

**BLACK CREEK TOWNSHIP  
PERSONNEL POLICY**

**-May 5, 2009-**

## TABLE OF CONTENTS

### CHAPTER 1 GENERAL

1.0 Introduction.....	5
1.1 Intent of Policies.....	5
1.2 Scope of Policies.....	5
1.3 Changing of Policies.....	5
1.4 Definitions.....	6

### CHAPTER 2 GENERAL POLICY AND PRACTICES

2.1 Equal Employment Opportunities .....	7
--	---

2.2 Harassment/Discrimination.....	7
2.3 Harassment/Discrimination Complaint Process .....	8
2.4 Employee Personnel Records.....	9
2.5 References .....	10

### CHAPTER 3 RECRUITING AND HIRING

3.1 Recruiting Employees .....	11
3.2 Hiring Employees.....	11
3.3 Temporary/Seasonal Employees .....	12
3.4 Probationary Period.....	13
3.5 Anti-Nepotism .....	13
3.6 Promotions and Transfers .....	14

### CHAPTER 4 HOURS OF WORK AND ATTENDANCE

4.1 Hours of Work and Overtime .....	15
4.2 Attendance .....	15
4.3 Breaks and Meal Periods .....	16
4.4 Layoffs/Call Back .....	16
4.5 Payroll Records .....	17

### CHAPTER 5 COMPENSATION

5.1 Pay Periods .....	18
5.2 Overtime .....	18
5.3 Payroll Deductions.....	18

## CHAPTER 6 JOB DESCRIPTIONS, PERFORMANCE EVALUATIONS AND TRAINING

6.1 Job Descriptions .....	19
6.2 Performance Evaluations .....	19
6.3 Training Policy .....	20

## CHAPTER 7 BENEFITS & REIMBURSEMENT POLICY

7.1 Retirement Benefits .....	21
7.2 Medical Insurance Benefits .....	21
7.3 Life Insurance Benefits .....	21
7.4 Employee Reimbursement and Travel Policy .....	21
7.5 Workers' Compensation Benefits.....	22

## CHAPTER 8 LEAVES OF ABSENCE AND TIME OFF

8.1 Vacation .....	23
8.2 Personal Leave Days .....	23
8.3 Sick Leave .....	23
8.4 Jury and Witness Leave .....	24
8.5 Military Leave .....	24
8.6 Family Medical Leave .....	24
8.7 Leave without Pay .....	29
8.8 Bereavement .....	29
8.9 Leave Reporting and Approval .....	30
8.10 Holidays .....	30

CHAPTER 9 EMPLOYEE RESPONSIBILITY AND CONDUCT

9.1 General Policy ..... 31

9.2 Outside Employment and Conflicts of Interest ..... 31

9.3 Political Activities ..... 32

9.4 Public Records..... 32

9.5 No Tobacco Use Policy ..... 33

9.6 Personal Possessions & Electronic Communications ..... 33

9.7 Use of County Equipment ..... 33

9.8 Use of County Vehicles ..... 35

9.9 Internet Use ..... 36

9.10 E-mail Use ..... 36

9.11 Bulletin Boards ..... 36

9.12 Contact with News Media ..... 37

9.13 Seat Belt Policy ..... 37

9.14 Driver’s License Requirements ..... 37

9.15 Safety ..... 37

9.16 Drug and Alcohol Policy and Testing Procedures ..... 38

9.17 Complaint Procedures ..... 38

CHAPTER 10 EMPLOYEE RELATIONS

10.1 Discipline ..... 40

10.2 Separation of Employment Policy ..... 41

10.2.A. Resignation ..... 41

10.2.B. Retirement .....	41
10.2.C. Job Abandonment .....	41
10.2.D. Termination .....	42
10.2.E. Release .....	42
10.2.F. Automatic Termination .....	42
10.2.G. Return of Property .....	42
10.2.H. Termination of Benefits .....	42
10.2.I. Rehire .....	42
10.2.J. Bar from Employment.....	42
10.3 Pre-Disciplinary Hearing .....	42
10.4 Death .....	42
CHAPTER 11 WHISTLEBLOWER POLICY .....	43
Acknowledgment .....	44
<b>Appendix A Harassment/Discrimination Complaint Form.....</b>	<b>45</b>
<b>Appendix B Background Check Authorization Form.....</b>	<b>48</b>
<b>Appendix C Drug &amp; Alcohol Abuse Testing Policy.....</b>	<b>49</b>
<b>Appendix D A List of Health and Safety Plans and Guidelines .....</b>	<b>52</b>

## **CHAPTER 1**

### **PURPOSE AND SCOPE**

#### **1.0 INTRODUCTION**

This Policy was created pursuant to Resolution No. \_\_\_\_\_, dated May 5, 2009 and serves as a general informational guide to the Township's current employment policies and shall not be construed as a contract or to create a contractual obligation. The Township reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as the Township Board of Supervisors deem necessary and appropriate. This Policy will supersede any of the previous policies approved by the Township.

