

7.3 Types of Discipline

You may be disciplined for violating the Standard of Conduct, as follows: verbal warning; written warning; suspension with pay; suspension without pay; demotion in rank and/or reduction in pay; and/or termination of employment.

These disciplinary measures are illustrations of the measures most often used by the Village. The listing, however, is not exhaustive and, moreover, does not obligate the Village to administer discipline on a progressive basis. Discipline may be, but is not required to be, progressive in nature. The Village has the right to use any disciplinary measure that, in its view, is appropriate for the circumstances in light of the conduct involved. Thus, the Village has the exclusive right and sole discretion to determine in what instances to impose discipline and to determine what level of discipline to impose. Disciplinary action shall be documented in the employee's personnel file.

7.4 Disciplinary Procedure

Each department head is responsible for the discipline of employees within his or her department. For disciplinary actions other than a verbal or written warning, the department head shall inform the disciplined employee in writing of the discipline imposed and the employee's ability, if any, to appeal the disciplinary action, but need not otherwise describe the entire appellate process. Discipline will take effect upon delivery of the written notice to the employee, except that in case of emergency, discipline may begin immediately with written notice delivered thereafter as soon as practicable. Delivery shall be effective when made by hand. If, in the department head's sole discretion, hand delivery is not practicable or has failed after good faith effort, delivery is effective upon mailing to the employee's last known address. In the case of a written warning, delivery will also be made as specified above. Disciplinary action need not be deferred pending an appeal by the employee, but either the department head or the Mayor may stay such disciplinary action in their discretion and at any time before or after the filing of an appeal.

7.5 Appeals

Certain employees, including police officers, are entitled to a disciplinary appeal as provided by the Ohio Revised Code. The Handbook does not change or supersede such an appeal in any way and you should check the Revised Code to see whether you are entitled to such a right. For any other Regular Employee who has been suspended without pay, demoted, or terminated, he or she may, in writing, appeal the disciplinary action to the Mayor, and then to Council, as set forth below.

The appeal must be filed in writing with the Clerk-Treasurer/Fiscal Officer within ten (10) days of delivery of written notice of disciplinary action. If the Clerk-Treasurer/Fiscal Officer is the department head subject to the appeal, the appeal shall be

filed with the Village Administrator. The appeal must: (a) be signed by the employee; (b) attach a copy of the written notice of disciplinary action; and (c) specify the error(s) of law or fact underlying the decision.

The initial appeal shall be considered by the Mayor within seven (7) calendar days of filing based on any written submission the employee and the department head submit and any additional investigation the Mayor chooses to conduct in his discretion. That period may be extended with the employee's consent. The Mayor may sustain, modify, or vacate the discipline, and shall cause his or her decision to be delivered in writing as specified above. The Mayor's review is not limited to the legal or factual grounds specified in the notice of appeal.

The employee may appeal the Mayor's decision to Council in the same time and manner as required for his or her original appeal. Council shall set a time for hearing as promptly as its schedule permits, preferably no later than its next regularly scheduled meeting if the appeal is filed properly and no later than ten (10) days before such meeting. Hearings will be closed to the public only as allowed by law and otherwise in Council's discretion. Council will review all relevant legal and factual written material submitted at or prior to the hearing. If the employee requests, Council shall also hear the employee and/or his or her counsel in person. Council may also hear from the responsible department head, other Village personnel, other witnesses, and the Village Solicitor. Council may require other reasonable procedures it deems necessary for an orderly and thorough hearing. Council may rule at or after the hearing in its discretion, and may sustain, modify, or vacate the disciplinary action. Council's decision is final.

8. GRIEVANCES

The Village wants all employees to be able to voice their complaints. We recognize the meaningful value and importance of full discussions in resolving employee concerns and preserving good relations between management and employees. A grievance consists of any cause of complaint or dissatisfaction arising between the employer and the employee regarding terms or conditions of employment. Unless circumstances dictate otherwise, the following procedure should typically be followed to ensure that grievances receive full consideration.

Step 1: The employee should first attempt to resolve the grievance through discussions with his or her immediate supervisor.

Step 2: In the event the employee remains dissatisfied, the employee may submit a written grievance to his or her department head. Upon reviewing the grievance, the department head should, where practical, arrange a meeting with the employee within three (3) working days after receipt of the grievance and, where

practical, return a decision within seven (7) days of the meeting. Most complaints should be resolved at Steps 1 or 2.

Step 3: In the event the employee remains dissatisfied, or if the department head is the employee's immediate supervisor or the subject of the grievance, the employee may submit a written grievance to the Mayor. The grievance will be handled as set forth in Step 2. The Mayor's decision is final. If the Mayor is the subject of the grievance, the grievance shall be submitted to the Village Administrator for review and final decision.

The foregoing grievance procedure is a voluntary attempt to resolve grievances through discussion, and does not constitute a binding procedure. No decision issued within the grievance procedure is appealable to Council or to a court or other judicial or quasi-judicial body.

The Village will not retaliate or otherwise discipline an employee for asserting a grievance through the procedure outlined above, provided, however, that in pursuing a grievance, an employee is subject to the same Standard of Conduct applicable to his or her employment, and may be disciplined for violating that Standard of Conduct.

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