instruction.

j. If the employee produces a negative drug and alcohol screen, the Appointing Authority or his/her designee shall hold a meeting with the employee to advise him/her of the results. Furthermore, the employee shall be reimbursed for any benefit time lost while waiting on the results.

k. Failure to comply with any of the requirements of the acknowledgment or failing a second drug and alcohol test shall result in discipline, up to and including discharge, following a pre-disciplinary conference**.**

D. Post-Accident Testing shall occur as soon as practicable after any incident or accident meeting the criteria in section D.1. of this policy section for all non-union employees and those union employees with applicable language in their collective bargaining agreements (CBA). An accident is defined as an unplanned, unexpected, or unintended event that occurs at or on a city worksite during an employee's work hours, or while conducting business for the City. Accidents also include any incidents with or that involve a city-supplied motor vehicle, machinery, or equipment.

1. Post-accident testing shall be required for any City of Cleveland employee involved in:

   a. A fatality;

   b. Injury, presumed injury (OSHA recordable) to an employee, co-worker, bystander, or other person or persons requiring medical attention on or off-site of the accident;

   c. An accident causing vehicular damage (any property) or damage to equipment estimated at or over $1,000.00.

   d. An accident causing non-vehicular damage (any property) in apparent excess of $1,000.00.

2. Post-Accident Procedures

   a. When an employee is involved in an incident/accident, the employee must report the incident/accident to the supervisor, manager, unit leader as soon as practicable. The appropriate division and/or department representative shall contact the Labor Relations Manager.

b. After notification of an accident, Labor Relations will review and may recommend post-accident testing.

c. Labor Relations will contact the testing facility. The employee will then immediately report to the testing facility. After the test, the employee may return to work. Under applicable CBAs, Labor Relations may be required to notify the union in writing, which includes, but is not limited to, email or facsimile, of the test.

d. When a post-accident test is ordered, and the employee refuses to test, or the result of the test is positive for drugs and/or alcohol, the employee may be disqualified for compensation and benefits under the Ohio Workers' Compensation Act.

e. Employees that test positive after an accident remain subject to disciplinary action, up to and including termination.

f. Test results and other information concerning substance abuse investigations will be treated confidentially as allowable under applicable laws. Test results and other documents relating to investigations and/or rehabilitative treatment will be kept separate from other personnel records.

VI. Positive Test Result Procedures

A. An employee who tests positive under this Policy shall be suspended without pay from work immediately.

B. Employees who test positive have the right to request an independent test at a certified laboratory of their choice. Employees making this request shall be responsible for all costs associated with the testing. The City's testing facility shall send the specimen to the independent testing facility at the employee's request; the specimen shall not be given to the employee directly. Any cost of rehabilitation not covered by the employee's health insurance or health insurance provided by other eligibility, shall be the responsibility of the employee.

C. An employee who tests positive for the first time, for drugs or alcohol shall be offered rehabilitative treatment through the City's Employee Assistance Program (EAP). An employee enrolled in a treatment program may use accrued benefit time, including sick leave, but is not eligible for sick time donation.

1. Follow-up treatment or assessment with the City of Cleveland's Employee Assistance Provider occurs after an employee has tested positive and/or has received treatment or assessment under this Policy.

2. Before returning to duty, the employee shall undergo a return-to-work drug test, and test negative for drugs or alcohol. The return-to-work drug test shall not be included as one of the follow-up tests in the first year. Upon completion of the City's designated rehabilitation program, the employee shall be required to successfully pass a return to work drug and alcohol test. If the employee passes the return to work drug and alcohol test, he/she shall be permitted to return to work under the conditions of the acknowledgment or Last Chance Agreement (LCA).

3. Prior to returning to work, the employee shall be required to sign and comply with a LCA. The LCA is effective for two years.

4. The employee shall also be subject to additional observed random follow-up tests over a two-year period from the date of the employee's return to duty, as a condition of the LCA.

D. Dilute Specimen Procedure

1. When the Medical Review Officer (MRO) determines that a positive drug screen is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test. When the MRO determines that a negative drug test is dilute, the following action will be taken:

    A. If the specimen is dilute, but not substituted, recollection will be performed immediately

    B. Recollection will be performed immediately under direct observation if specific behaviors have been observed that include:

        i. The collector identifies an attempt to alter a specimen has occurred;

        ii. The collector identifies an attempt to tamper with a specimen;

        iii. A specimen is reported as invalid because there is no adequate medical explanation for the result;

        iv. When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed; or

        v. The temperature of the specimen falls out of the normal range.

vi. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a positive and the employee is required to sign and comply with a Last Chance Agreement (LCA). The LCA is effective for two years.

VII. Direct Observation Collection

A. Observed collections may be required in the following circumstances:

1. All return-to-duty and follow-up drug and/or alcohol tests;

2. All random follow-up and reasonable suspicion drug and/or alcohol tests;

3. Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;

4. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;

5. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;

6. Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;

7. Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated, or substituted, but had to be cancelled because the test of the split specimen could not be performed.

B. Failure to comply with any of the above requirements shall be subject to an employee to disciplinary action, up to and including termination.

1. The City encourages employees to seek assistance voluntarily for any problems they may have with substance or alcohol before they lead to injury, performance issues, and/or disciplinary actions. The City will not consider an employee's decision to seek assistance voluntarily as an independent reason for reasonable suspicion or discipline; however, an employee's decision to seek assistance does not prevent the City from bringing disciplinary action against the employee for misconduct associated with the employee's use of drugs or alcohol.

VIII. Refusal to Submit to Drug and Alcohol Testing

A. An employee who fails to make him/her available for drug and alcohol testing when required under any of the above-referenced testing categories will be deemed to have refused to test. An employee who refuses to submit to a drug and alcohol test may be subject to disciplinary action, up to and including termination.

B. Refusal can include, but is not limited to, the following:

1. Unauthorized departure from the worksite following notification of testing;
2. Unauthorized departure from the testing facility prior to testing;
3. Any employee conduct that interferes with the testing process;
4. Substitution or alteration of urine specimen or other clinical material;
5. Failure to comply with testing instructions; or
6. Any behavior that constitutes refusal under DOT regulations.

IX. Other Consequences

A. Although the City's efforts in establishing this Policy are to encourage employees to commit themselves to a workplace free of drugs and alcohol, those employees testing positive for drugs or alcohol, resulting in injury to person or property, or testing positive in a random test are subject to immediate suspension up to and including termination. Other conduct that may result in discipline, up to and including termination includes:

1. Refusing to test;
2. Attempting to dilute or tamper with a specimen;
3. Hindering or affecting the collection of a specimen in any manner;
4. Refusal to sign a Last Chance Agreement (LCA);
5. A second positive test result;
6. Failure to complete rehabilitation or dismissal from a rehabilitation program;
7. Possession or sale of illegal drugs by an employee on or off city property;
8. Arrest or indictment for possession or sale of illegal drugs;

9. Consuming alcohol while on duty;

10. Failure to cooperate with the law enforcement in a criminal investigation of illegal drug use; or

11. Failure of a pre-employment drug and/or alcohol screen.

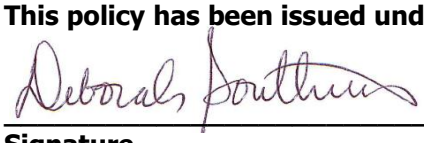
B. When an employee is arrested, charged, or indicted for illegal drug possession, or drug-use, or for an alcohol-related offense; and where a prosecutor refers the person to a diversion program (with or without a plea or acknowledgment of wrongdoing) the employee is subject to the administrative disciplinary action. In such cases, the employee is not assured of continued employment while in a diversion program.

