

RESOLUTION NO. 2017-63

A RESOLUTION ADOPTING ADMINISTRATIVE RULES AND REGULATIONS

WHEREAS, on November 9, 2017 Council approved Ordinance 2017-12 repealing Chapters 131, 133, and 135 of the Blue Ash Code of Ordinances; and

WHEREAS, Chapters 131, 133, and 135 of the Blue Ash Code of Ordinances established administrative rules and regulations related to City personnel; and

WHEREAS, the administrative rules and regulations contained in those Chapters should be adopted by resolution.

Be it resolved by the Council of the City of Blue Ash, Ohio,

SECTION 1.

This Council hereby approves the administrative rules and regulations as set forth in the attachment to this resolution.

SECTION 2.

This resolution shall be in force and take effect immediately upon its adoption.

PASSED this 9th day of November, 2017.

Lee Czerwonka, Mayor

Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

Bryan Pacheco, Solicitor

Administrative Rules and Regulations

Resolution 2017-63 - Effective - November 9, 2017

SECTION 131. Position Classification Plan

SECTION 133. Pay Plan and Policies

SECTION 135. Appointments, Promotions and Grievances

CROSS REFERENCES

City Charter and previous Code of Ordinances
Chapters 131, 133, and 135

**SECTION 131
Position Classification Plan**

131.01	Definitions.	131.06	Allocation of existing
131.02	Responsibility for		positions.
	administration.	131.07	Position Classification
131.03	Maintenance of Plan.		Plan and Classification
131.04	Interpretation of		Specifications.
	classification specifications.	131.08	Organizational structure
131.05	Amendments to Position		for City services.
	Classification Plan.		

CROSS REFERENCES

Pay plan administration - see Section 133.14
Pay plan interpretation - see Section. 133.15
Pay plan review and amendment - see Section 133.17

131.01 DEFINITIONS.

As used in this chapter, certain words are defined as follows:

- (a) "Position" means a group of currently assigned duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.
- (b) "Classification" means a group of positions, or one position, that (1) has similar duties and responsibilities, (2) requires like qualifications and (3) can be equitably compensated by the same salary range.
- (c) "Classification title" means the official designation or name of the classification as stated in the classification specification. It shall be used on all personnel records and actions. Working or office titles may be used for purposes of internal administration.
(Ord. 81-136. Passed 12-17-81.)

131.02 RESPONSIBILITY FOR ADMINISTRATION.

The City Manager shall be responsible for administering the Classification Plan. The City Manager may assign other officials or employees to assist him in this activity.
(Ord. 81-136. Passed 12-17-81.)

131.03 MAINTENANCE OF PLAN.

(a) Each time a vacancy occurs, a position description shall be completed and submitted to the City Manager for a review of the allocation of the position. This requirement may be waived by the City Manager in cases where there are no substantive changes in the duties and responsibilities of the position.

(b) Each time a department or division is reorganized, position descriptions for all affected employees should be submitted to the City Manager for his review.

(c) The City Manager may require departments or employees to submit position descriptions on a periodic basis, or any time he has reason to believe that there has been a change in the duties and responsibilities of one or more positions.

(d) Each time a new classification is established, a classification specification shall be written and incorporated in the existing plan. The classification title shall be added to the schematic list of titles. Likewise an abolished classification shall be deleted from the

Classification Plan by removing the classification specification and eliminating the classification title from the schematic list of titles.

(e) During the second year after the adoption of this section the City Manager shall conduct a general review of the classification plan to be followed by a minimum of at least one (1) general review of the classification plan in each succeeding two (2) year period.
(Ord. 81-136. Passed 12-17-81.)

131.04 INTERPRETATION OF CLASSIFICATION SPECIFICATIONS.

The classification specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classifications established. In a series of classifications such as the Police Classifications the specifications for all classifications should be reviewed as a unit.
(Ord. 81-136. Passed 12-17-81.)

131.05 AMENDMENTS TO POSITION CLASSIFICATION PLAN.

Each time a new classification of positions should be established or a current classification of positions abolished, the City Manager shall submit his findings and recommendations to the Council. The Council shall determine whether the establishment or the abolition of a classification is in order. All such changes shall be effected by resolution.
(Ord. 81-136, Res. 2017-63)

131.06 ALLOCATION OF EXISTING POSITIONS.

The positions covered by the Position Classification Plan are hereby allocated to appropriate classifications. The City Manager shall notify each employee of the allocation of his position in writing.
(Ord. 81-136. Passed 12-17-81.)

131.07 POSITION CLASSIFICATION PLAN AND CLASSIFICATION SPECIFICATIONS.

(a) The Position Classification Plan and Classification Specifications are as set forth in Sections 131.07.
(Ord. 94-88, Res. 2017-63)

(b) In accordance with Ohio R.C. 737.051, Council authorizes the establishment of auxiliary police officer positions to supplement the work of full-time police officers. Auxiliary police officers shall have authority as set forth in Ohio R.C. 737.11 and such other responsibilities as assigned by or through the Police Chief. Auxiliary police positions shall be classified in paid and nonpaid categories, with compensation ranging from zero (non-paid) per year to one dollar (\$1.00) per year. Paid part-time Auxiliary Officers shall not work more than 1,650 hours per calendar year. Auxiliary police officer positions shall not be entitled to benefits received by full-time employees except for workers' compensation, professional liability insurance, and required coverage under the public employee retirement system or any other benefits that may be authorized in Section 135.02.
(Ord. 2008-79. Passed 12-11-08.)

(c) For certain job assignments within the part-time Parks and Recreation Aide I position classification, there shall be an additional pay step with an hourly wage rate equivalent to the federal hourly minimum wage rate. The Parks and Recreation Director shall determine which job assignments within the part-time Parks and Recreation Aide I position classification will be compensated at this hourly minimum wage pay step rate.
(Ord. 94-35. Passed 3-10-94.)

131.08 ORGANIZATIONAL STRUCTURE FOR CITY SERVICES.

(a) For the purposes of providing direct Municipal services, under the direction and control of the City Manager, there shall be the City departments of Police, Fire, Assistant City Manager, Administrative Services, Public Works, and Parks and Recreation:

- (1) Under Police, the major services include but are not limited to Police operations, Mayor's Court support, and Municipal property security.
- (2) Under Fire, the major services include but are not limited to fire protection and emergency medical services.
- (3) Under Assistant City Manager, the major services include but are not limited to community and public relations, building code inspection and enforcement, planning and zoning support.
- (3) Under Administrative Services, the major services include but are not limited to income tax administration, finance and accounting, technology, risk management, and general administrative support services.
- (4) Under Public Works, the major services include but are not limited to street and drainage maintenance, refuse collection administration, recycling, equipment maintenance, traffic signal maintenance, street lighting, and building maintenance support.
- (5) Under Parks and Recreation, the major services include but are not limited to parks, golf course operations, grounds maintenance, and recreation programming.

Each of the aforementioned departments shall be managed and directed by executives appointed by the City Manager.
(Ord. 85-124, Res. 2017-63)

SECTION 133
Pay Plan and Policies

- 133.01 New appointees.**
- 133.02 Promotions.**
- 133.03 Demotions.**
- 133.04 Reallocation.**
- 133.05 Reinstated employees.**
- 133.06 Part-time employment.**
- 133.07 Hours of work and overtime.**
- 133.08 Personnel evaluation and pay adjustment procedures.**
- 133.09 Longevity.**
- 133.10 Allowances.**
- 133.11 Leaves of absence.**
- 133.12 Personal leave.**
- 133.13 Holidays.**
- 133.14 Responsibility for administration.**
- 133.15 Interpretation.**
- 133.16 Initial adjustment to pay plan.**
- 133.17 Review and amendment of pay plan and policies.**
- 133.18 Pay plan.**
- 133.19 Training and orientation period.**

133.01 NEW APPOINTEES.

(a) Generally a new employee shall be paid the minimum rate of pay for his classification. Exceptions may be granted in the following cases upon the written prior approval of the City Manager.

(b) The minimum rate of pay for each classification is based upon the assumption that a new employee meets the minimum qualifications stated in the classification specification. If it becomes necessary to appoint a new employee of lesser qualifications, he should be started at one step below the minimum rate of pay for the classification.

(c) If a new employee has related work experience and more than the minimum qualifications for the classification to which his position is assigned, he may be hired above the minimum rate of pay and may be paid at an appropriate step within the range for the grade to which his position is assigned.

(Ord. 81-136. Passed 12-17-81.)

(d) Each new employee, except full-time police officers, paid part-time auxiliary police officers, unpaid auxiliary police officers, and police dispatchers, shall be required to serve a probationary period of six (6) months, and the City Manager may extend the probationary period for an additional six (6) months or part thereof if upon consulting the appropriate department executive, department director, department head, or division head it is determined that an extended period of observation and evaluation would be in the best interests of the Municipal service. New full-time police officers, new paid part-time auxiliary police officers, new unpaid auxiliary police officers, and new police dispatchers shall be required to serve a probationary period of twelve (12) months. Unsatisfactory probationary employees shall be separated on or before the completion of their probationary period. Upon satisfactory completion of the probationary period, an employee shall be given regular status and raised to the next step in the pay range to which his classification is assigned. (Ord. 2005-30. Passed 4-14-05.)

