

ORDINANCE RECORD**VILLAGE OF NEWBURGH HEIGHTS, OHIO****ORDINANCE NO. 2022-40****INTRODUCED BY:** Mayor Traore

AN ORDINANCE AMENDING PERSONNEL POLICY MANUAL SECTION 505 ENTITLED "EMPLOYMENT TERMINATION" TO INCLUDE A SUBSECTION REGARDING THE RETURN OF VILLAGE EQUIPMENT AND PROPERTY AND SEPARATION FROM VILLAGE ONLINE ACCOUNTS, AND DECLARING AN EMERGENCY.

WHEREAS, Council wishes to provide guidance to employees regarding the return of Village equipment and property upon termination of employment;

WHEREAS, Council wishes to provide guidance to employees relating to categories of property that must be returned to the Village upon termination of employment, including electronic and digital property such as passwords and online accounts; and

WHEREAS, Council wishes to take steps to ensure continuity of Village access to and management of Village social media accounts and wishes to further clarify a terminated employee's obligations to preserve such continuity;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, CUYAHOGA COUNTY, OHIO, at least two-thirds of all the members elected thereto concurring, that:

Section 1. Council hereby amends Personnel Policy Manual Section 505 entitled "Employment Termination," as follows:

505 EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine.

TERMINOLOGY

Examples of some of the most common circumstances under which employment is terminated:

RESIGNATION - voluntary employment termination initiated by an employee.

DISCHARGE - involuntary employment termination initiated by the Village.

LAYOFF - involuntary employment termination initiated by the Village for non-disciplinary reasons. In the event the Village finds it necessary or in the best interest of Village operations to reduce personnel, the factors that the Village will consider in determining who will and will not be retained may include, but are not necessarily limited to, the importance of the job to the Village, the qualifications of the individual employee, employee performance evaluations, employee attendance records, employee records of corrective action, the length of service of individual employees, and such other job related criteria that must be considered in order to ensure that the reduction does not adversely affect operations.

RETIREMENT - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the Village.

SEPARATION PAY

Upon termination, resignation or retirement, an eligible employee shall be paid for any unused vacation to his/her credit as of the date of such separation. Vacation payment will normally be made to eligible employees within thirty (30) days of separation from employment with the Village.

The Village will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the Village of Newburgh Heights, or return of Village owned property. Suggestions, complaints, and questions may also be voiced.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

RETURN OF VILLAGE PROPERTY AND EQUIPMENT AND SEPARATION OF ONLINE ACCOUNT ACCESS

Any employee or appointed or elected official possessing property belonging to the Village of Newburgh Heights must, upon their resignation, termination, retirement or removal from employment or the appointed or elected office, promptly return Village issued or owned equipment and property to the Village, as hereafter described.

For purposes of this Section 505, Village issued or owned equipment and property shall mean and include, but not be limited to, any physical or tangible equipment or property, computer hardware and software, public records as defined in Ohio Revised Code Section 149.43, confidential information, documents and files in any format, including any physical form or any electronic, digital, audio, or other medium, online account information, passwords, social media accounts, bank accounts and/or other banking information, subscriptions, email accounts and addresses, Village cell phones including information and/or data stored thereon, and the like (collectively, "Village Property").

Upon any termination of employment or termination or removal from office, Village Property should immediately be relinquished to the designated person or department as associated by the role held. (a) Persons employed or contracted within a department should return all Village Property to the department head (i.e. Director, Chief, Commissioner) to which they directly reported during their employment with the Village. (b) Salary employees or those reporting to the Office of the Mayor should return all Village Property to the Mayor. (c) Appointed and Elected Officials should return all Village Property to the Clerk of Council. Upon termination of employment, employees or officials may be asked to sign an acknowledgment indicating that all Village Property has been accounted for and/or returned to the Village.

Examples of Village Property that must be returned upon termination of employment or termination or removal from elected office include, but are not limited to the following:

- Badge
- Banking Information
- Body Camera
- Cellular Phone
- Credit Card
- Email Account
- Keys / Key Fob / Access Card
- Laptop
- Passwords
- Public records

- Social Media Accounts (Facebook, LinkedIn, Zoom, Twitter, and all others which may be created or exist electronically or online)
- Subscriptions

Failure to abide by the terms of this Policy may violate Village ordinances.

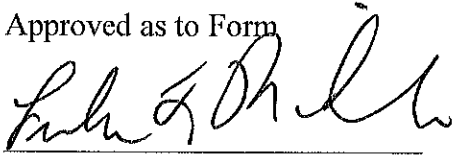
Section 2. Personnel Policy Manual Section 505 in existence immediately prior to the passage of this ordinance is repealed.


Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village, so that policies relating to the return of Village equipment, property and online separation are implemented immediately for the benefit of the Village and its employees; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

PASSED: June 7, 2022

Approved as to Form


Solicitor


Gigi Traore, Mayor
Village of Newburgh Heights, Ohio


Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 6-7-2022
2ND Reading: 6-7-2022
3RD Reading: 6-7-2022