C. All aspects of any employee assistance, testing procedure, investigation, or other related information collected and maintained by the City is private as allowable under applicable laws and will be treated in a confidential manner limited only to individuals with a right to know. Law enforcement authorities may be contacted and requested to come onto City property, when appropriate, in conjunction with a referral for criminal prosecution.

X. Statement of Confidentiality/Privacy

All aspects of any employee assistance, testing procedure, investigation and any other related information are considered private and will be treated in a confidential manner limited only to individuals with a right to know.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

August 31, 2015

Date

C-20

CITY OF CLEVELAND ETHICS POLICY

I. Policy Statement

It is policy of the City of Cleveland (the "City") to carry out its mission in accordance with the strictest ethical guidelines and to ensure that the City's officials and employees conduct themselves in a manner that fosters public confidence in the integrity of Cleveland's government, its processes, and its accomplishments.

II. General Standards of Ethical Conduct

(a) The City's officials and employees must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Chapters 102. and 2921. of the Ohio Revised Code ("R.C."), and as interpreted by the Ohio Ethics Commission and Ohio courts. (A copy of these laws is provided by the City to every official and employee, and receipt acknowledged, as required in R.C. 102.09(D).) Officials and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

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

1. Solicit or accept anything of value from anyone doing business with the City;
2. Solicit or accept employment from anyone doing business with the City, unless the official or employee completely withdraws from the City's activity regarding the party offering employment, and the official's or employee's appointing authority approves the withdrawal;
3. Use his or her public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship;
4. Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City, unless the official or employee qualifies for the exception, and files the statement, described in R.C. 102.04(D);
5. Hold or benefit from a contract with, authorized by, or approved by, the City, (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met);
6. Vote, authorize, recommend, or in any other way use his or her position to secure approval of a City contract (including employment or personal services) in which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;

7. Solicit or accept honoraria (see R.C. 102.01(H) and 102.03(H)) ;
8. During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the City;
9. Use or disclose confidential information protected by law, unless appropriately authorized; or
10. Use, or authorize the use of, his or her title, the name "City of Cleveland," or the City's logo in a manner that suggests impropriety, favoritism, or bias by the City or the official or employee.

(c) For purposes of this policy:

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

III. Departmental Rules of Ethical Conduct

The appointing authorities of the various departments are responsible for overseeing the application of the rules of ethical conduct in the performance of the work by the employees in their respective departments. To this end, each Director may promulgate departmental rules in addition to the General Standards of Ethical Conduct that are specific to the daily work performance of their departmental employees.

IV. Assistance

The Ohio Ethics Commission is available to provide advice and assistance regarding the application of the Ethics Law and related statutes. The Commission can be contacted at (614) 466-7090. The Commission's web site address is: www.ethics.ohio.gov. The City's Law Department is available to answer questions involving this policy.

V. Penalties

Failure of any City official or employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes, will result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

C-21

This policy has been issued under the authority of:

Trudy Hutchenson

Signature

Director of Human Resources

Title

June 19, 2009

Date

C-21

PERSONAL ELECTRONIC DEVICES POLICY

Purpose

The purpose of this policy is to promote a safe and productive work environment and increase employee safety. This policy applies to both incoming and outgoing communication methods. This policy outlines the use of personal electronic devices at work and the safe use of those devices by employees while driving.

Scope

This policy applies to all employees.

Procedures

Personal Electronic Devices

While at work employees are expected to exercise the same discretion in using personal electronic devices as is expected for the use of company phones. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are encouraged to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of City's policy.

The City will not be liable for the loss of personal electronic devices brought into the workplace.

Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.

Based upon the discretion of the Appointing Authority/designee an employee may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action.

Personal cell phones may be required to be used for company business on a sporadic basis.

Safety Issues for Electronic Device Use

All employees are expected to follow applicable state or federal laws or regulations regarding the use of all electronic devices at all times.

Employees whose job responsibilities include regular or occasional driving and are expected to refrain from using their personal electronic devices while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or use hands-free operations, refrain from discussion of complicated or emotional matters and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

Effective March 1, 2013, Cleveland (and State of Ohio) laws prohibit anybody over the age of 18, driving a vehicle, from sending a text message while driving. Additionally, persons under the age of 18 may not use personal electronic devices while operating a vehicle under any circumstance. Law enforcement officials will not be issuing warnings for violators prior to issuing a citation.

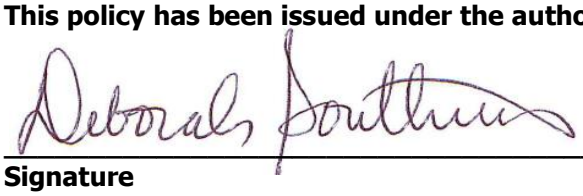
Employees who are charged with traffic violations resulting from the use of their electronic devices while driving, in any City and/or County, will be solely responsible for all liabilities that result from such actions.

Video or Audio Recording Devices

The use of devices with audio or video recording capable within the company may constitute not only an invasion of employees' personal privacy, but may breach confidentiality of the City of Cleveland's protected information. Therefore, the use of camera or other video-capable recording devices within the City is prohibited without the express prior permission of the Appointing Authority/designee and of the person(s) present at the time.

Employees in Violation of this policy may be subject to the disciplinary action.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

December 12, 2013

Date

C-22

WORKPLACE PROFESSIONAL DRESS

Introduction

The City of Cleveland considers it very important you are well groomed, neat, and dress appropriately for your job function and, while we trust each employee's common sense and good judgment, a workplace dress policy must be followed that is appropriate to the work environment. Appropriate dress and hygiene are important in promoting a positive City image.

Office Environment

There may be situations requiring professional attire. If you are conducting or attending meetings, seminars, roundtables, etc. where you come in contact with other business professionals or the public, you are expected to represent the City in a professional manner and dress appropriately for conducting such business. Know your audience, and dress accordingly. If you are unsure of the appropriate attire speak with your supervisor.

Non Office Environment

The City has negotiated clothing allowances into many of our collective bargaining agreements. A standard of dress is required to promote a safe and productive working environment. Employees who receive uniform allowances or maintenance stipends are expected to report to work in uniform.

Employees are to know their uniform requirements for operational duties. If employees are responsible for purchasing personal protective equipment (PPE) with their allowance it is imperative that employees are aware of this requirement.

General Guidelines for Everyone

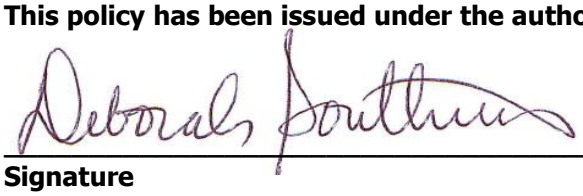
The City wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is NOT ACCEPTABLE: jeans, shorts, bib overalls, halter tops, beachwear, work-out attire, tank tops, tee-shirts, spandex or other form-fitting pants, or distracting, offensive or revealing clothes. In addition, we ask that you not wear athletic shoes, thongs, slippers, bare feet; sexually provocative clothing; political statements; clothing with profanity, nude or semi-nude pictures; sexually suggestive slogans; the observable lack of undergarments and exposed undergarments.

Compliance

Managers and Supervisors are responsible for ensuring their departmental personnel are in compliance. Managers and Supervisors reserve the right to send any person home to change clothes who fails to report to work in the appropriate attire for their working environment. Employee's may be permitted to use benefit time or will be in an unpaid status if the employee does not have accumulated benefit time.