133.02 PROMOTIONS.

When an employee is promoted to a position in a higher grade, his new salary shall be determined by the City Manager, who shall consult with the department executive prior to making any such determination. His new rate will depend upon the qualifications that he brings to the new job, and it shall be at an established step within the grade. Each newly promoted employee shall serve a probationary period of not less than six (6) but not more than twelve (12) months. If the employee fails such probationary period, he shall be returned to his former job classification without prejudice.
(Ord. 81-136. Passed 12-17-81.)

133.03 DEMOTIONS.

(a) Upon approval of the City Manager, department executives shall have the authority to demote employees for disciplinary purposes. When an employee is demoted to a lower classification position, he shall be paid at an established rate which is within the approved range for the lower classification position. The rate of pay shall be determined by the City Manager, who shall consult with the department executive prior to making any such determination.
(Ord. 81-136, Res. 2017-63)

133.04 REALLOCATION.

(a) When an employee's position is temporarily reallocated to a lower classification position for a period not to exceed one (1) month, no change in his rate of pay shall occur. If the period is of a longer duration than one (1) month, he shall be reclassified to the lower classification and be paid at a rate according to the qualifications he brings to these duties. The new rate shall be determined by the City Manager, who shall consult with the department executive prior to making any such determination, and it shall be at an established step within grade for the new classification.

(b) When an employee's position is temporarily reallocated to a higher classification position for a period not to exceed one (1) month, no change in his rate of pay shall occur. If the period is of a longer duration than one (1) month, he shall be reclassified to the higher classification and be paid at a rate according to the qualifications he brings to these duties. The new rate shall be determined by the City Manager, who shall consult with the department executive prior to making any such determination, and it shall be at an established step within grade for the new classification.

(c) When the incumbent of any position is temporarily disabled due to illness or injury and is expected to recover sufficiently to be able to resume his duties within one (1) year or less time, the City Manager may fill the incumbent's position by temporary reallocation of another person from the Municipal service or with a person from outside the Municipal service for the duration of the incumbent's temporary disability, which duration shall be limited by the provisions of Section 133.11(f), and such temporary service in a position shall specifically not be construed as increasing the number of positions allocated to classifications. The City Manager shall determine a fair and equitable rate of pay for such temporary service, which rate may be at a step within the employee's current pay grade when the temporary service is performed by a current Municipal employee; the City Manager shall consult with the appropriate department director(s) in determining the rate of pay for such temporary service. When such temporary service is performed by a current Municipal employee, the City Manager may fill that employee's position while he is performing such temporary service and such action shall specifically not be construed as increasing the number of positions allocated to classifications and the rate of pay shall be at a step within the pay grade for the classification to which the position is allocated.

(Ord. 81-136. Passed 12-17-81.)

133.05 REINSTATED EMPLOYEES.

A reinstated employee shall be paid at a salary rate within the approved salary range for the position in which he is reinstated as may be determined by the City Manager.
(Ord. 81-136. Passed 12-17-81.)

133.06 PART-TIME EMPLOYMENT.

(a) Part-time employment does not entitle one to holiday pay, insurance (except workers' compensation), paid sick leave, or any benefits provided to full-time employees, except as required by Federal legislation; however, it may entitle one to paid vacation leave in accordance with provisions set forth in sub-section 133.06(b).
(Ord. 2010-68. Passed 12-9-10.)

(b) Vacation leave is credited at the beginning of a pay plan year to eligible part-time employees who have worked a minimum of 1000 hours during the previous pay plan year at the rate of 16 hours paid vacation leave for eligible part-time employees having completed one (1) or two (2) year(s) of service with the City, 24 hours paid vacation leave for employees having completed three (3) or four (4) years of service, 32 hours paid vacation leave for employees having completed five (5), six (6) or seven (7) years of service, and 40 hours paid vacation leave for employees having completed eight (8) or more years of service; and shall be taken off with full pay during the year in which it is credited unless the City Manager deems it to be in the best interest of the Municipal service to allow a portion of an employee's vacation leave to be carried over into the following year. A minimum of 1000 hours must be worked during a pay plan year to qualify as a year of service. Paid vacation leave shall not be applied to the total number of hours worked in a work week for purposes of calculating overtime pay. Paid vacation leave shall be applied to the total number of hours a part-time employee may work on an annual basis as defined in Section 135.01.

This sub-section [133.06(b)] shall be effective July 1, 2003. For the 2003 pay plan year only, the number of paid vacation leave hours credited to eligible part-time employees shall be one-half (1/2) the number of hours for a full pay plan year as set forth above.
(Ord. 2003-40. Passed 5-22-03.)

133.07 HOURS OF WORK AND OVERTIME.

(a) The standard work period for all full-time employees except certain Police and Fire Department employees, shall be eighty (80) hours in a two (2) week pay period beginning with the start of the first shift, watch or relief on Saturday and ending with the conclusion of the second Friday following the Saturday beginning the work period. For employees whose routine does not include rotating shifts, watches or reliefs and weekend duty, the standard work period begins at 12:00 a.m. and concludes at 12:00 a.m. on the second Saturday following the one on which it began. No employee shall work in excess of 16 consecutive hours except in case of emergency. An employee having worked 16 consecutive hours must be off-duty for a minimum of ten consecutive hours before being allowed to return to work. The standard work period shall follow the provisions as prescribed by Section 7(k) of FLSA for those above-referenced Police and Fire Department employees to whom the Section 7(k) provisions are applied.
(Ord. 2012-69. Passed 12-13-12.)

(b) Full-time department executives and department directors shall be paid an annual salary, payable bi-weekly throughout the year in equal amounts regardless of hours actually worked in any given two (2) week period as long as at least 2,080 hours per year are worked and full-time executive and department directors are not eligible for overtime or compensatory time.
(Ord. 82-6. Passed 1-14-82.)

(c) Intentionally Blank

(d) The authority to establish work schedules and standard work days shall be vested in the City Manager; the City Manager may at his discretion delegate this authority to supervisory personnel. The authority to grant overtime compensation shall be vested in the City Manager, provided that for full-time employees overtime compensation not be allowed except for: (1) work in excess of the standard work period; (2) work in excess of the standard work day; or (3) work on a day for which an employee is scheduled off-duty. Overtime compensation may be limited to work in excess of the employees' work period for employees to whom FLSA Section 7(k) provisions are applied. Overtime compensation for full-time employees shall be allowed for work on a scheduled off-duty day or in excess of the standard work period or the standard day only if such work has the prior approval of the City Manager or of a supervisory employee to whom the Manager has delegated scheduling authority. In circumstances where the City would be required to comply with Federal legislation, overtime compensation may be paid to part-time personnel for hours worked in excess of forty (40) per work week. (Ord. 82-6. Passed 1-14-82.)

(e) Overtime compensation shall be monetary compensation at the rate of one and one-half (1.5) times the employee's regular hourly rate of pay that is in effect at the time overtime compensation is earned, but at the sole discretion of the City Manager, may be compensatory time off work with such time off work being one and one-half (1.5) times the number of hours worked on a scheduled off-duty day or in excess of the standard work period or the standard work day. The City Manager may: (1) establish an absolute maximum limit for the number of compensatory hours an employee may accumulate, within the guidelines promulgated by Federal legislation; (2) require an employee with a high accumulation of compensatory hours to reduce the accumulation through use of any portion of his accumulated hours within a specific time period; and (3) require that overtime compensation be monetary compensation in lieu of compensatory time off. (Ord. 2008-79. Passed 12-11-08.)

(f) The City Manager shall establish a pay policy which provides for minimum compensation to employees who report for work as scheduled or as called-in but through no fault of their own must be sent home due to inclement weather, hazardous conditions, equipment failure, power failure, or other unforeseeable circumstances which prevent such employees from executing their respective job responsibilities.

(g) Intentionally Blank

(h) Full-time non-union hourly employees who are required to work on Thanksgiving Day (fourth Thursday in November), Christmas Eve (December 24) or Christmas (December 25) shall be paid at a rate of two times their regular rate of pay for all hours actually worked, and this pay shall be in addition to regular holiday compensation. (Ord. 2001-112. Passed 12-13-01.)

133.08 PERSONNEL EVALUATION AND PAY ADJUSTMENT PROCEDURES.

(a) Personnel evaluations shall take the form and be made in such manner as prescribed by the City Manager.

(b) To compensate for additional experience and the appurtenant improvement of skills, abilities and knowledge, a pay increase may be effected upon satisfactory completion of the probationary period and annually thereafter depending on performance. The City Manager shall prescribe a pay increase schedule for part-time personnel which is consistent with the intent of the pay increase schedule for full-time employees. (Ord. 2010-68. Passed 12-9-10.)

133.09 LONGEVITY.

(a) All full-time employees who are appointed by the City Manager and who are not covered by a collective bargaining agreement or by an employment contract shall receive longevity pay computed at the rate of five dollars (\$5.00) per month for each complete calendar month of continuous service (e.g., one hundred eighty dollars (\$180.00) after thirty-six (36) complete calendar months from date hired, three hundred dollars (\$300.00) after sixty (60) complete calendar months from date hired, three hundred fifty dollars (\$350.00) after seventy (70) complete calendar months from date hired) after thirty-six (36) complete calendar months of continuous service or after twelve (12) complete calendar months of service at step F of the pay plan, payable in the first half of the month of December annually. Annual longevity pay is only paid to eligible employees who are on the City payroll through November 30. (Ord. 2010-68. Passed 12-9-10.)