#### **1.1 INTENT OF POLICIES**

These policies are not intended to be a contract, express or implied, or a guarantee of employment for any specific duration. No elected or appointed representative of the Township has the authority to enter into any agreement with any employee for employment for any specified period or to make any written or verbal commitments contrary to the foregoing, unless in writing, approved by a majority vote of the Township Supervisors.

## **1.2 SCOPE OF POLICIES**

These personnel policies apply to all Township employees and boards. These policies shall not apply to elected officials and independent contractors. However, the Township reserves the right to have certain policies apply to independent contractors and in such event the applicable policies will be written into the contract or referenced in the contract with the independent contractor. If any valid and effective collective bargaining agreement or employment contract does not have applicable language included in that agreement, these personnel policies will apply to those employees, even though they are covered by a contractor or collective bargaining agreement.

## **1.3 CHANGING THE POLICIES**

The Township Supervisors may change these policies from time to time. Employees may suggest future specific changes to these policies by submitting suggestions to the Township Supervisors. Such requests from employees may be considered and adopted by the Township Supervisors at their discretion.

## **1.4. DEFINITIONS**

A. At-Will Employee: Unless otherwise provided in a written employment contract between the Township and an employee, the Township does not offer tenured or guaranteed employment. Either the Township or the employee can terminate the



employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this Manual or any other Township documents or any verbal statement to the contrary.

B. Hourly Employee: An employee who is hired with an agreement of a fixed hourly wage with time and one-half compensation for hours worked over 40 hours per week.

C. Immediate Family: An employee's immediate family includes the employee's spouse or domestic partner, child, parent, siblings, mother-in-law and father-in-law, son-in-laws and daughter-in-laws, grandparents, grandchildren, and step relatives of the same degree listed above.

D. Part-time Employee: An employee who: (1) works on a regular basis, but fewer than 35 hours per week; (2) is someone who works less than a regular full-time scheduled employee; or (3) has been permitted to or requested to work a flexible schedule and thus cannot be considered a full-time employee.

E. Probationary Employee: Employees who have not yet completed their probationary period in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, they shall include probationary employees.

F. Regular Full-time Employee: An employee who: (1) has successfully completed his or her probation period; (2) has been certified to regular employment status; (3) regularly works at least 35 hours per week on a continuing basis; and (4) is eligible for Township Benefits, including time and half for every hour worked over 40 hours per week.

G. Salaried Employee: An employee who is a regular full-time employee paid a fixed dollar amount during a regular pay cycle, and has a regular schedule of work hours, which may be more or less than 40 hours per week.

H. Temporary/Seasonal Employee: An employee who holds a paid or unpaid job, of limited duration, arising out of special projects, abnormal workloads or emergencies.

## **CHAPTER 2**

### **GENERAL POLICY AND PRACTICES**

#### **2.1 EQUAL EMPLOYMENT OPPORTUNITY**

The Township is an equal employment opportunity employer. The Township employs, retains, promotes, terminates and determines terms and conditions of employment for all employees and job applicants without discrimination based on sex, actual or perceived sexual orientation or gender identity, race, color, religion, national origin, pregnancy, age, marital status, disability, or disabled or Vietnam-era or other veterans' status. Employees with life threatening illnesses, such as cancer, heart disease, or HIV/AIDS conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The Township will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when a substantial and unusual safety risk to fellow Township employees or the public exists.

#### **2.2 HARASSMENT/DISCRIMINATION**

A. The Township is committed to insuring that the practices and conduct of all its employees comply with the requirements of federal law and state laws against employment discrimination. To that end, the Township expects all employees to work

in a manner that respects the feelings and dignity of their co-workers. It is the policy of the Township that all employees have the right to work in an environment free from harassment/discrimination based upon their race, color, religion, gender, national origin, age, marital status, actual or perceived sexual orientation or gender identity, any physical or mental disability, or any other protected status or characteristic. The Township will not tolerate any such harassment/discrimination of employees by their co-workers, supervisors or by the Township's vendors.