This policy does NOT require employees to purchase business attire. Employees who prefer to dress in customary business attire should feel free to do so. Employees in Violation of this policy may be subject to the disciplinary action.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

March 5, 2012

Date

C-23

PROGRESSIVE DISCIPLINE PROGRAM

Purpose

The City of Cleveland subscribes to progressive discipline. The policy and procedures within this program are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. It is consistent with the City of Cleveland's values, Human Resources best practices and employment laws. This policy is not intended to supersede the collective bargaining agreement or Civil Service Rules.

Employee Responsibility

It is the duty and the responsibility of every employee to be aware of and abide by existing rules and regulations.

It is also the responsibility of the employee to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established. Employees are encouraged to take advantage of all learning opportunities available and request additional instruction when needed.

Responsibilities of Supervisors, Managers and Directors

The immediate appointing authority/designee must approach corrective measures in an objective manner. Not only single incidents, but also patterns of poor performance should be of concern as these are indicative of overall performance. If misconduct is the issue, supervisor, manager, appointing authority or director should take steps to make sure that the employee has been made aware of the City's policies and regulations regarding the infraction.

Procedure

When a management representative determines that an employee has conducted himself or herself in a manner that is deemed "inappropriate", the management representative shall consult with Human Resources to determine the appropriate action to take.

Outlined below are the recommended steps of the City's progressive discipline policy and procedure. The City reserves the right to combine or skip steps depending upon facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered depend upon whether the offense is repeated despite coaching, counseling and/or training, the employee's work record and the impact the conduct and performance issues have on our organization

Pre-Disciplinary Hearing (PDH)

Prior to any discipline being rendered, the employee shall be entitled to a pre-disciplinary hearing. During such pre-disciplinary hearing, the employee shall have the right to (1) representation, (2) be informed of the charges, (3) be informed of the

evidence which the City has against the employee and provided with copies of any relevant documents and (4) be afforded a meaningful opportunity to respond with oral and/or written statements, testimony, documents, etc. in response to each allegation of inappropriate conduct.

A pre-disciplinary hearing creates an opportunity for the Appointing Authority/Designee to schedule a meeting with an employee to bring attention to the existing performance, conduct or behavior. The appointing authority/designee should discuss with the employee the nature of the problem and any violation of the City policies and procedures. At any point prior to the PDH, the employee may choose to waive his or her opportunity to have a PDH. Attendance at the PDH is mandatory unless waived. The appointing authority/designee is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem.

Within ten (10) business days or a reasonable time frame, the hearing officer will prepare written documentation of a pre-disciplinary hearing. The written notice of the results of the pre-disciplinary hearing shall include reasons for any discipline rendered.

Types of Disciplinary Action

Prior to implementing any disciplinary action an employee is entitled to a pre-disciplinary hearing.

Written Reprimands

Written Reprimands are used for behavior or violations which the supervisor, manager, appointing authority or director considers serious or warning has not helped to change unacceptable behavior. An employee should recognize the grave nature of the written reprimand.

While it is hoped that the performance, conduct or behavior issues that were previously identified have been corrected, the City recognizes that this may not always be the case.

C-24

Suspensions

A suspension without pay is formal documentation of the performance, conduct or behavior issues and consequences. When computing days of suspension, holidays shall count as working days. However, in those instances where a disciplinary suspension causes an employee to be in inactive pay status on the last work day prior to the holiday or first day after the holiday, such employee shall not be entitled to holiday pay. In no event will the City purposefully schedule any suspension so that an employee will be deprived of the holiday pay.

Suspensions without pay that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval by the Department of Human Resources.

Reduction

Reduction means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range with an accompanying diminution in compensations, or any decrease in compensation for an employee.

Demotion

A reduction in rank or position to a classification which carries a lower salary range than that previously held.

Termination of Employment

The last and most serious step in the progressive discipline procedure is a termination of employment. The Appointing Authority/designee is encouraged to utilize the progressive nature of this policy by first providing warnings, and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However, the City reserves the right to combine and skip steps depending upon the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior disciplinary action.

The Appointing Authority's recommendation to terminate employment must be approved by the Department of Human Resources and the Departmental Section Chief and/or the Departmental Director.

C-24

Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Theft, falsification of documentation in order to gain a City of Cleveland benefit, and acts of violence are also not subject to progressive discipline and may be grounds for immediate termination. **Appeal Process**

Employees may have the opportunity to present information that may challenge information management has used to issue disciplinary action. Collective bargaining unit employees may appeal disciplinary action through the grievance procedure. Non-Bargaining unit employee may appeal appropriate disciplinary action through the Civil Service Commission.

Conduct/Performance Improvement Measures

The utilization of measures described below can oftentimes help an employee improve his or her performance or conduct without having to initiate formal disciplinary procedures. Their purpose is to establish an understanding of the issues, exchange information, and establish job expectations. If the employee's performance or conduct does not improve, however, the supervisor shall initiate disciplinary proceedings.

NOTE: The following measures are NOT considered disciplinary action for purposes of the Progressive Discipline Program. These measures, however, may be mandated in conjunction with disciplinary action under the Progressive Discipline Program. An employee's failure to fulfill a mandate pursuant to this section constitutes insubordination and may subject the employee to disciplinary action.

Verbal Counseling

Verbal Counseling involves a private meeting between supervisor and employee, whereby the employee is informed in detail of his or her conduct that the supervisor has deemed inappropriate and of any action that may be necessary to correct said conduct. The supervisor shall create a document detailing the reasons for and outcomes of the counseling. The supervisor and employee shall sign the document. The employee's signature is an acknowledgment of the receipt of the form, not agreement with its contents.

Performance Improvement Plan (PIP)

A performance improvement plan is a formal process used by supervisors to help employees improve performance or modify behavior. The PIP identifies performance and/or behavioral issues that must be corrected and creates a written plan of action to guide the improvement

and/or corrective action. A PIP may be used in conjunction with a verbal counseling, a disciplinary action or a poor performance review.

A PIP is a structured communication tool designed to facilitate constructive discussion between the employee and supervisor. An effective PIP will:

- Consider the employee's input;
- Specifically identify the performance to be improved or behavior to be corrected;
- Provide reasonable and clear expectations about the work to be performed or behavior that must change;
- Identify the support and resources available to help the employee make the required improvements;
- Establish a plan for reviewing the employee's progress and providing feedback to the employee for the duration of the PIP; and
- Specify consequences if performance standards as identified in the PIP are not met.

Example of how to insert a Performance Improvement Plan (PIP) into a pre-disciplinary hearing: During a pre-disciplinary hearing, the Appointing Authority/Designee may review any additional incidents or information about the performance, conduct or behavior of the employee as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance and/or conduct expectations. A formal performance improvement plan (PIP) may be provided requiring the employee's immediate and sustained corrective action will be issued within five business days of a pre-disciplinary hearing. A charging letter outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the charging letter.

Training

In an effort to further the professional development of its employees, the City will offer a wide variety of training opportunities for its employees.

Management Referral to Employee Assistance Program

Under certain circumstances, the City may deem it necessary to require an employee seek assistance through the City's Employee Assistance Program (EAP). An employee who receives a management referral shall be treated in the same manner as an employee who voluntarily seeks assistance through the EAP except that the employee's attendance, motivation level, and willingness to follow recommendations will be reported back to City management by the EAP administrator.

Fitness for Duty

A department head may request a medical or psychological evaluation through the Civil Service Commission when (1) an employee's conduct creates a reasonable belief that a threat to the health or safety of the employee or others, or to City property, exists; or (2) there is objective evidence that the employee cannot perform the essential job functions. The purpose of the evaluation is to find out if the employee can perform his or her job in a safe manner. In order to ensure safety while the employee is being evaluated, the employee may, if appropriate, be placed on a leave of absence for the time needed to conduct the evaluation.