(b) Individuals references in Section 133.09(a) who retire within the period including June 30 through November 30 shall be eligible to receive a final longevity payment computed at the rate of five dollars (\$5.00) for each complete calendar month of continuous service. Individual retiring within the period including December 1 through June 29 shall not be eligible for a final longevity payment. (Ord. 2008-79. Passed 12-11-08)

133.10 ALLOWANCES.

(a) Any legitimate expense allowance authorized by resolution or established City policy shall be in addition to regular salary. (Ord. 82-73, Res. 2017-63)

(b) Employees, board members, commission members and special appointees required to use their own vehicle (1) on official City business or (2) for City-related travel, approved by the City Manager or Council as being in the best interests of the City shall be reimbursed mileage expenses at the rate which is currently allowable under Internal Revenue Service Code regulations and shall be reimbursed for parking expenses for which receipts are presented to the Treasurer. Adjustments may be made to per diems for meals when one or more meal(s) are included in the cost of the activity attended, or provided as part of the program at no cost to the attendee. (Ord. 2007-64. Passed 12-13-07.)

(c) Employees, board members, commission members and special appointees who travel (1) on official City business or (2) for training or professional development purposes, approved by the City Manager or Council as being in the best interests of the City shall be reimbursed for reasonable travel expenses, including air, rail or bus fares, lodging and meals.

(d) Registration fees for conferences, seminars or other such events deemed to be in the best interests of the City, when approved by the City Manager or Council, shall be paid the employee, board member, commission member or special appointee, either by direct payment, by advance or by reimbursement. If approved by the City Manager or Council in advance, an employee, board member, commission member or special appointee may be reimbursed for tuition and book expenses incurred in taking and successfully completing (grade "C" or better in instances where grades "A" through "F" are attainable) college course work or other advanced training to upgrade such individual, the performance of his job duties and the image of the municipal service.

(e) Eligible employees may elect to enroll in the City's group plan for hospitalization, medical, dental, optical insurance and life insurance. In accordance with policy established by the City Manager, eligible employees may elect to receive an annual cash payment in lieu of medical insurance coverage. (Ord. 82-73. Passed 9-9-82.)

(f) The City Manager is authorized to reimburse City employees for expenses up to five hundred dollars (\$500.00) incurred on behalf of the City if the expenditure is approved in advance by the City Manager. (Ord. 99-84. Passed 12-9-99.)

(g) Current employee discounts for Parks and Recreation Department programs and facilities shall be offered to all former full-time employees (union and nonunion) who retired from the Blue Ash municipal service under the Public Employees Retirement System or the Police and Firemen's Disability and Pension Fund System. The retired employee discount allowance provisions shall be administered in accordance with policy established by the City Manager.
(Ord. 92-30.)

(h) The City Manager is authorized to purchase plaques, mementos, or other tokens of appreciation at a cost not to exceed \$250.00 in order to recognize an employee's meritorious service to the City. (Ord. 97-98. Passed 12-11-97.)

(i) The City Manager is authorized to provide allowances for departing employees up to payment for severance at a rate not more than six (6) months salary, and payment of the departing full-time employee's medical, dental, and optical insurance benefits for not more than seven (7) months from the date of departure.

(j) The City Manager is authorized to provide to a high-level salaried recruited new hire paid time off up to the equivalent received by said new employee at his/her previous place of employment. (Ord. 2003-45. Passed 6-12-03.)

133.11 LEAVES OF ABSENCE.

Jury Duty

(a) Each employee shall be granted leave of absence for jury duty. Prior notice concerning the need for jury leave of absence shall be given to the City Manager or his designee as early as practicable. Further, while on jury leave of absence, an employee may be required to work such hours of his usual work shift as occur when his presence in court is not required.

Employees on jury leave of absence may, at the discretion of the City Manager or his designee, be paid the difference between the jury pay earned while on duty and the employee's regular straight time hourly rate for an hourly or nonexempt salaried employee, for scheduled work time lost not to exceed thirty-one (31) days in any calendar year or, for salaried exempt employees, the difference between the jury pay earned and the employee's regular salary for not more than thirty-one (31) days in any calendar year. At his discretion, the City Manager or his designee may extend the thirty-one (31) day limit on compensation. The City may require the employee to provide satisfactory evidence of his actual performance of his jury service and the amount of jury pay received in order to receive such payment. (Ord. 92-30.)

Vacation

(b) Vacation leave accrues at the rate of eight (8) hours per calendar month of service for employees having completed less than four (4) years of service, ten (10) hours per month for employees having completed four (4) years of service, twelve (12) hours per month for employees having completed eight (8) years of service, fourteen (14) hours per month for employees having completed twelve (12) years of service, sixteen (16) hours per month for employees having completed sixteen (16) years of service, and eighteen (18) hours per month for employees having completed twenty (20) years of service; and shall be taken off with full pay during the year in which it is earned unless the City Manager deems it to be in the best interest of the Municipal service to allow a portion of an employee's earned vacation leave to be carried over into the following year. Any prior full-time employment with the City of Blue Ash shall be counted for purposes of determining the number of hours of vacation for which an employee is eligible to accrue.

Upon approval of the City Manager, employees who accrue vacation leave at the rate of eighteen (18) hours per month may “sell back” to the City up to a maximum of 160 vacation hours annually. Employees who accrue vacation leave at the rate of sixteen (16) hours per month may “sell back” to the City up to a maximum of 136 vacation hours annually. Employees who accrue vacation leave at the rate of fourteen (14) hours per month may “sell back” to the City up to a maximum of 112 vacation hours annually. Employees who accrue vacation leave at the rate of twelve (12) hours per month may “sell back” to the City up to a maximum of eighty-eight (88) vacation hours annually. However, a minimum of eighty (80) hours of vacation leave per employee must be taken annually.

For employees not represented by a bargaining unit hired on or after January 1, 1988, up to six (6) years of full-time employment in the service of another Ohio municipality, township, county, school district or the State of Ohio shall be counted for purposes of determining the number of days of vacation for which an employee is eligible.

For employees not represented by a bargaining unit, up to six (6) years of active duty service in any branch of the U.S. armed services shall be counted for purposes of determining the number of days of vacation for which an employee is eligible.
(Ord. 2007-64. Passed 12-13-07.)

Sick Leave

- (c) (1) Credit for sick leave is earned at the rate of one and one-fourth (1 1/4) days per calendar month of service. At the time of initial employment, an employee may be credited with unused sick leave accumulated while in the employment of another Ohio municipality, township, school district, county or the State of Ohio for which he/she has not been fully or partially compensated. Employees may be required to provide documentation verifying appropriate use of leave.
- (2) A permanent full-time employee may use accumulated sick leave for the following purposes:
 - A. In case of employee’s personal illness, medical condition, disability, or injury.
 - B. Funeral Leave:
 - 1. Up to forty (40) hours per occurrence for death of spouse or children, including step-children.
 - 2. Up to twenty-four (24) hours per occurrence for death of parents (including step-parents), siblings (including step-siblings), grandparents, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.
 - 3. Up to eight (8) hours per occurrence for death of grandparent of spouse, or employee’s aunt, uncle, nephew, niece, or cousin.
 - C. Hospitalization/Medical Procedures of Family Members:
 - 1. Up to forty (40) hours per occurrence to attend in-patient hospitalization and, if necessary, care thereafter, of employee’s spouse or children (including step-children), and up to eight (8) hours per occurrence for hospitalization of employee’s parents (including step-parents).
 - 2. Up to sixteen (16) hours per occurrence to attend out-patient procedure and, if necessary, care thereafter of employee’s spouse or children (including step-children), and up to eight (8) hours per occurrence for employee’s parents (including step-parents). Continuing treatment for a single illness or injury shall be defined as a single occurrence.

- D. Personal Care:
 - 1. Up to twenty-four (24) hours per calendar year to attend to members of the employee's immediate family whose illness or injury requires the care of the employee. Immediate family includes spouse, mother, father, sister, brother, daughter, son, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step mother, step father, step sister, step brother, step daughter, step son, or other person who stands in the place of a parent, or other relative residing in the same household as the employee.
 - E. Medical, dental, or optical examination or treatment of employee, which cannot be scheduled during non-working hours.
 - F. The hourly limits reflected above in B., C., and D. are based upon a 40 hour standard workweek. Proportional adjustments will be made in those limits as follows, for full-time staff whose standard work day is 8.5 hours:
 - 1.
 - a. Up to forty-two and one-half (42.5) hours per occurrence.
 - b. Up to twenty-five and one-half (25.5) hours per occurrence.
 - c. Up to eight and one-half (8.5) hours per occurrence.
 - 2.
 - a. Up to forty-two and one-half (42.5) hours per occurrence to attend in-patient hospitalization, and if necessary, care thereafter, of employee's spouse or children (including step-children), and up to eight and one-half (8.5) hours per occurrence for hospitalization of employee's parents (including step-parents).
 - b. Up to seventeen (17) hours per occurrence to attend out-patient procedure and, if necessary, care thereafter of employee's spouse or children (including step-children), and up to eight and one-half (8.5) hours per occurrence for employee's parents (including step-parents). Continuing treatment for a single illness or injury shall be defined as a single occurrence.
 - 3.
 - a. Up to twenty-five and one-half (25.5) hours per occurrence.
- (3) Sick leave must be requested in a minimum of one-half (½) hour increments.
 - (4) The City Manager may require reasonable evidence to support a claim for sick leave and may require a doctor's certificate to justify the absence. The monitoring of sick leave usage of all employees shall be accomplished under the provisions of the then-current Sick Leave Policy as drafted and issued by the City Manager (last updated and distributed February 7, 1996).
 - (5) Employees with sick leave accumulation of more than 180 hours shall be eligible upon written request, and upon review of and written approval by the City Manager or his/her designee, to knowingly and voluntarily transfer up to eighty (80) hours of sick leave during each calendar year to another employee who has been off work on a medical leave of absence for 120 or more consecutive calendar days and who has exhausted his/her sick leave, vacation leave, and compensatory time. However, an employee who voluntarily requests to transfer sick leave credit may only transfer the number of sick leave hours he/she has accrued in excess of 180 hours (up to a maximum of 80 hours) as of the date of the written request to the City Manager or his/her designee. Employees, in conjunction with the City's entire leave of absence policy, may

not receive more than a total of 1,385 hours transferred sick leave during their employment with the City. The receipt of transferred sick leave hours shall not extend the length of a leave of absence as set forth in Section 133.11(f).

