

RECORD OF ORDINANCES

Ordinance No. 2018-09

Passed APRIL 9 2018

**AN ORDINANCE AMENDING CHAPTER 240
(EMPLOYEE MANUAL OF PERSONNEL POLICIES AND REGULATIONS)
OF THE BALTIMORE CODIFIED ORDINANCES, IN ORDER
TO ADOPT A NEW DRUG-FREE WORKPLACE POLICY,
AND A LEAVE DONATION PROGRAM**

WHEREAS, the Village desires to amend its Employee Manual of Personnel Policies and Regulations in order to adopt by substitution a new Drug-Free Workplace Policy and to adopt a Leave Donation Program; and,


WHEREAS, Rules Committee has reviewed the updated provisions and amendments, and recommends adoption of the same by the Village; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL
OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY,
OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

SECTION 1: That Section XV (Drug and Alcohol Free Workplace Policy) of Chapter 240 of the Baltimore Codified Ordinances (Employee Manual of Personnel Policies and Regulations), is hereby amended by substitution. A copy of the new policy, titled "Drug-Free Workplace Policy," is attached hereto in its entirety as Exhibit A.

SECTION 2: That a new Section XXII is hereby created, titled "Leave Donation Program," a copy of which is attached hereto in its entirety as Exhibit B.

SECTION 3: This ordinance shall become effective at the earliest time period provided for by law.



Brad Nicodemus, Mayor

DATE OF PASSAGE: 4-9-2018

EFFECTIVE DATE: 5-9-2018

ATTEST: 

Brian Bibler, Fiscal Officer

SPONSOR: COSGRAY

APPROVED AS TO FORM: 

Jeffrey Feyko, Village Solicitor

DRUG-FREE WORKPLACE POLICY

I. Purpose:

The Village of Baltimore is committed to the principle of maintaining a drug-free workplace free from the effects of alcohol, illegal drugs, or other intoxicating substances that may cause potential health, safety and/job performance problems. The use and/or abuse of alcohol and/or drugs are inconsistent with the Village of Baltimore's goal to provide and maintain a safe, and secure working environment. The following policy is implemented in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Workplace Program.

II. Policy:

The manufacture, distribution, dispensation, possession, concealment, transportation, purchase, use or being under the influence of non-prescribed drugs or intoxicants on Village premises or during work hours is prohibited. This includes the consumption of alcohol or use of drugs during meal periods and breaks. Drug use in the workplace endangers fellow workers, public safety, office morale, and production.

III. Applicability:

This policy applies to all employees of the Village of Baltimore.

IV. Procedures:

Violations of this policy will result in disciplinary action up to and including termination of employment, and may include required participation and successful completion in a rehabilitation program. Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any violation of this policy.

In accordance with the Drug-Free Workplace Act of 1988, as a condition of employment, employees must comply with this policy, and notify the Village Administrator within five days of the conviction for any criminal drug violation occurring in or out of the workplace. A conviction includes any guilty finding, including one agreed to by the employee or a plea of no contest and/or any imposition of a fine, jail sentence, or other penalties. Failure to do so may result in immediate termination of employment. The Village Administrator will as required by the Act, report such convictions within 10 days of learning of the conviction of the appropriate federal granting agency with which the Office has a contract or grant.

The Village of Baltimore reserves the right when reasonable suspicion exists, at all times while on company premises, to conduct searches and inspections of employees and their personal property including, but not limited to, purses, briefcases, offices, desks, clothing and lunch bags/boxes for the purpose of determining whether the employee is using, possessing, selling, receiving, transporting or under the influence of any drug. The employee's supervisor has the right to conduct an on-the-spot search if they have reasonable suspicion to believe that the employee is in violation of this policy.

All employees are expected to cooperate with any investigation relating to enforcement of this policy. If an employee fails to cooperate, provides false information or omits information may subject an employee to disciplinary action, up to and including termination.



Employees may be required to submit to a Urine Drug Screen Test and/or Blood Test or other examination under the following circumstances:

- Reasonable Suspicion Testing: Employees may be required to undergo alcohol and/or other drug testing based on a for-cause determination which is either a belief, drawn from specific objectives and/or particularly facts and reasonable inferences, that the employee is using or has used alcohol and/or drugs in violation of the Drug- Free Workplace Policy of the Village of Baltimore.
- Post On-the-Job Incident: Employees may be required to undergo drug/alcohol testing when there has been an on-the-job incident, which (1) involved circumstances where the health and/or safety of the employee, employees or others were at risk or actual injury occurred, and/or (2) involved extensive property damage (\$2,000 or more).
- Return from Leave of Absence: An employee may be required to undergo drug/alcohol testing when he/she returns to active employment after a leave of absence of 30 days or more.
- Follow-up Testing: Employees who have been referred to counseling or rehabilitation as a result of the employee's on-the-job substance abuse may be subject to follow-up testing for a period of time to be determined by the Employer.

All employees shall have the opportunity, prior to testing, to list all prescription and non- prescription drugs that they have used in the last 30 days and to explain the circumstances surrounding the use of such drugs.

The Village of Baltimore shall pay the cost for the drug-testing program as outlined in this policy. Employees who are required to take a drug test shall be provided with the appropriate acknowledgement and agreement forms by the Fiscal Officer. Failure to execute the consent form may subject an employee to discipline, up to and including termination.

Due to the concern for the safety and welfare of each employee, in instances of reasonable suspicion those employees who are subject to testing will be transported by the Employer to the specimen collection facility. Otherwise, employees are responsible for their own transportation to the specimen collection facility. Employees must comply with the request to undergo a drug/alcohol test within the time frame set forth by the Employer.

LEAVE DONATION PROGRAM

I. Purpose:

Employees paid by warrant of the Village of Baltimore may donate paid leave to a fellow employee who is otherwise eligible to accrue and use sick leave. The intent of the leave donation program is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to the serious illness of the employee or a member of the employee's immediate family.

II. Applicability:

This policy applies to all full-time employees of the Village of Baltimore who accrue sick leave.

III. Policy:

An employee may receive donated leave, up to the number of hours the employee is scheduled to work each pay period, if the employee who is to receive donated leave:

- a. or a member of the employee's immediate family has a serious illness,
- b. has no accrued leave, and
- c. has applied for any paid leave, workers' compensation, or benefits program for which the employee is eligible.

Employees may donate leave if the donating employee:

- a. voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned,
- b. donates a minimum of eight hours, and
- c. retains a combined leave balance of at least eighty hours, leave shall be donated in the same manner in which it would otherwise be used.

IV. Procedures

The leave donation program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled, to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall be considered sick leave, but shall never be converted into a cash benefit.

Employees who wish to donate leave shall certify:

- a. The name of the employee for whom the donated leave is intended,
- b. The type of leave and number of hours to be donated, *comp time cannot be donated,
- c. That the employee will have a minimum combined leave balance of at least eighty hours, and
- d. That the leave is donated voluntarily and the employee understands that the donated leave will not be returned.

The Village of Baltimore shall ensure that no employees are forced to donate leave. Village of Baltimore shall respect an employee's right to privacy. However, the Village of Baltimore may, with the permission of the employee who is in need of leave or a member of the employee's immediate family, inform employees of their co-worker's critical need for leave. The Village of Baltimore shall not directly solicit leave donations from employees. The donation of leave shall occur on a strictly voluntary basis.