Documentation

The employee will be provided copies of all progressive discipline documentation, including all performance improvement plans. Copies of these documents will be placed in the employee's official personnel file.

Professional Licenses

Any City employee who is required as a condition of his or her employment to possess and maintain in good standing, a professional license (e.g. license to practice law, social worker license, etc.), shall immediately report any change in his or her licensure status to their departmental management . An employee who fails to promptly report any change in their licensure status may be subject to disciplinary actions, up to and including termination.

Inappropriate Conduct/Grounds for Discipline

Inappropriate Conduct

In accordance with Civil Service Rule 9.10, the City considers the following conduct to be inappropriate and grounds for disciplinary action:

Neglect of duty
Absence from duty without leave
Incompetence
Inefficiency
Fraudulent conduct
Conduct unbecoming an employee in the public service

Intoxication in the course of his/her employment

Misuse or abuse of drugs or narcotics in the course of his/her employment

Disorderly, immoral, or unethical conduct while on duty

Insubordination

Offensive conduct or language toward fellow employees, superiors or the public in the course of his/her employment

Conviction of a felony or conviction of a misdemeanor involving moral turpitude

Negligent or willful damage to public property

Wasteful or unauthorized use of City vehicles, equipment, materials or property

Negligent, improper or inefficient handling or accounting for public funds or accounts

Violation of any departmental rule or regulation

The use or attempted use of political influence or authority upon any person in the Civil Service or engaging in any political activity

Excessive absenteeism or excessive tardiness.

For other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance, or nonfeasance in office.

Examples of Inappropriate Conduct

The following examples of inappropriate conduct are provided to assist City management with administration of the Progressive Discipline Program. The examples, however, are provided solely for illustration and are NOT intended to be exhaustive or exclusive. Prior to implementing any disciplinary action an employee is entitled to a pre-disciplinary hearing.

MINOR INFRACTIONS:

The following is a non-exclusive list of examples of minor infractions:

Type of Conduct - Neglect of Duty/Inefficiency/Incompetency

- Taking unauthorized or extended lunch breaks.
- Being away from the worksite without permission or leaving work prior to the end of the shift without authorization.
- Loafing, loitering or failing to perform work in a prompt, efficient manner.
- Reading material during regular work hours that is not job-related or authorized by management.
- Conducting non-work related business while on City time.

Type of Conduct – Violation of City Policies or Procedures, Violation of any departmental rule or regulation

- Abuse of City telephones for personal, local calls.
- Using City equipment for other than its intended purpose (including but not limited to email and Internet).
- Failing to sign time sheets, properly register time or to punch time clock.

Type of Conduct – Insubordination

- Failing to follow supervisor's instructions or Departmental procedures.

MAJOR INFRACTIONS:

The following is a non-exclusive list of major infractions:

Type of Conduct - Neglect of Duty/Inefficiency/Incompetency

- Sleeping while on duty.
- Leaving a post of continuous operation without authorization prior to the end of the shift or prior to relief.
- Failing to follow call-in procedures without an approved leave of absence.
- Failing to report for overtime after being scheduled to work overtime or refusing to work mandated overtime when assigned.
- Failure to complete a legitimate job assignment.

Type of Conduct – Violation of City Policies or Procedures

- Abuse of City telephone for personal long distance calls.

Type of Conduct – Discourteous Treatment of the Public, Offensive conduct or language toward fellow employees, superiors or the public in the course of his/her employment

- Failure to provide prompt courteous service to the public

Type of Conduct – Failure of Good Behavior

- Verbal abuse or profanity directed at a co-worker, supervisor, or the public.
- Unauthorized sharing of confidential information about clients and/or employees.
- Using another employee's confidential computer identification code without authorization or giving another's code to anyone to use.

Type of Conduct – Insubordination

- Refusing a legitimate job assignment or failing to perform a directive from a supervisor or management representative.

REMOVABLE INFRACTIONS:

The following is a non-exclusive list of removable infractions:

Type of Conduct - Neglect of Duty/Inefficiency/Incompetency

- Egregious, flagrant or willful neglect in the performance of assigned duties.
- Disregard for safety or security regulations that results or would likely result in serious physical harm or major property loss or damage.

Type of Conduct – Violation of City Policies or Procedures

- Intentionally destroying City property or records without prior authorization.

Type of Conduct – Dishonesty

- Falsification of employment records or other City records in a manual or automated systems, including falsification of stated reasons for use of leave (e.g. abuse of sick leave or using sick leave for unauthorized purposes.)
- Unauthorized punching, signing or altering other employee's time cards or time sheets.
- Unauthorized altering of one's own time card or sheet.
- Making false claims or misrepresentations in an attempt to obtain any City benefit (e.g. health benefits, promotion, paid leave of absence, etc.)

Type of Conduct – Felony Conviction

- Conviction of a felony.

Type of Conduct – Failure of Good Behavior

- Soliciting or accepting a gratuity or a bribe from anyone conducting business with the City or seeking to do business with the City.
- Using obscene, abusive or threatening language or gestures, or performing an act with intent to cause injury to another.
- Striking or physically assaulting another person.
- Fighting, except for self-defense.
- Theft of property from co-workers, the City or others.
- Unauthorized possession of a firearm, explosives, or other dangerous weapons on City property or while engaged in City business.
- Performing an act which constitutes a felony under the laws of the United States, the State of Ohio or the jurisdiction in which the act was committed.
- Making an unwelcome, uninvited sexual advance or request for a sexual favor, especially of a subordinate, a vendor or customer, and/or touching someone else if it is unwelcome and uninvited.
- Engaging in a pattern of behavior which creates a hostile, intimidating, or offensive work environment based on a protected characteristic.

Evaluation of Inappropriate Conduct

All inappropriate conduct shall be evaluated on a case by case basis, considering the following factors:

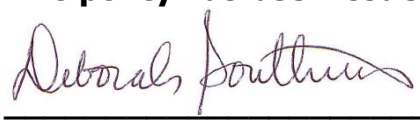
- Level of disruption to City business.
- Level of harm to City interests.
- Level of damage to the public's trust and confidence in City of Cleveland government.
- The employee's position and the degree of responsibility inherent in the position (i.e., supervisory vs. non-supervisory positions). **Employees who occupy a supervisory or management position are held to a higher standard of conduct commensurate with the level of leadership required of them.**
- Whether the employee's conduct is part of a continuing problem.
- Whether the employee's conduct put a co-worker, vendor or customer's safety and/or security at risk.
- Whether the employee's honesty and veracity is brought into question.
- Whether there are extenuating mitigating circumstances.
- Whether the inappropriate factor involves a violation of the City's Ethics Policy.

NOTE: All finalized disciplinary actions are permanently placed in an employee's personnel file. The disciplinary action, however, will only remain active for two (2) years for purposes of progressive discipline. The two (2) year window shall be measured backward from the date of the subsequent offense to the date the prior discipline was imposed. Employees in the Unclassified Service, at will and probationary employees are exempt from this policy.

Example of Progressive Disciplinary Action Steps:

First (1st) Offense:	Written Reprimand
Second (2nd) Offense:	One (1) Day Suspension Without Pay
Third (3rd) Offense:	Five (5) Day Suspension Without Pay
Fourth (4th) Offense:	Ten (10) Day Suspension Without Pay
Fifth (5th) Offense:	Termination

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

March 5, 2012

C-24

GAMBLING WHILE ON-DUTY

I. Policy Statement

A. The City of Cleveland is committed to promoting and fostering a productive and healthy work environment for all employees. The purpose of this policy is to address the City of Cleveland's zero tolerance towards employees gambling while at work or during the hours of which employees are to be performing their job related duties.