- (6) Upon resignation in good standing from the Blue Ash Municipal service or upon the death of an employee, the employee or his/her estate shall receive one (1) hour of monetary compensation for each eight (8) hours of unused sick leave; the monetary compensation shall be at the hourly rate of compensation of the employee at the time of resignation or death. If the employee is given credit for his/her accumulated sick leave at his/her next place of employment, no sick leave pay-out shall be made.
- (7) Upon permanent layoff from the Blue Ash Municipal service, an employee shall receive one (1) hour of monetary compensation for each eight (8) hours of unused sick leave provided he/she does not receive credit for the accumulated leave at his/her next place of employment. The monetary compensation shall be at the hourly rate of compensation of the employee at the time of permanent layoff.
- (8) If upon retirement under the Ohio Public Employees Retirement System or the Police and Firemen's Disability and Pension Fund System from the Blue Ash Municipal service, an employee has less than twelve (12) years of full-time service with the City of Blue Ash, the employee shall receive two (2) hours of monetary compensation for each eight (8) hours of unused sick leave. The monetary compensation shall be at the hourly rate of compensation of the employee at the time of retirement.
- (9) If upon retirement under the Ohio Public Employees Retirement System or the Police and Firemen's Disability and Pension Fund System from the Blue Ash Municipal service, an employee has at least twelve (12) years of full-time service with the City of Blue Ash, the employee shall receive three (3) hours of monetary compensation for each eight (8) hour days of unused of sick leave with a maximum payout of 120 (eight-hour) days (i.e. 960 hours). The monetary compensation shall be at the hourly rate of compensation of the employee at the time of retirement.
(Ord. 2012-69. Passed 12-13-12.)

Training

- (d) Reasonable leaves with pay may be authorized by the City Manager for official meetings, training and professional development found to be in the best interest of the City.

Injured on Duty

- (e) (1) The following procedure shall be followed for job-related injuries to full-time non-bargaining unit member employees who are not Police or Fire Department supervisory personnel when such injuries result in an absence greater than fourteen (14) calendar days but less than permanent disability:
 - A. The employee files a worker's compensation claim for medical expenses only.
 - B. The employee receives injured-on-duty-pay for up to six (6) months. No time is charged against the employee's sick leave accrual.
 - C. If the employee cannot return to regular or light duty work after six (6) months of IOD leave, a worker's compensation claim for lost time may be filed and IOD pay shall be discontinued.
 - D. At any time during the period of disability, the employee may be required to submit to a physical or mental exam at the City's expense in order to determine that the employee was in fact injured on duty, continues to be disabled, and/or is fit to return to work.
 - E. If the employee is off more than twelve (12) months, employment shall be terminated pursuant to subsection (f) hereof.

In the event that the City contests the validity of a workers' compensation claim, injured-on-duty-pay shall not be authorized.

- (2) The following policy shall govern injured-on-duty-pay for full-time non-bargaining unit member Police and Fire Department supervisory employees while in the act of performing emergency duties, excluding non-emergency civilian personnel.

A. Criteria for Injured-on-Duty Pay for Police Supervisory Personnel:

1. A police officer sustains an injury while in pursuit of an offender on foot or in a vehicle.
2. A police officer sustains an injury as a result of an assault by any person while performing the duties of a sworn officer.
3. A police officer sustains an injury while directing traffic, administering aid, investigating a vehicle accident, or engaging in specialized training as directed by the Police Department.
4. A police officer sustains an injury at any time while he is responding to a call or detail, while taking care of the call or detail, and until his return to normal service from the call or detail. A call or detail may be dispatched by the dispatcher or given to the officer by a citizen, but to be covered under this section the officer must have notified the dispatcher of the citizen's call for service and the service must be associated with law enforcement activities.
5. If a police officer sustains an injury in the line of duty in a manner other than described in subsections A.1. through 4. hereof for which the officer believes that he is legitimately entitled to injury-on-duty pay, then that officer may present the facts and supporting documentation to the Assistant City Manager for review after the Police Chief has reviewed the matter. The Assistant City Manager shall convey a recommendation to the City Manager on whether or not injured-on-duty pay should be extended to the officer. The City Manager shall then convey to Council a recommendation that this policy be extended or not extended, to cover on an exceptional basis the particular injury suffered by the officer, and the decision of Council shall be final.
6. Any injury, in order to be eligible for injured-on-duty pay, must be reported to the injured employee's supervisor within twenty-four (24) hours of the injury occurrence.

B. Criteria for Injured-on-Duty Pay for Full-time Fire Department Supervisory Personnel:

1. A full-time Fire Department supervisory employee sustains an injury while fighting or investigating a fire, administering emergency aid or in the act of performing other emergency duties.
2. If a full-time Fire Department employee sustains an injury in the line of duty in a manner other than described in subsection B.1. hereof for which the full-time Fire Department employee believes that he is legitimately entitled to injured-on-duty pay, then that full-time Fire Department employee may present the facts and supporting documentation to the Assistant City Manager for review after the Fire Chief has reviewed the matter. The Assistant City Manager shall convey a recommendation to the City Manager on whether or not injured-on-duty pay should be

extended to the full-time Fire Department employee. The City Manager shall then convey to Council a recommendation that this policy be extended or not extended, to cover on an exceptional basis the particular injury suffered by the full-time Fire Department employee, and the decision of Council shall be final.

3. Any injury, in order to be eligible for injured-on-duty pay, must be reported to the injured employee's supervisor within twenty-four (24) hours of the injury occurrence.

C. Injured-on-Duty Pay for Full-time Non-bargaining Unit Member Police and Fire Department Supervisory Employees:

1. A Full-time Non-Bargaining Unit Member Police or Fire Department supervisory employee disabled in the performance of his duty while performing a duty as specified in subsection A. or B. hereof shall, on recommendation of the Assistant City Manager and approval of the City Manager, be entitled to his base salary for the period of such disability not to exceed 365 calendar days. The pay shall start immediately after the injured employee has been unable to perform any duties in the applicable police or fire service.
2. The City shall consider the medical judgment of the employee's treating physician concerning the injured employee's ability to work either regular or special (as determined by the City) duties. The injured employee shall advise the treating physician to issue the City Manager a written report fully describing the nature and extent of the employee's injury, the effect of the injury on the employee's ability to perform full or limited duties, and the anticipated time period for recovery from the injury. The employee shall authorize the treating physician to release information to the City Manager regarding the employee's injury and the physician's examination and findings pursuant thereto, including answering pertinent questions of the City Manager.
3. If the City and the treating physician disagree concerning an injured-on-duty pay case, the City may send the employee, at no personal expense, to a physician or the City's choice for an examination, evaluation and recommendation. Such physician acts as the City Physician.

The medical decision rendered by the employee's treating physician shall govern an injured-on-duty pay determination unless:

- a. The treating physician changes his diagnosis or prognosis after being contacted by the City or consulted by the City Physician;
 - b. The City Physician offers a different diagnosis and/or prognosis than the treating physician.
4. If the injured employee disagrees with the decision rendered in accordance with subsection C.3., the employee may request a third physician's opinion. The third physician shall be selected by the treating physician and the City Physician. The opinion of the third physician shall be binding on both the City and the employee. The cost of the third physician shall be shared equally by the employee and the City.

D. Injured-on-Duty Payroll Policies:

1. Injured-on-duty pay is coded separately on the payroll attendance record by using the code IDP in the column marked "other". No time is deducted from employee's sick leave balance while he is receiving injured-on-duty pay. The full-time Police or Fire Department supervisory employee shall continue to receive vacation, holiday, and sick leave credit during the injured-on-duty pay period. The injured employee may be required to file a claim with the Workers' Compensation Fund of the State of Ohio. The injured employee shall be required to assign any funds received as lost wages from Workers' Compensation while receiving injured-on-duty pay to the Treasurer of the City of Blue Ash.