B. For the purpose of this policy, "sexual harassment" is defined as unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes (1) sexual advances and other verbal or physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment decisions and (2) unwelcome verbal or physical conduct of a sexual nature that interferes with an employee's work or creates a hostile, intimidating, or offensive work environment. Some examples of sexual harassment include but are not limited to: (1) Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one's arm around another, or any other similar physical contact considered unacceptable by another individual. (2) Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment. (3) Verbal abuses or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing. (4) Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, use of derogatory language, office décor, suggestions, requests, demands, physical contacts, or attention.

C. For the purpose of this policy, "other harassment/discrimination" (non-sexual) is defined as verbal or physical conduct that denigrates or shows hostility or aversion

toward an individual because of such individual's protected status or characteristics such as his/her race, color, religion, gender, national origin, age, marital status, sexual orientation, and any physical or mental disability or that of his/her relatives, friends, or associates and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities. Examples of such harassment/discrimination includes, but is not limited to: using epithets, slurs, or negative stereotypes; or threatening, intimidating, or engaging in hostile acts that relate to protected statuses or characteristics such as those referred to above (including purported jokes or pranks or placing on walls, bulletin boards, or elsewhere on the work premises or circulating in the workplace written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic).

D. EEO and Harassment Policy Posting and Training Requirements. The Township may implement posting policies and training requirements to ensure compliance with the Policy in the future.

## **2.3 HARASSMENT/DISCRIMINATION COMPLAINT PROCESS**

A. An employee who believes that he or she is being harassed or discriminated against in violation of this policy should report the incident promptly after the cause has occurred or should have been discovered.

B. A complaint can be made verbally or in writing to the employee's immediate supervisor, or any Township Supervisor.

C. The complaint form is Attachment B is available from the Township, may be used to file a written complaint hereunder. A harassment or discrimination complaint will be handled as follows: (1) Every complaint is to be reported promptly to the immediate supervisor or any member of the Board of Supervisors, either by the complainant or by the person receiving the complaint. (2) The complaint will be immediately investigated. However, choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred. (3) Confidentiality will be maintained throughout the investigation process to

the extent practical and consistent with the Township's need to undertake a full investigation. (4) There shall be no retaliation by the Township, its officers, elected officials, supervisors, management, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment/discrimination complaint. (5) Where the investigation confirms the allegations, the Township Supervisors will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation. (6) There may be instances in which an employee reporting harassment/discrimination seeks only to discuss the matter informally and does not wish the Township to undertake an investigation or to take further steps. The Township will attempt to honor the wishes of the reporting individual. In such situations, the Township may arrange some informal mechanism for resolving the issues. However, an individual reporting harassment/ discrimination should be aware that the Township might decide it must take action to address the harassment/discrimination beyond informal means.

D. The Township Supervisors shall be responsible for disseminating information on the Township's Policy against sexual and other kinds of harassment/discrimination, for developing training programs and guidelines for preventing sexual or other forms of harassment/discrimination, and for investigating and resolving allegations of harassment/discrimination.

E. The Township Supervisors or any person(s) designated by the Township Supervisors, including one or more of the Supervisors, a person in a management or supervisory capacity, or a department head may be assigned the responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action where warranted. The Township Supervisors or any person(s) designated by the Township Supervisors must open and maintain channels of communication to permit employees to raise concerns of sexual or other harassment/discrimination without fear of retaliation, stop any observed harassment/discrimination, and treat harassment/discrimination matters with sensitivity, confidentiality, and objectivity. An employee's failure to carry out these responsibilities may be reflected in a performance review or salary adjustment or may result in discipline or termination.

## **2.4 EMPLOYEE PERSONNEL RECORDS**

A. A permanent personnel file for each employee shall be maintained under the control of the Township Supervisors. Personnel files shall be kept in the Township Office located within the Municipal Building. Access to personnel files is limited to the employee's immediate supervisor and the Township Supervisors, unless otherwise required by law. An employee's personnel file will include the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.

B. An employee has the right to review his or her file. An employee may request removal of irrelevant or erroneous information in his or her personnel file. If Township Supervisors deny the employee's request to remove the information, the employee may deliver a written rebuttal statement to the Township Supervisors to be placed in his or her file.

C. Personnel files are kept confidential to the maximum extent permitted by law. Thus, generally speaking, except for routine verifications of employment and information subject to disclosure under the law, no information from an employee's personnel file will be released to the public, including the press, without a written request or authorization from the employee for specific information. This paragraph is subject to the provisions of the Pennsylvania Right-to-Know Law, as amended.