B. We would like to use this policy to ensure employees are aware of problem gambling and the resources available to any City of Cleveland employee who feels that gambling issues are affecting the workplace.

C. The City of Cleveland prohibits employees from gambling while on City time or while in uniform or other City employment items, such as hats, jackets, badges, City vehicles, or I.D. tags as examples and not exhaustive.

II. Enforcement

A. Any employee found in violation of this policy is subject to appropriate disciplinary action up to and including discharge.

III. Employee Assistance Program

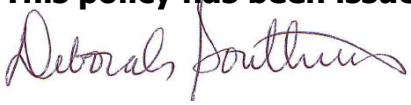
A. If you feel that you or a family member has an issue with gambling, please feel free to use the City's Employee Assistance Program (E.A.P.).

1. The City's E.A.P. provides confidential counseling and referral services to City employees with their personal issues.

B. Also, the Ohio Problem Gambling Helpline can be used to help any employee or their family member.

1. The Ohio Problem Gambling Helpline may be reached at 1-800-589-9966.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

February 1, 2013

Date

C-25

SOCIAL MEDIA USE POLICY

I. Purpose

The City of Cleveland encourages personal expression and recognizes its employees may use social media when communicating with family, friends, neighbors, and co-workers. As an employee of the City of Cleveland, social media use necessitates certain responsibilities, even when used during private time and/or on personal devices. Social media posts are viewed by residents, City partners, and other outside entities, and your participation can be interpreted as a reflection of the City.

The City defines social media as any digital platform which facilitates user conversation and is part of an online community. Popular platforms include, but are not limited to Facebook, Instagram, YouTube, Twitter, Snapchat, Pinterest, LinkedIn, and blogs. These sites allow users to connect and share information/media with others around the world.

To assist you in making responsible decisions about employee social media use, the City of Cleveland has adopted the following policy which applies to all City of Cleveland employees.

II. Personal Social Networking Policy:

A. Privacy: The City's email and Internet communications are ***not*** private. The City has the right to monitor an employee's personal and work-related use of the City's technological systems and equipment including, but not limited to city-issued cell phones and computers.

B. Topics Related to City Business

a. **Confidential or Proprietary Information:** Employees shall not disclose any confidential or proprietary information concerning the City, City operations, City employees, or resident information on any social media site or through social networking.

b. **Association with the City:** When conducting personal social networking, employees must clearly convey that they are speaking for themselves and not in an official City capacity. It is recommended that employees put in their "about," "bio" or "profile" sections language that states their posts reflect their opinions and do not represent the City of Cleveland. Employees engaging in personal social networking may not represent that their activities or postings represent a City "position" on any topic.

c. **Engaging with Residents:** Residents may approach employees on the employees' personal social networking accounts to voice comments or concerns about City functions or operations. Employees should kindly direct such comments to the applicable channels available on the City's website, 3-1-1, the Mayor's Action Center at 216-664-2900 or the Media Relations office.

d. **City Logos:** City logos, etc., may not be used in any personal social networking conducted by a City employee with the exception of listing employment on professional networking sites, such as LinkedIn.
e. **Termination of Employment:** When an employee leaves or is dismissed from his or her position, the employee agrees to refrain from posting any confidential or proprietary information related to his or her former position as a City employee.

C. Purely Personal Access During Work Hours

a. During working hours, employees shall limit the amount of their social networking activities and access to and use of social media sites for personal or non-work related purposes. This includes access from a personal cellular device, such as a smart phone or tablet, as well as any City-issued equipment. Personal social media usage during working hours shall not interfere with the employee's performance of job duties.
b. During working hours, employees shall not use social media for personal financial gain.
c. The Ohio Ethics Laws and the City of Cleveland Human Resource Policies and Procedures apply to employees' social networking activity.
d. Employees will not be disciplined for activities protected under the law.

D. Purely Personal Access During Non-Work Hours

a. Because social networking is not private, employees should use common sense when posting comments, photos, opinions, or any other information.
b. Employees should ask themselves the following questions before engaging in social networking: "What would this posting look like as a headline in the newspaper and how could the post be perceived by the public?"
c. The Ohio Ethics Laws and the City of Cleveland Human Resource Policies and Procedures apply to employees' social networking activity.
d. Employees will not be disciplined for activities protected under the law.

This policy has been issued under the authority of:

Signature

Director of Human Resources

Title

February 14, 2019

Date

C-26

GENERAL SAFETY POLICY

I. Purpose

The City of Cleveland developed this policy in support of workplace safety and the reduction of workplace/work-related accidents and injuries. The General Safety Policy is intended to establish the foundation upon which detailed departmental and divisional safety policies and procedures are developed and implemented. These policies and procedures have been established to ensure employees understand the City's safety practices and protocol to best ensure their health and well-being while in the performance of their work related activities.

This policy applies to all employees in all City of Cleveland departments and divisions. If this policy conflicts with other provisions of any department/divisional policy it is understood that the city-wide policy supersedes.

II. Responsibilities of Supervisors, Managers and Directors

It is the responsibility of the appointing authority and/or his designee to ensure overall compliance with this policy for his/her respective Department. This includes but is not limited to the following activities:

- Support and promote the continual improvement of workplace safety;
- Enforce and comply with safety rules and regulations;
- Creating departmental safety policies and procedures;
- Inform staff of new regulations and compliance issues;
- Compliance with Bi-Annual Public Employers Risk Reduction Program (P.E.R.R.P.) reporting;
- Assigning a safety officer to run department safety operations and participate on safety committees and;
- Notify the Office of Risk Management upon the occurrence of a work injury or hazard identification.

III. Employee Responsibility

It is the duty of all City employees to promote the safety and security of fellow employees and the general public who come in contact with City services and facilities.

All employees and contractors of the City are required to perform their duties in a safe manner aimed at preventing injuries and property or equipment damage throughout all City operations. Each employee must safely operate equipment, tools and materials and demonstrate an understanding of work rules and procedures for his or her areas of responsibility. Each employee is responsible for identifying and reporting hazards. Each employee shall fully cooperate to eliminate and control hazards in all areas of City facilities without fear of reprisal.

IV. Accident/Injury Review Committee

The City has established an Accident/Injury Review Committee to ensure the review of any incident which has occurred in the workplace or while utilizing City equipment/property. This Committee may include representatives from the departments of Law, Human Resources, Finance, Port Control, Utilities, Public Works, Public Safety, and the Office of Equal Opportunity.

The review of incidents includes but is not limited to the following activities:

- Institutionalization of an active safety recognition culture;
- Ensure that safety training is conducted by all departments/divisions;
- Adherence to safety policies and procedures;
- Review all accidents which lead to injuries sustained by city employees, regardless of their filing a workers' comp claim;
- Recommendations to departments when safety infractions occur;
- Have the injured employee and their supervisor give first-hand account of how the event transpired and how we can avoid a repeat incident;
- Track and collate data from these reviews and share them with the appropriate departments and divisions.

Committee members will be appointed to 24-month terms at the discretion of the City's Risk Manager.

V. Training Requirements

Mandatory safety training will be conducted by each department/division with the assistance of the Office of Risk Management no less than every two years.

Each department/division shall verify that each employee receives and understands the required training through training rosters signed by attendees and instructors and a written certification/assessment that identifies the subject of the certification as well as proof of competency and contains the name of each employee trained, the date(s) of training, the objectives covered in training and the instructor's name and contact information.