Extended Leave

(f) Extended leave of absence for a period of time not exceeding one (1) year may be granted by the City Manager in cases where an employee suffers an injury, temporary disability, extended illness or disease which makes it impossible, unfeasible, unsafe or otherwise inadvisable for an employee to perform the duties of his job. Compensation during such extended leave shall be compensatory pay, holiday pay, vacation pay and sick pay. In appropriate cases, the employee may receive workers' compensation from the State of Ohio. When an employee's earned vacation, compensatory leave and sick leave are exhausted, the City shall have no further obligation for compensation for the remaining duration of the leave. Earned vacation leave, compensatory leave and sick leave shall be the amount of time earned or accumulated for such leaves prior to commencement of the extended leave of absence; additional credit for vacation leave and sick leave shall not be earned during an extended leave of absence. In order to receive compensation the employee should provide a full report from the treating physician to the City Manager on a monthly basis. After one (1) year of extended leave of absence, an employee shall return to work or be terminated from employment. The City Manager may waive the termination if it is his determination that exigent circumstances exist. The employee may return upon presenting written verification from a physician of the City's choice that the employee can perform the duties of his job without endangering the employee or his fellow employees.

(Ord. 2003-71. Passed 9-23-03.)

Military

- (g) (1) Employees assigned to a military reserve unit who are required to participate in field training and/or who are called to active duty in the military service of the United States shall be granted a military leave of absence. The rights of an employee to return to work following a military leave of absence are governed by Federal and State law. Prior notice concerning the need for such leave of absence shall be given to the City Manager or his designee as early as practicable.
- (2) An employee who is on military leave as a result of being required to participate in field training and/or called to active duty shall continue to receive his regular pay for a period not to exceed 176 hours in a calendar year. Regular pay shall be based upon the work schedule the employee would have worked (not including any potential overtime hours) had he not been on military leave. For active military leave extending beyond the 176 hours in a calendar year, the employee shall be paid a differential payment that is the difference between the employee's Blue Ash gross wages and the amount of the employee's federal gross wages and allowances. At his discretion, the City Manager may waive the 176 hour limit.
- (3) Group insurance coverages in effect for the employee prior to any military leave shall remain in effect throughout the period of military leave

provided these coverages remain in effect for the employee group. In addition, the employee shall continue to accrue vacation leave and sick leave at the same accrual rates that would be in effect for the employee had he not taken any military leave of absence.

- (4) The City may require the employee to provide satisfactory evidence of his actual performance of military service, and evidence of pay received while absent. The City Manager shall be responsible for interpreting the applications of these military leave provisions to any issues not specifically covered by this section using the principles expressed herein as a guide.
- (5) The City Manager is authorized to adjust the above provisions if necessary to comply with modifications to the Military Leave requirements of the State of Ohio or Federal Law.
(Ord. 2008-79. Passed 12-11-08.)

133.12 PERSONAL LEAVE.

When economic conditions preclude the granting of a general wage increase to employees not represented by a collective bargaining unit at the beginning of a payplan year, the City Manager shall have the authority to provide each qualifying non-bargaining employee up to 16 hours of paid Personal Leave during such plan year. Personal Leave is distinct from and unrelated to Personal Care Leave as outlined in Section 133.11(c). Personal Leave, once granted, must be used by the employee within the plan year credited or it will be forfeited. Personal Leave cannot be transferred or converted to pay of any type, requires advance approval of the employee's Supervisor as to mutually-agreeable scheduling, and shall not result in the creation of overtime expenses for the City. Personal Leave must be taken or used in increments of at least 2 hours. Authority rests with the City Manager to adjust the definition of a qualifying employee as necessary to address special circumstance.
(Ord. 2009-69. Passed 12-10-09.)

133.13 HOLIDAYS.

(a) All full-time City employees shall observe the following holidays for which they shall be granted a paid leave of absence therefor, provided the employee works the immediately preceding work day and the immediate following work day or receives paid leave on the immediately preceding and immediately following work days: New Year's Day (January 1), Washington Lincoln Day (third Monday in February), four hours on Good Friday, Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Veterans' Day (November 11), Thanksgiving (fourth Thursday and Friday in November), Christmas Eve (December 24), Christmas Day (December 25).
(Ord. 2008-79. Passed 12-11-08.)

(b) When any holiday falls on a Sunday, the Monday immediately following shall be observed. When any holiday falls on a Saturday, the Friday immediately preceding shall be so observed. This provision shall apply only to employees whose regularly scheduled off-days are Saturday and Sunday.
(Ord. 81-136. Passed 12-17-81.)

133.14 RESPONSIBILITY FOR ADMINISTRATION.

The City Manager shall be responsible for administering the pay plan for all positions and establishing policy to administer the provision provided herein. The City Manager shall be responsible for working out arrangements which will assure the administration of the plan for all employees on an equitable basis.
(Ord. 81-136, Res. 2017-63)

133.15 INTERPRETATION.

The City Manager shall be responsible for interpreting the applications of the plan to pay problems which are not specifically covered by this chapter using the principles expressed herein as a policy guide.

(Ord. 81-136. Passed 12-17-81.)

133.16 INITIAL ADJUSTMENT TO PAY PLAN.

The City Manager is authorized by Council to place fairly and equitably the salary of each employee within the range of the grade for the classification to which the employee's position has been allocated.

(Ord. 81-136. Passed 12-17-81.)

133.17 REVIEW AND AMENDMENT OF PAY PLAN AND POLICIES.

(a) Prior to the annual submission of his Budget to Council, the City Manager shall have completed a review of the pay plan and policies and submit his findings to the Civil Service Commission, which shall review the material and submit its recommendation to Council.

(b) The rates of pay for each classification of positions shall be changed by resolution.

(Ord. 81-136, Res. 2017-63)

133.18 PAY PLAN.

The pay plan is as set forth in Sections 131.07 and 133.18. Salary grades and salary schedules assigned to these sections are incorporated herein by reference.

(Ord. 90-91, Ord. 2012-28, Res. 2017-63)

133.19 TRAINING AND ORIENTATION PERIOD.

When an employee in any position notifies the City of intent to vacate a position due to retirement, termination, transfer or job reallocation, the City Manager or his designee may retain the employee in such position for a reasonable time period after a new employee is hired, for the purposes of training and orientation. Such orientation and training service in a position shall specifically not be construed as increasing the number of classification positions.

(Ord. 81-136, Res. 2017-63)

SECTION 135
Appointments, Promotions and Grievances

135.01	Definitions.	135.08	Method of filling vacancies in civil service positions appointed by City Manager.
135.02	Employee benefit plans.		
135.03	Retirement.		
135.04	Prohibition.	135.09	Probationary period.
135.05	Applications and applicants for civil service positions appointed by the City Manager.	135.10	Disciplinary action.
		135.11	Penalties and separations.
135.06	Examinations for civil service positions appointed by City Manager.	135.12	Procedure for handling complaints and grievances regarding disciplinary action other than layoff, suspension, demotion or discharge.
135.07	Employment lists for civil service positions appointed by City Manager.	135.13	Predisciplinary fact-finding conference.
		135.14	Appeals directly to Civil Service Commission.

CROSS REFERENCES

Exemptions - see CHTR. Sec. 10.02
Civil Service Commission appeals - see CHTR. Sec. 10.04
Position Classification Plan - see Section 131
Pay plan and policies - see Section 133

135.01 DEFINITIONS.

The following words and terms, unless the text clearly requires otherwise, shall have the meaning hereinafter indicated.

- (a) "Allocation" means the assignment of an individual position to an appropriate classification on the basis of the kind, difficulty and responsibility of the work actually performed in the position.
- (b) "Appointing authority" means the City Manager or such person as the City Manager may otherwise designate.
- (c) "Classification specification" means the written description of a classification containing such things as a title, a statement of the typical duties, authority and responsibilities of the classification, and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the classification.
- (d) "Demotion" means the change of an employee from a position in one classification to a position in another classification, having a lower maximum salary rate.
- (e) "Discharge" means involuntary permanent separation from employment for violation of specific provision(s) of personnel policies, or other department Rules and Regulations, or any other proper cause.
- (f) "Eligible" means a person whose name is on an employment list.
- (g) "Layoff" means the separation of an employee for the purpose of reducing the work force due to reasons not related to fault, delinquency, or misconduct on the part of the employee.
- (h) "Probationary period" means a working test period during which an employee is required to demonstrate his/her fitness for the duties of the position to which he is appointed by actual performance of the duties of the position.

- (i) "Promotion" means a change in the position of an employee from one classification to a position in another classification having a higher maximum salary rate.
- (j) "Reallocation" means the reassignment of an individual position to an appropriate classification on the basis of the kind, difficulty and responsibility of the work actually performed in the position.
- (k) "Resignation" means voluntary separation from employment upon written notification to the City Manager specifying the date and reason for separation.
- (l) "Resident" means a person who has resided in the City of Blue Ash for at least one (1) year immediately preceding the date of application.
- (m) "Suspension" means involuntary separation from employment for a specified, temporary period of time, without pay, for violation of specific provision(s) of personnel policies, or other departmental Rules and Regulations, or any other proper cause.
- (n) "Transfer" means a change of an employee from one position to another position in the same classification or another classification having the same maximum salary rate.
- (o) "Temporary employee" means a person engaged in employment of a nonpermanent and nonrecurring nature, the duration of which does not exceed 180 calendar days in the calendar year. Temporary employment does not entitle one to vacation, holiday, pension, insurance (except workers' compensation), sick leave benefits, or other benefits provided to full-time employees except as required by Federal legislation.
- (p) "Full-time employee" means a person engaged in employment for eighty (80) hours during the standard two-week work period (unless an alternate work period is authorized by the City Manager) on a regular basis. A full-time employee may also be referred to as a regular employee. (Ord. 81-136. Passed 12-17-81.)
- (q) "Part-time employee" means a person engaged in employment for substantially less than eighty (80) hours per two-week work period on a regular basis year round and who is exempt from Civil Service provisions pursuant to Section 10.02 of the City Charter or a person designated as part-time by the City Manager and who is exempt from Civil Service provisions pursuant to Section 10.02 of the City Charter.
(Ord. 2014-99. Passed 12-11-14.)

135.02 EMPLOYEE BENEFIT PLANS.

- (a) Hospitalization insurance, medical insurance, dental insurance, life insurance and optical insurance coverage as determined by the City Manager shall be provided for each full-time employee.
- (b)
 - (1) On behalf of the Assistant City Manager, Administrative Services Director/Treasurer, Public Works Director, and Parks and Recreation Director (Grade 30 and above), the City shall annually pay into one of the City's accepted 457 Deferred Compensation Plans in accordance with the following schedule: Upon completion of five years of full-time employment with the City, three percent of the employee's current base salary; upon completion of ten years of full-time employment with the City, four percent of the employee's current base salary; and upon completion of fifteen years of full-time employment with the City, five percent of the employee's current base salary.
 - (2) On behalf of regular full-time salaried employees at pay grade 24S and above (not including any employee subject to an employment contract or occupying the positions of Assistant City Manager, Administrative Services Director/Treasurer, Public Works Director or Parks and Recreation Director), the City shall annually pay into one of the City's 457 Deferred Compensation Plans in accordance with the following schedule:

Upon completion of five years of full-time employment with the City, one percent of the employee's current base salary; upon completion of ten years of full-time employment with the city, two percent of the employee's current base salary; and upon completion of fifteen years full-time employment with the City, three percent of the employee's current base salary.

- (3) Authority rests with the City Manager to modify the above provisions if necessary to address a unique or special circumstance.
(Ord. 2014-99. Passed 12-11-14.)

135.03 RETIREMENT.

(a) Provision for Re-employment. Employees who have retired from service with the City may be appointed to positions on a part-time or full-time basis in accordance with provisions set forth by the Public Employees Retirement System or the Police and Firemen's Disability and Pension Fund. Retired employees appointed to full-time positions shall be subject to terms and conditions of employment as set forth in writing by the City Manager or his/her designee. These terms and conditions of employment shall supersede employment-related provisions set forth in Sections 131, 133, and 135.
(Ord. 2014-99. Passed 12-11-14.)

135.04 PROHIBITION.

No person in the employ of the City or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of his/her or her race or sex or political or religious opinions or affiliations, disability, national origin or age. No person shall willfully or corruptly make any false statement, certification or appointment held or made under the personnel procedure or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel procedures.

No person seeking appointment or promotion in the employment of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his/her test, appointment, proposed appointment or proposed promotion other than a fee to an employment agency.
(Ord. 2014-99. Passed 12-11-14.)

135.05 APPLICATIONS AND APPLICANTS FOR CIVIL SERVICE POSITIONS APPOINTED BY THE CITY MANAGER.

(a) Announcement. Notice of all examinations for positions not exempted under Section 10.02 of the Charter shall be published by posting announcements at the City Office, on City websites, and in such other places and through such other media as the City Manager deems advisable for such period of time as the City Manager deems appropriate.

(b) Application Forms. Applications for positions not exempted under Section 10.02 of the Charter shall be made available to applicants in a manner approved by the City Manager or his/her designee and may be paper or electronic. Applications may require information covering residence, training, experience, references, and other pertinent information. All applications must be signed by the person applying. Electronic signatures shall be acceptable.

(c) Disqualifications. The Personnel Officer shall reject any application which indicated on its face that the applicant does not possess the minimum qualifications required for the position. Applications also may be rejected for other good and sufficient reasons such as: a felony conviction, false statement of any material fact or practices, or attempts to practice any deception or fraud in applying for a position; bad work history; or poor job references. A person submitting a defective application shall be notified to amend same by submitting supplementary information, providing the time limit for receiving the application has not expired. Applications whether accepted or rejected shall remain on file for one (1) year and shall not be returned.
(Ord. 2014-99. Passed 12-11-14.)

135.06 EXAMINATIONS FOR CIVIL SERVICE POSITIONS APPOINTED BY CITY MANAGER.

(a) Competitive Examination.

- (1) All appointments and promotions by the City Manager to positions not exempted under Section 10.02 of the Charter shall be made according to merit and fitness to be ascertained so far as practicable by competitive examination. Examination shall be practical and shall relate to those matters which will test fairly the capability and fitness of the candidates to discharge efficiently the duties of the classifications for which the examinations are held. Examinations may be assembled or unassembled and may include written, oral, computerized, physical or performance tests or any combination of these. They shall take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness and any other qualification which enters into the determination of the relative merit and fitness of applicants. Applicants may be required to pay a testing and/or application fee prior to being admitted to testing sites.
- (2) The purpose of the oral test is to determine the applicant's special character traits, intelligence, mental aptitude and general attitude. The test may be used to observe the applicant's demeanor and to determine his/her ability to meet the public. This test, and other tests contemplated by this chapter, may be conducted by the Civil Service Commission or any person or persons designated by the Civil Service Commission.
- (3) Applicants may receive credit for seniority in the service of the City of Blue Ash on the written examination if one is given, which shall be determined as follows: One percent (1%) of the total grade attainable in such examination for each of the first four (4) years of such full-time service and one-half percent (½%) of such grade for each of the next ten (10) years of such full-time service. Applicants may receive credit for seniority in service other than in the City of Blue Ash which is relevant to the position subject to examination--one-half percent (½%) of the total grade attainable on the written examination for each year of related full-time service, with a maximum of ten (10) years allowable for such computation. The Civil Service Commission, as it deems appropriate, may authorize service credit for less than full-time employment. No type of seniority credit shall be awarded unless the applicant has achieved a passing score on the written examination.
- (4) The identity of applicants shall be concealed in all written examinations. The Personnel Officer may require applicants to submit proof of their age and military service at the time of the examination or prior to appointment.
- (5) Competitive examinations shall be open to all applicants who meet the standards or requirements fixed by the Personnel Officer with regard to experience, character, age, education, physical condition and such other factors as may be held to be related to the ability of the candidate to perform efficiently the duties of the position. No question in any test shall relate to race, political or religious opinion, affiliations or service, national origin, age, disabilities or sex.

(b) Special Entrance Examination Procedure. For positions such as those involving primarily skilled labor, the Personnel Officer may adopt or authorize the use of such procedure as he/she determines to be appropriate in order to meet the needs of the service, while assuring the selection of such employees on the basis of merit and fitness. Such procedures may include: the testing of applicants singly or in groups at periodic intervals at the place of employment or elsewhere, after such notice as the Personnel Officer considers adequate; the registration of applicants who pass a non-competitive examination or submit satisfactory evidence of their qualifications; or any variation or combination of the foregoing or other suitable methods. Special examination procedures shall have the approval of the City Manager.

(c) Method of Rating. Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating by which eligibility may be achieved shall be established by the Personnel Officer. A minimum rating may also apply to the ratings of any part of the test. Candidates may be required to attain at least a minimum rating on each part of the test in order to receive a passing grade or to be rated on the remaining parts of the test. The final earned rating of the competitor shall be determined by averaging the earned rating on each part of the examination in accordance with the weights established for each part of the examination.

(d) Rating, Training and Experience. Where a rating of experience and training forms a part of the examination, the Personnel Officer shall develop such procedures for the evaluation of these factors as will serve to assist in the selection of the best qualified candidates. The Personnel Officer may verify statements contained in the application of an applicant and secure further information concerning his/her character and fitness. If, after a list is established, information which materially affects the rating of experience and training, character, or fitness of the applicant, is discovered, the Personnel Officer shall make a new rating of the applicant's examination and make the necessary adjustments in the lists. The Personnel Officer shall promptly notify the applicant of any change made in his/her standing and the reasons therefor.

(e) Notification of Examination Results. Each person who takes an examination shall be given notice as to whether he/she passed or failed in such examination and of his/her relative standing on the list or of his/her failure to attain a place on the list. Notification shall be in a manner approved by the Personnel Officer. Unless prohibited by agreement and/or contract, each person taking an examination shall be entitled to inspect his/her rating and his/her own examination results, but examination results shall not be open to the general public. Examinations provided through means other than a written or oral examination conducted by the Personnel Officer shall be subject to the review procedures established by the party/parties providing the testing. Inspection of examinations administered by the Personnel Officer shall be permitted only during regular business hours and at the office of the Personnel Officer and within fifteen (15) days of the mailing of notice being sent to the applicant in the manner specified herein. The Civil Service Commission shall certify to the Personnel Officer the names of those attaining a passing grade.
(Ord. 2014-99. Passed 12-11-14.)

135.07 EMPLOYMENT LISTS FOR CIVIL SERVICE POSITIONS APPOINTED BY CITY MANAGER.

(a) Re-employment. Regular employees separated from the service through no fault of their own shall be placed on a re-employment list in the order of ratings to be determined by their efficiency and their length of service with the City. The eligibility of all candidates on re-employment lists will expire one (1) year from the date on which they became entitled to re-employment rights.