All newly hired City employees including interns and temporary employees in every department/division throughout the City shall also be required to attend safety training through their orientation session. All employees will sign-off upon the completion of their training. Failure comply with signature requirements may subject the employee to disciplinary action.

Successful completion of the departmental/divisional safety skills assessment will be the baseline for departmental/divisional safety competency.

Re-training

All employees on excused absence or FMLA for a period of six-consecutive months or more are required to attend a safety refresher training for their respective department or division, which will be conducted by the Safety Designee. The employee should be re-trained immediately upon their return to work or at the next available class. Additionally, it is the responsibility of the department or division to account for all employees who will be returning from an excuse absence or FMLA.

All employees involved in a MVA (motor vehicle accident) deemed by the MVA committee to be preventable or preventable with mitigating circumstances shall attend a refresher safety training (including driver safety) or job specific training conducted by their department or division.

All employees sustaining a work-related injury shall attend refresher safety training.

All employees attending refresher safety training shall also satisfactorily complete a skills assessment before they can return to their position.

VI. Procedure

Upon the occurrence of an incident that leads directly to an injury/illness or physical damage to property (regardless of ownership) the party/parties involved shall immediately contact their direct supervisor in accordance with the City's Progressive Discipline Policy. The current process of submitting completed forms OWC-3 (Employees accident form) and OWC-4 (Supervisors Report of an Employee Injury) is still in effect. In the supervisor's absence, contact the proper hierarchical appointing authority. This will initiate the reporting/recording procedures and possible post-accident drug/alcohol testing as determined by the City Labor Relations Manager/designees (See the Drug and Alcohol Testing Policy).

VII. Accountability

Due to the serious nature and overall importance for the well-being of our employees, the City of Cleveland places Accountability as one of its highest priorities. Employees are strongly encouraged to ensure proper safety practices are followed when conducting their respective job responsibilities and throughout the workplace. Failure to uphold such a level of accountability, resulting in a violation of any safety policy, will be grounds to enforce disciplinary action. For further information on disciplinary sanctions, please refer to the City's Disciplinary Policy.

Safety Violation Report

In the event of a safety violation, the observing party will be required to complete a Safety Violation Report(Attachment A) which provides a detailed account of the infractions, violations or unsafe work zone. The Safety Violation Report will be assessed by the Accident/Injury Review Committee and/or the departmental/divisional Safety Committee (if applicable) to provide recommendations of possible safety enhancements and/or disciplinary action.

VIII. Job Hazard Analysis (JHA)

The department/division shall ensure that a periodic assessment of the workplace is completed by a supervisor or safety representative in order to determine if hazards are present, or are likely to be present.

Using the Job Hazard Analysis form included as (Attachment B) to this policy, each task will be evaluated to determine what hazards are involved in the work and the work environment and what Personal Protection Equipment (PPE) is required to protect employees. If the position involves varying job tasks, all job tasks are to be evaluated separately. One Job Hazard Analysis form is to be used for each job task.

All hazards and potential hazards caused by the work, job task or the work environment will be determined and listed on the form.

The most appropriate PPE to protect an employee performing the job or task will be determined and listed on the form. The supervisor or other employee (Safety Representative or senior employee) completing the JHA will sign the completed Job Hazard Analysis form and forward it to the division or department director, as appropriate.

A copy of the completed Job Hazard Analysis form will be kept on file in the department or division and a copy forwarded to the Risk Manager electronically.

When procedures for existing job tasks change or new job tasks are added, a hazard assessment must be conducted. Also, when the environmental conditions change, a new assessment form must be completed. Assessments may take place every two (2) years as deem necessary by the department/division.

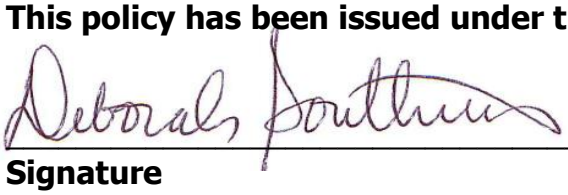
IX. Other

All PPE will meet federal and state guidelines and must be approved by the Division's Safety Representative and or the City's Risk Manager prior to use. The city requires that all uniform/boot allowances include the maintenance of PPE's and clothing in an appropriate manner to ensure that the safety qualities are retained.

X. Record Keeping

The following exhibits are forms required to be kept on file by all city departments and division's where applicable and appropriate.
Safety Violation Report (*Attachment A*); Job Hazard Analysis form (*Attachment B*)

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

August 22, 2014

Date

C-27

Attachment 1

CITY OF CLEVELAND
Mayor Frank G. Jackson

Introduction: The following Safety Violation Report will be utilized to provide a detailed summary of any safety violation(s) which has occurred.

Procedures: Following completion of the Safety Violation Report, all documents shall be forwarded to the Office of Risk Management for review. As a result, the Safety Violation Report will be assessed by the Safety Committee or Accident/Injury Review Committee for disciplinary recommendations.

Office of Risk Management Date of Occurrence: _____

Safety Violation Report

Name of Employee(s): _____

Employee ID Number(s): _____

Supervisor Name: _____

Commissioner Name: _____

Director Name: _____

Department/Division: _____ Pictures Y/N

Time: _____ A.M. /P.M. Location: _____

Environmental Conditions: _____

Rules Violation ('s)

___No PPE/Other: _____
___Improper Use of equipment
___Safety Belts not Utilized
___No ANSI Z28.1 Safety Glasses
___Improper Lifting Techniques
___Other
___Lack of Harness/Fall Arrest Equip.
___Improper Work Zone Delineation
___Improper Use of Vehicle or Equip.
___No Trench Box/Shoring
___Damaging City Property

Safety Analysis: _____

Employee Explanation: _____

(Dates of Previous Warnings for Employee and Supervisor) _____

Safety Observant Name: _____

C-27-1

TIMEKEEPING POLICY

Timekeeping Guidelines

The City of Cleveland maintains a comprehensive City-wide standard for accurately tracking employee attendance and working time. The City utilizes two methods for capturing time worked by employees; (1) timesheets – including paper and electronic forms; and (2) automated time recording system (i.e. Kronos). The following policy is intended to provide uniform guidelines for employees to follow as they use the timekeeping system. The City of Cleveland expects every employee (exempt and non-exempt) to give the citizens of Cleveland a full and productive day of work during their scheduled working time. Employees of the City of Cleveland will be subject to disciplinary action for time and attendance abuse. Abuse includes, but is not limited to, falsification of time records.

Employees can only be paid for time worked or for accrued benefit time i.e. sick, vacation, personal or comp time only. Employees cannot be paid for anticipated donation times for FMLA or other potential donations.

The provisions of this Policy apply to all City employees who are not "exempt" from receiving overtime pursuant to the Federal Fair Labor Standards Act.

Clock-In Periods and Compensation for All Time Worked: This policy gives employees who use the Kronos timekeeping system or other City approved timekeeping software to record their arrival and departure from work a 6-minute clock-in period to swipe in before the start of their scheduled shift and to swipe out after the end of their scheduled shift. Employees must not perform any work activities during these clock-in periods or during any other times outside of their scheduled shifts, including during their meal periods or before the pre-shift or after the post-shift clock-in periods (all of these are examples of working "off-the-clock"), without prior management approval. Failure to get prior approval may subject you to disciplinary action.

Nevertheless, **employees will be compensated for all time actually worked**. Employees are required to follow the procedures described in paragraphs A.8 and A.9 of this policy to report all additional time actually worked outside of their scheduled shifts, including during clock-in periods, off-the-clock periods or during their meal period. Employees will be compensated for this time, if actually worked, upon completion and submission of Exhibit B (Overtime Pre-Approval Form) or Exhibit C (Reported Additional Time Worked Form). **Employees may obtain all forms for reporting additional time worked from a supervisor, payroll, or Human Resources.**

Complaint Procedure: All employees are prohibited from working off-the-clock. Employees are required to immediately report to a Human Resources representative if anyone asks or requires them or others to work off-the-clock or in any way discourages them from reporting any additional time worked pursuant to the procedures described in this policy. Employees must report to Human Resources if they become aware of any circumstances in which they or

other employees are working or permitting other employees to work without properly recording working time or without using the procedures and forms described in this policy to be paid for all of their working time. The Human Resources representative shall document and investigate the complaint.

Supervisors who ask or require employees to work off-the-clock or in any way discourage them from reporting any additional time worked pursuant to the procedures described in this policy will be subject to disciplinary action.

A. Timekeeping Procedures

1. The Kronos System (or other City approved timekeeping software) is the means through which employee attendance records are maintained. Employees are expected to use this system so that timekeeping is uniform and reliable. There is a general scheduled work time for standard City of Cleveland employees of 8:00 a.m. to 5:00 p.m. with a 1 hour unpaid meal period. **Employees are permitted to perform work activities only during their scheduled shift times (on-the-clock) unless additional working time is pre-approved in accordance with this policy.**

2. Kronos (or other City approved timekeeping software) swipe cards are the property of the City of Cleveland and are issued to an employee to facilitate accurate timekeeping. Swipe cards are the responsibility of the employee. Employees must notify the supervisor immediately if a swipe card is lost or damaged. A lost or damaged card must be replaced unless otherwise directed by the Department/Division. The replacement card must be obtained from the Department/Division designee within two (2) days of the first missed swipe. A $10.00 fee will be charged for a lost, damaged, or replacement of the City of Cleveland swipe card. The first damaged card will be replaced at the City of Cleveland's expense.

3. All employees who are issued a swipe card must use that card to swipe in and out of the assigned time clock. "Swipe" refers to any means an employee reports their attendance through Kronos (or other City approved timekeeping software) and, includes via swipe cards, manual time clock punches, or time registered by biometric systems.

4. The swipe card is to be used consistent with the following guidelines:

   a. Daily swipes are required as follows:

      i. Start of work day;
      ii. In any departments where time for a meal period is not automatically deducted, the beginning and end of the meal period; and
      iii. End of work day

b. Under no circumstances may an employee swipe another employee in or out. Any and all employees involved in this type of violation will be subject to discipline up to and including termination.

c. **All overtime must be approved prior to or promptly after the overtime worked by the appointing authority or designee. Employees will be paid for all time actually worked, whether or not pre-approval is obtained. However, an employee who fails to obtain approval for overtime worked may be subject to disciplinary action.**

5. Employees have a six (6) minute clock-in period to "swipe in" on the time-keeping system prior to the start of their scheduled shift. Employees who voluntarily choose to swipe in up to six minutes before their regular starting time **must not engage in any work activities before the start of their scheduled shift without management pre-approval.** For purposes of this directive, the following activities are examples of "work activities" that must not take place during or prior to the clock-in period before the start of an employee's scheduled shift:

a. Engaging in the principal activities which the employee is employed to perform
b. Attending shift briefings, meetings or training programs
c. Picking up keys, tools, supplies, materials or other equipment to be used by the employee in the performance of his or her principal work activities
d. Reading or sending work related e-mails
e. Reading work related materials or reports
f. Exchanging or returning equipment
g. Picking up or delivering mail
h. Providing or receiving instructions or briefing about work assignments or matters that are relevant to the performance of the employee's principal work activities
i. Completing reports or other job-related paperwork
j. Making or receiving work related phone calls
k. Organizing or planning for daily work activities
l. Starting up work related computer programs
m. Any other work related activity undertaken primarily for the benefit of the City of Cleveland.

At the end of their shift, employees must stop working and must promptly "swipe out" on the time-keeping system within six (6) minutes after the end of their scheduled shift. **Employees must not perform any work activities after their scheduled shift ends without management pre-approval.**

Employees who follow this directive will be paid for all time worked during their scheduled shift. Employees must report any additional time worked using the procedures described in paragraphs A.8 and A.9 of this policy and must complete the required forms to be paid for that time.

6. **Missed Swipes:** If an employee forgets to swipe, or misses a swipe due to a lost, misplaced, or forgotten swipe card, the employee must promptly fill out a "Missed Swipe" form attached as **Exhibit A** to this policy reporting the date, time, and reason for the missed swipe and submit it to his or her supervisor. The supervisor shall sign the "Missed Swipe" form and submit it to their divisional payroll lead.

7. If a supervisor becomes aware that an employee missed a swipe, he or she must direct the employee to complete the Missed Swipe form (**Exhibit A** or the Reported Additional Time Worked form in **Exhibit C** if the missed swipe was due to the employee performing work). Supervisors may not enter or submit missed swipes to the divisional payroll leads for employees without having employees complete and sign the required form.

8. **Work Outside of Scheduled Shifts**:

A. Foreseeable Overtime

Employees are expected to submit "Overtime Pre-Approval" forms attached in Exhibit B for any foreseeable work outside of their scheduled shifts. These forms should be submitted to their Appointing Authority or designee for approval before performing such work. The Appointing Authority or designee must sign the "Overtime Pre-Approval" form, designate the scheduled work times for the anticipated approved overtime, and return the form to the employee. Employees must then write in the actual time they started and stopped performing the approved work and submit the completed form to divisional/departmental payroll lead. Employees must not perform any work activities outside of their scheduled shifts without prior supervisor approval.

B. Additional Time Worked

Employees, however, have the right to be paid for all work performed. If an employee performs any work activities before the beginning of the employee's scheduled shift or after the end of the employee's shift due to unforeseeable events or other circumstances that did not permit the employee to get advance approval, the employee must promptly fill out a "Reported Additional Time" form attached as **Exhibit C** to this policy stating the date, time, reason for overtime, and the work completed and submit it to his or her supervisor for approval. Unforeseeable events or circumstances are defined as work tasks that could not have been reasonably anticipated or otherwise could not realistically have been completed during a scheduled shift. The Appointing Authority or designee must sign the "Reported Additional Time" form (Exhibit C) and promptly submit it to

the divisional/departmental payroll lead. **The City will accept "Reported Additional Time" forms submitted by employees at any time and will compensate employees for all reported time actually worked outside of their scheduled shift.**

If an Appointing Authority or designee refuses to sign or approve a "Reported Additional Time" form for any reason, the employee may submit the form directly to a division/departmental payroll or Human Resources representative to be compensated for the reported time. A request to be compensated for time not actually worked will not be approved and will subject the employee to disciplinary action.

9. **Meal Periods:** Employees must not perform any work activities during their meal period. However, if an employee is unable to take a meal period because he or she has to perform work (as directed by their supervisor or due to unforeseeable events or other unexpected circumstances), or experiences more than a momentary interruption and has to perform work activities during the meal period, he or she must report the time worked by submitting a "Reported Additional Time" form attached in **Exhibit C** to his or her Appointing Authority or designee. An interruption is more than momentary if it is a single interruption that lasts more than three minutes; an interruption that requires the employee to physically leave the meal location to return to the work area, or a series of short interruptions totaling more than three minutes combined.

   If an Appointing Authority or designee refuses to sign or approve a "Reported Additional Time" form for any reason, the employee may submit the form directly to a division/departmental payroll or Human Resources representative to be compensated for the meal period.