(b) Eligible Lists. The Personnel Officer shall establish and maintain such eligible lists for the various classifications of positions subject hereto as he deems necessary or desirable to meet the needs of the service. On each such list the eligibles shall be ranked in order of their ratings earned in a test given for the purpose of establishing such lists. The life of eligible lists shall be determined by the Civil Service Commission.

(c) Residence and Order of Names on Lists.

(1) Residence. Resident applicants for positions appointed by the City Manager not exempted under Section 10.02 of the Charter service of the City who qualify by examination for any vacancy may receive preference over nonresidents who may also qualify if the appointing authority determines that such preference is appropriate.

- (2) Order of names on lists. Except as provided in subsection (c)(1) hereof, names of eligibles shall be placed on the lists in the order of their final earned rating. In the case of ties in the final ratings, names shall be placed on the list in the order applications were received, which is determined by the eligibles' ID number issued to them at the time their application is received. ID numbers are issued in numerical order in a manner determined by the Personnel Officer.

(d) Availability of Eligibles. It shall be the responsibility of eligibles to notify the Personnel Officer in writing or via an approved electronic medium of any change of address or other change affecting availability for employment. However, the Personnel Officer may circularize lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a statement restricting the conditions under which he/she will be available for employment, his/her name may be withheld from all certification which does not meet the conditions which he/she has specified. An eligible may file a new written statement at any time within the duration of an eligible list modifying any prior statement as to conditions under which he/she will be available for employment.

(e) Removal from Employment List. The name of any person appearing on an employment list may be removed by the Personnel Officer if the eligible requests in writing or via an approved electronic medium that his/her name be removed, or if he/she cannot be located by postal authorities or other means of ordinary communication within five days following the date of notification. The name of any eligible may also be removed if the name has been certified for appointment three separate times and he/she has not been appointed, or if the eligible has waived appointment twice in the same classification or position. Any cause specified in these rules for the rejection of applications may likewise be cause for the removal of the name of an eligible from the employment list on which it appears.
(Ord. 2014-99. Passed 12-11-14.)

135.08 METHOD OF FILLING VACANCIES IN CIVIL SERVICE POSITIONS APPOINTED BY CITY MANAGER.

(a) Requisition. When a vacancy occurs, the appointing authority shall request from the Personnel Officer the pertinent facts relative to the duties, responsibilities and qualification requirements of the position which is to be filled.

(b) Appointments not from Eligible Lists. The appointing authority may fill any vacancy by transfer, re-allocation, demotion or re-employment list. Appointments may be made from among the persons numbering ten (10) times the number of vacancies to be filled standing highest on the re-employment list if the vacancies are not filled by transfer, re-allocation or demotion. The appointing authority shall immediately notify the Personnel Officer of the person or persons appointed.

The Personnel Officer shall thereupon notify the person to be appointed and if the applicant accepts the appointment and presents him/herself for duty within such period of time as the appointing authority shall prescribe, he shall be deemed to be appointed; otherwise he shall be deemed to have declined the appointment.

(c) Appointments from Eligible Lists. This subsection (c) shall apply to the filling of vacancies not filled as provided in subsection (b) hereof. Appointments may be made from among the persons number up to ten (10) times the number of vacancies to be filled standing highest on the eligible list. The appointment authority shall immediately notify the Personnel Officer of the person or persons to be appointed.

The Personnel Officer shall thereupon notify the person appointed, and if the applicant accepts the appointment and presents him/herself for duty within such period of time as the appointing authority shall prescribe, he shall be deemed to be appointed; otherwise he shall be deemed to have declined the appointment.

(d) Provisional Appointments. When an appointing authority finds it essential to fill a vacancy and the Personnel Officer is unable to recommend an eligible for such vacancy because there is no existing appropriate list or because there is not a sufficient number of persons on appropriate lists who are willing to accept appointment, the City Manager may authorize the appointing authority to fill the vacancy by means of a provisional appointment. No provisional appointment shall be made without the prior approval of the Personnel Officer and the City Manager, and no payment shall be made for services rendered by the appointee prior to such approval. A provisional appointment shall expire thirty (30) days after a list has been prepared or shall expire automatically six (6) months from the date of such appointment. The Civil Service Commission is to be notified of such appointments.

(e) Temporary Appointments. Temporary appointments for a short-term employment may be made from lists. Successive temporary appointments of the same person to the same position shall not total more than six (6) months full time in a twelve (12) month period. The acceptance or refusal by an eligible of a temporary appointment shall not affect his/her standing on the list. Employment under a temporary appointment may or may not, in the discretion of the Personnel Officer, be counted as a part of the probationary service period in case of a subsequent appointment to a permanent position. The Civil Service Commission is to be notified of such appointments.

(f) Emergency Appointments. When an emergency makes it impossible to delay filling a position, the appointing authority may appoint any qualified person to such position in order to prevent stoppage of public business or loss or serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not exceeding thirty (30) days in any twelve (12) month period. A vacancy of which the department director has had a reasonable notice, or any employment condition of which he had or might with due diligence have had previous knowledge, shall not be considered an emergency under this section. Emergency appointments shall be reported immediately to the Personnel Officer, to the City Manager and the Civil Service Commission.

(g) Military Replacement Appointments. In filling a position vacated as a result of the granting of a military leave of absence, the Personnel Officer may draw upon re-employment lists or eligible lists for a person to be recommended to the appointing authority. If such appointment is effected, the appointee to the vacated position is to be informed by the Personnel Officer that his/her tenure of appointment may be limited to the length of military leave granted to the regular employee whose military leave of absence created the vacancy. Upon the return of the employee granted military leave, the name of the replacement employee shall be placed on the appropriate eligible list if qualified.

If the Personnel Officer is unable to certify an eligible for such vacancy because of lack of appropriate lists, the Personnel Officer may authorize the appointing authority to fill the vacancy with any qualified person available and the conditions of employment of such a person shall be similar to those appointed from appropriate lists as hereinabove stated. The Civil Service Commission is to be notified of such appointments.

(h) Subsections (c) through (g) hereof shall not apply in the case of transfers, reallocations and demotions.
(Ord. 2014-99. Passed 12-11-14.)

135.09 PROBATIONARY PERIOD.

(a) Objective. The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position, and for rejecting any employee whose performance does not meet the required work standards.

(b) Duration. Every person appointed by the City Manager to a full-time position shall be required to complete successfully a probationary period as provided in Section 133.01(d).

(c) Dismissal. At any time during the probationary period the appointing authority with approval of the City Manager may dismiss an employee without prior notification or obligation and with or without cause without incurring liability. Upon such dismissal, the appointing authority shall forthwith report in writing to the Personnel Officer, his/her actions and reasons therefor. An employee who is found to have been appointed through fraud or error shall be removed.

(d) Probationary Period Reports. Prior to the expiration of an employee's probationary period, the appointing authority shall notify the Personnel Officer and the City Manager whether the employee shall continue employment on a full-time basis.

(e) Restoration of Dismissed Employee to Appropriate List. If an employee is removed from his/her position during, or at the end of, his/her probationary period and the Personnel Officer determines that he is suitable for appointment to another position, his/her name may be restored to the list from which it was certified. An employee promoted to fill a vacancy who does not successfully complete his/her probationary period may, upon recommendation of the appointing authority be reinstated in a position in the class occupied by the employee immediately prior to his/her promotion if a vacancy in that classification exists at that time or shall be placed on a re-employment list awaiting appointment for a position for which he/she is eligible.

(Ord. 2014-99. Passed 12-11-14.)

135.10 DISCIPLINARY ACTION.

Employees appointed by the City Manager in positions not exempted under Section 10.02 of the City Charter may be penalized for violation of personnel policies or departmental Rules and Regulations, or any other inappropriate behavior. Disciplinary action may take the form of an oral or written reprimand or a penalty as defined in Section 135.11. Oral reprimands should be verified with a written Incident Report and made a part of the employee's permanent personnel file. The City Manager, department executive, department director, department head, division head or immediate supervisor with the approval of the City Manager, may discipline an employee. If an employee receives two (2) written reprimands for the same or different offenses within a period of twelve (12) consecutive months, he may, along with his/her second reprimand, receive a suspension without pay, for a period of time as determined by management. If an employee receives three (3) written reprimands for the same or different offenses within a period of twelve (12) consecutive months, he may at the time of issuance of the third reprimand, thereupon be discharged. While the City's disciplinary policy is generally progressive in nature, some inappropriate behavior of an employee may be more severe. The City reserves the right to omit any intermediary disciplinary steps and to administer more severe discipline, including termination, regardless of the kind and amount of disciplinary action previously given to the employee.

Any action which reflects discredit upon the Municipal service or is a direct hindrance to the effective performance of the Municipal government functions shall be considered proper cause for disciplinary action as defined in Section 135.11 against any employee. Violation of personnel policies constituting proper cause for disciplinary action, whether reprimand, suspension, demotion or discharge, depending upon the severity, are listed below. This list is not all inclusive and is intended to serve as a guide.

- (a) Inattentiveness to work, failure to start work at the designated time, quitting work before the proper time, or leaving the employer's premises during working hours outside the line of duty without authorization from the department director, department head, division head, immediate supervisor or City Manager.