   For employees in departments that require employees to swipe out and in for meal breaks: Meal break swipes will be recorded to the minute. For example, if you have a 30 minute meal period and clock out at 12:07pm, you must return at 12:37pm. In departments where employees are required to take their meal period at a particular time, employees must swipe out for their meal period at the designated time. Any employee whose swipes, upon leaving for or returning from the meal period, reflect a late departure for or an early return from the designated meal period must fill out "Report of Additional Time Worked" (Exhibit C) if that employee is performing compensable work during the designated meal period. If operational necessities so require, Supervisors have the discretion to allow an employee to take a full, uninterrupted meal break at a time different than the scheduled meal break.

10. If the employee submits a "Missed Swipe" form, "Overtime Pre-Approval" form, or "Reported Additional Time" form in accordance with these procedures, the employee will be compensated for all reported time worked to-the-minute based on the actual time of the missed swipe(s) or the reported starting and ending time of any

additional work performed outside of the scheduled shift or during the meal period provided that the employee actually performed compensable work during this period.

11. However, the City reserves its right to discipline employees for performing unapproved work activities outside of their scheduled shifts or during their meal period. Employees will be subject to progressive discipline if they work off-the-clock and fail to report additional time worked or engage in a pattern of working off-the-clock without prior approval.

B. Sign In/Sign Out Policies: Departments and divisions that adhere to a sign in/sign out procedure to record employee attendance are not subject to the "clock-in period" but are required to observe the following guidelines.

1. Employees are required to sign in and out daily and the time sheet must be signed by the employee at the end of each week.

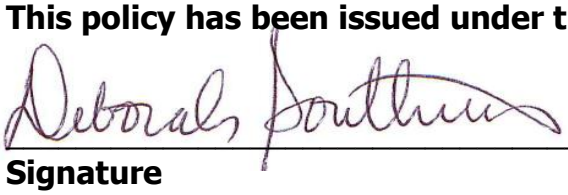
2. The employee's signature on the time sheet verifies that the entries made on the time sheet reflect the actual time that the employee started performing work activities at the beginning of the work day, stopped and started working upon departure and returned from a meal period (if required), and stopped working at the end of the work day.

3. Employees are permitted to perform work activities only during their scheduled shift times (on-the-clock) unless additional working time is pre-approved in accordance with the policy. Nonetheless, employees will be compensated for all time actually worked.

4. Misrepresentations in time entered on timesheets may be considered falsification and the employee may be subject to disciplinary action.

5. Employees must report any additional time worked using the procedures described in paragraphs A.8 and A.9 of this policy and must complete the required forms to be paid for that time.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

November 25, 2014

Date

Exhibit A

CITY OF CLEVELAND
MISSED SWIPE FORM

If you miss a swipe, please complete this form and submit it as soon as possible to your supervisor. Failure to do so may delay payment for the reported time.

SECTION A: TO BE COMPLETED BY EMPLOYEE

Full Name:	Employee ID Number:	Date:
Signature:	**Time In:**	
Department/Division:	**Time Out:**	
Reason for the missed swipe: ☐ Forgotten swipe ☐ Lost/misplaced/forgotten card ☐ Other (please specify) _____		

By signing this form you are indicating that the information provided is true and accurate to the best of your knowledge. Purposefully submitting falsified information is grounds for disciplinary action up to and including termination.

SECTION B: TO BE COMPLETED BY SUPERVISOR

Approved _____ Not Approved _____

Reason for Non-Approval_____

_____

Supervisor's Name:	Date
Supervisor's Signature:	

Exhibit B

CITY OF CLEVELAND
OVERTIME PRE-APPROVAL FORM

If you can foresee, anticipate, or expect the need to perform any work before or after your scheduled shift or during your meal period, please complete this form and submit prior to your supervisor for pre-approval. After your supervisor approves the overtime and fills in the portion below to schedule the expected overtime, please fill in the actual starting and stopping times for the additional approved work you performed and submit the completed form to payroll. Failure to follow these instructions may delay payment for the reported time.

SECTION A: TO BE COMPLETED BY EMPLOYEE

Full Name:	Employee ID Number:	Date of Request:
Signature:	Date(s) of Anticipated Work:	
Department/Division:	Start/End Times of Anticipated Work:	
Reason for requested overtime and description of work to be performed:		

After you have performed the pre-approved work, please fill in your starting and stopping times for the pre-approved work you actually performed:

Actual Date: _____ Actual start time: _____ Actual end time: _____

Actual Date: _____ Actual start time: _____ Actual end time: _____

Actual Date: _____ Actual start time: _____ Actual end time: _____

By signing this form you are indicating that the information provided is true and accurate to the best of your knowledge. Purposefully submitting falsified information is grounds for disciplinary action up to and including termination.

SECTION B: TO BE COMPLETED BY APPOINTING AUTHORITY OR DESIGNEE

Approved _____ Not Approved _____
Approved overtime schedule (if different from that requested above):

Date(s) of Work: _____ Start time(s): _____ End time(s): _____

Reason for Non-Approval or Modification: _____

Appointing Authority or Designee's Name:	Date:
Appointing Authority or Designee's Signature:	

Exhibit C

CITY OF CLEVELAND
REPORTED ADDITIONAL TIME WORKED FORM

If you performed any work before or after your scheduled shift or during your meal period ***that has not been pre-approved*** ***by a supervisor in advance,*** *please complete this form and submit to your supervisor for approval as soon as possible after completing the additional work.* ***If you cannot or do not receive supervisor approval for any reason, please submit this form directly to your payroll or Human Resources representative. Failure to follow these instructions may delay payment for the reported time.***

SECTION A: TO BE COMPLETED BY EMPLOYEE

Full Name:	Employee ID Number:
Signature:	Date(s):
Department/Division:	
Description of work completed:	

Please check the reason for additional time worked and the starting and stopping time of any additional work you performed outside of your scheduled shift or during your meal period:

☐ Work before scheduled shift: Start time: _____ End time: _____
Start time: _____ End time: _____
Start time: _____ End time: _____

☐ Work after scheduled shift: Start time: _____ End time: _____
Start time: _____ End time: _____
Start time: _____ End time: _____

☐ Work during meal period: Start time: _____ End time: _____
Start time: _____ End time: _____
Start time: _____ End time: _____

By signing this form you are indicating that the information provided is true and accurate to the best of your knowledge. Purposefully submitting falsified information is grounds for disciplinary action up to and including termination.

SECTION B: TO BE COMPLETED BY APPOINTING AUTHORITY OR DESIGNEE

Approved _____ Not Approved _____

Reason for Non-Approval: _____

Appointing Authority or Designee's Name:	Date:
Appointing Authority or Designee's Signature:	

Employee Acknowledgement
Timekeeping Guidelines

I acknowledge that I have received a copy of and read the Timekeeping Guidelines. I understand the Timekeeping Guidelines and agree to comply with their requirements.

I understand that I cannot work off-the-clock. I understand that it is my responsibility to report all hours that I actually worked and to seek pre-approval of any anticipated overtime, report any missed swipes, and report any additional hours worked using the procedures described in the Timekeeping Guidelines.

I understand that failure to accurately report all time worked or asking another employee to work "off the clock" is a violation of City policy. I understand that if anyone tells me to report less than all of my working time, I am required to report this violation of City policy to Human Resources immediately.

If I forget to properly report my working time, I will immediately inform my supervisor, payroll, or Human Resources.

I understand that failure to comply with these Timekeeping Guidelines may result in disciplinary action.

Full Name (please print):	Date:
Signature:	
Department/Division:	
Employee ID:	

C-28-D