- (b) Gross neglect of duty or refusal to comply with lawful instructions of supervision or management, unless such instructions are injurious to the employee's or general public's health or safety or contrary to the employee's professional ethics.
- (c) Horseplay or deliberate or careless conduct endangering the safety of oneself or other employees, including the provoking of or instigating of a fight during working hours or on City premises.
- (d) Disregard or failure to observe safety rules and/or possessing a record or pattern of unsafe work behavior as evidenced by multiple preventable accidents;
- (e) Insubordination.
- (f) Incompetency and inefficiency in performance of job duties.
- (g) Carelessness or negligence with the moneys or the property of the City, including the use of City equipment.
- (h) Theft or intentional destruction of the City's property or another employee's property.
- (i) Discussion with unauthorized persons of any confidential information gained through employment with the City.
- (j) Using, or threatening to use, or attempting to use personal or political influence in an effort to secure some special considerations as a City employee.
- (k) Inducing or attempting to induce any employee in the service of the City to commit an unlawful act, or to act in violation of any lawful departmental or official regulations, orders or professional ethics.
- (l) Solicitation or receipt from any person, or participation in, any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
- (m) Offensive conduct or language toward the public or toward City officers or employees.
- (n) Use of abusive or improper treatment to a person in custody, provided the act committed was not necessarily or lawfully done in self defense or to protect the lives of others, or to prevent the escape of a person lawfully in custody.
- (o) Immoral or indecent conduct or conviction of a felony or conviction of a misdemeanor involving moral turpitude.
- (p) Selling and/or offering to sell, and/or possession, and/or being under the influence, and/or abuse of illegal and/or prescription drugs while on duty and/or while on City property in the workplace (i.e., jobsite, vehicle or any location while engaged in city business).
- (q) Being under the influence of, or use of, or possession of alcoholic beverages while on duty or while on City property without authorization.
- (r) Abuse of appeal rights by filing a totally unjustified or unreasonable appeal with the Civil Service Commission.
- (s) Falsification, destruction or removal of personnel records, work records, time reports or other City records.
- (t) Failure to report to work without giving a designated City employee notice of absence within one-half (1/2) hour prior to the beginning of an employee's scheduled work day, unless it is impossible to give such notice.
- (u) Excessive absenteeism and/or tardiness, including abuse of sick leave.
- (v) Absence from duty without leave contrary to these policies, or failure to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked or cancelled by the proper authority.
- (w) Sleeping on duty and/or loitering during work time.
- (x) Any action which reflects discredit or brings public embarrassment upon the Municipal service or is a direct hindrance to the effective performance of the Municipal government function.
- (y) Any conduct unbecoming a City employee or any other failure of good behavior.
(Ord. 2014-99. Passed 12-11-14.)

135.11 PENALTIES AND SEPARATIONS.

Penalties include suspension, demotion and discharge. Separations without fault embrace two types: layoff and resignation.

- (a) Suspension. A department executive, a department director, a department head, or a division head with the consent of the department executive, may for disciplinary purposes suspend without pay any employee under his/her supervision for such length of time as he considers appropriate. The City Manager shall be furnished with a written statement specifically setting forth reasons for such action and a copy shall be furnished to the affected employee upon his/her written request.
- (b) Demotion. A department executive, with the consent of the City Manager, may demote an employee for disciplinary purposes. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in a lower classification and shall not be made if any regular employee in the lower classification would be laid off by reason of this action. The City Manager shall be furnished with a written statement specifically setting forth reasons for such action and a copy shall be furnished to the employee upon his/her written request.
- (c) Discharges. A department executive, with consent of the City Manager, may discharge any employee in his/her department. The City Manager shall be furnished with a written statement specifically setting forth reasons for such action.
- (d) Layoffs. A department executive, with the consent of the City Manager, may lay off an employee when he deems it necessary due to the abolition of the position, a material change in duties or organization, or other proper reasons which do not reflect discredit upon the service of the employee. The duties performed by an employee laid off may be reassigned to other employees already working who hold positions in appropriate classifications. No regular employee shall be laid off while another person is employed on a probationary, provisional or temporary basis in the same classification in that department. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered as a layoff.
- (e) Order of Layoffs. Layoff of employees shall be made in inverse order of a current rating of employees determined on the basis of performance evaluations or other pertinent data. If it is found that two (2) or more persons in the organizational unit in which layoff is to be made have equal ratings determined on the basis of performance evaluations or other pertinent data, the order of layoff in all such cases of tie shall be in the inverse order of the date when an employee first entered the service.
- (f) Notice of Layoff. A department executive shall give written notice to the City Manager and to the employee of any proposed layoff and reasons therefor a reasonable time before the effective date thereof. In the case of temporary, part-time or other occasional employment, the department executive may notify in writing such employees and the City Manager at the time of appointment, the date of termination of employment. Such notice shall be deemed to meet notification requirements. Written notices of layoff indicating reasons for such action may be given temporary or emergency employees at any time prior to the effective date of layoff.
- (g) Resignations. To resign in good standing, an employee shall give the appointing authority at least fourteen (14) calendar days prior notice unless the appointing authority, because of extenuating circumstances, agrees to permit a shorter period of notice. A written resignation shall be supplied by the employee to the appointing authority giving reasons for leaving. The resignation shall be forwarded to the City Manager with a statement by the appointing authority as to the resigned employee's service performance and other pertinent information concerning the cause of resignation. Failure to comply with this rule shall be entered on the service record of the employee, may be cause for loss of payment

for accumulated annual vacation leave, and may be cause for denying future employment by the City. The resignation of an employee who fails to give notice shall be reported by the department executive immediately. The City Manager may take steps to verify reasons for any resignations.

- (h) Department Executives. If a proposed action contemplated by subsections (a) through (h) hereof would affect a department executive, the action shall be taken by the City Manager in lieu of the department executive.
(Ord. 2014-99. Passed 12-11-14.)

135.12 PROCEDURE FOR HANDLING COMPLAINTS AND GRIEVANCES REGARDING DISCIPLINARY ACTION OTHER THAN LAYOFF, SUSPENSION, DEMOTION OR DISCHARGE.

(a) For employees in positions not exempted under Section 10.02 of the City Charter, employee complaints shall first be discussed with the employee's immediate supervisor. If the matter is not resolved, the employee shall present the complaint to the immediate supervisor in writing within five (5) days of the incident.

(b) If the complaint is still not resolved after discussing the complaint with his/her immediate supervisor, he shall notify his/her division or department head as appropriate in writing and by appearing in person, stating the reason for his/her complaint or grievance including all pertinent facts of the case.

(c) After discussing his/her complaint with such division or department head, if the employee's complaint is still not resolved, he shall notify the appropriate department executive or his/her designee in writing and by appearing in person, stating the reason for his/her complaint or grievance including all pertinent facts of the case.

(d) If the complaint is still not resolved after discussing the complaint with his/her department executive or his/her designee, the employee shall notify the Personnel Officer in writing, stating the reason for his/her complaint or grievance including all pertinent facts of the case.

(e) Within five (5) working days after registering of a complaint, the Personnel Officer may call a meeting which may include the complainant, any other person or persons involved in the complaint and any other persons the Personnel Officer deems appropriate. The Personnel Officer shall preside at the meeting and hear the entire case and obtain all the facts.

(f) The Personnel Officer will make a complete report of his/her findings and promptly submit it to the City Manager for his/her decision. The City Manager shall promptly render a decision. The decision of the City Manager shall be final except in cases of grievances regarding a suspension greater than three (3) days.

(g) If the complaint or grievance is regarding a suspension greater than three (3) days and the aggrieved employee feels that he has not received a fair hearing at step (e), he may appeal to the Civil Service Commission by filing a written notice of appeal with the Commission, via the City Manager, within ten (10) days of the rendering of the decision in step (f).

(Ord. 2014-99. Passed 12-11-14.)

135.13 PREDISCIPLINARY FACT-FINDING CONFERENCE.

(a) For employees in positions not exempted under Section 10.02 of the City Charter, prior to the issuance of a suspension greater than three (3) days, a demotion or a discharge, a predisiplinary fact-finding conference shall be held to provide an opportunity for the affected employee and his/her supervisor to present any and all facts pertaining to the issue(s) in question.

(b) Predisciplinary fact-finding conferences shall be conducted in a manner as prescribed by the City Manager and shall be conducted by the City Manager or his/her designee. (Ord. 2014-99. Passed 12-11-14.)

135.14 APPEALS DIRECTLY TO CIVIL SERVICE COMMISSION.

(a) Any employee appointed by the City Manager in a position not exempted under Section 10.02 of the City Charter who is laid off, demoted or discharged may appeal in writing to the Civil Service Commission within ten (10) days after the effective date thereof.

(b) An appeal may be withdrawn without prejudice, and if so withdrawn, all financial liabilities shall be cancelled. Where one (1) or more appeals involve a similar issue, those appeals may be withdrawn without prejudice, pending the disposition of the appeal of a representative case. In such event, the withdrawal without prejudice shall not affect financial liability.

(c) The Civil Service Commission may affirm, reverse, vacate or modify the decision complained of in the appeal, including the substitution of any authorized disciplinary action that could have been imposed originally, provided that no claim for back wages shall exceed the amount of wages the employee would otherwise have earned at his/her regular rate, less any other wages earned by the employee during the period involved while not receiving wages from the City, and further provided that back pay shall in no case be retroactive beyond the date on which the written appeal is filed with the Civil Service Commission. (Ord. 2014-99. Passed 12-11-14.)