## **2.5 REFERENCES**

The Township does not give references other than to confirm the dates of employment, position and last salary. This information may only be provided by Township Supervisors or their designee.

**CHAPTER 3**  
**RECRUITING AND HIRING**

**3.1 RECRUITING EMPLOYEES**

A. Unless the position is filled through departmental promotion of a current employee, it is the policy of the Township that all vacant regular, full-time and part-time employment positions with the Township will be filled only after publicly advertising the position.

B. Recruiting practices are conducted without discrimination as to race, color, religion, national origin, sex, marital status, pregnancy, disability, age, or disabled or Vietnam-era or other veterans' status.

C. Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the Township's official application.

D. Any applicant supplying false or misleading information will be eliminated from consideration and is subject to immediate termination, if hired before the falsification is discovered.

### **3.2 HIRING EMPLOYEES**

A. When a position becomes vacant, and prior to any posting or advertisement of the vacancy, the Township Supervisors shall review the position, its job description and the need for such a position. The Township Supervisors shall then be responsible for filling a newly created position. Current employees of the Township may apply for promotions, transfers or voluntary demotions once the job vacancy is advertised. The Township Supervisors may waive the procedure for first taking applications of current employees if it is deemed to be in the best interest of the Township.

B. Residency within the Township shall not be a condition of employment provided, however, an employee's selection of residence shall not interfere with the daily performance of his or her duties and responsibilities.

C. Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least eighteen (18) years of age and will be required to present a valid Pennsylvania driver's license with any necessary endorsements. Driving records of applicants will be checked for the previous three to five (3-5) years. Applicants with poor driving records, as determined by the Township, may be disqualified from employment with the Township in positions requiring driving.



D. The Township Supervisors must perform personal interviews of qualified applicants prior to an offer of employment. However, the Supervisors may designate a committee, employee, or one or more of the Supervisors to perform the personal interviews and make recommendations to the Township Supervisors prior to an offer of employment. The Township reserves the right to not interview any applicant who does not meet the minimum qualifications established for the position advertised.

E. The Township may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the Township. The Township may contract with any competent agency or individual to prepare and/or administer examinations. The Township may also conduct certain background procedures as required by law. Examples of such procedures include, but are not limited to:

requiring applicants/employees to show proof they are authorized to work in the United States, child abuse, criminal and credit history background checks, educational credentials, including diplomas, transcripts and/or certifications. For certain higher level positions, an application fee may be required to cover the costs of this research.

When applicable, the State Police, or a designee of the Township Supervisors will conduct the research. Each applicant will be required to authorize the examinations or research by completing and signing the Background Check Authorization form (Appendix C).

F. After an offer of employment has been made and prior to commencement of employment, the Township may require persons selected for employment to successfully pass a medical or psychological examination related to the position offered, which may include testing for alcohol and controlled substances. Drug and alcohol testing will be governed by the Pennsylvania Department of Transportation (Penn DOT) procedures for collecting the samples, laboratory analysis and reporting results as contained in the Township's Drug and Alcohol Abuse Testing Policy (Appendix D). Changes in Penn DOT procedures will become part of this policy, when necessary, to assure continued Penn DOT funding.

G. A candidate may be disqualified from consideration if: (1) found to be physically or mentally unable to perform the duties of the position, and the individual's

condition cannot reasonably be accommodated in the workplace; (2) the candidate refuses to submit to a pre-employment medical or psychological examination or to complete medical history forms; or, (3) if the pre-employment exam reveals use of alcohol and/or controlled substances.

### **3.3 TEMPORARY/SEASONAL EMPLOYEES**

A. With approval of the Township Supervisors, or their designee, temporary/seasonal employees may be used during emergencies or other peak workload periods; or to temporarily replace regular employees absent due to disability, illness, vacation, or other approved leave; or to temporarily fill a vacancy until a regular employee is hired.

B. Temporary/seasonal employees are eligible for overtime pay as required by law. Temporary/seasonal employees do not normally receive retirement, vacation, sick leave, health insurance, holiday, or any other benefits during their employment.

C. Employment of minors will only be allowed on a temporary, part-time basis, and only in accordance with Child Labor Laws.

### **3.4 PROBATIONARY PERIOD**

A. All newly hired employees, or former employees who have been rehired, or employees promoted to a new classification, enter a probation period, which is considered an integral part of the selection and evaluation process. During the probation period an employee is required to demonstrate suitability for the position through actual work performance.

B. The normal probation period is six (6) months from the employee's date of hire, rehire or promotion.

C. An employee's probation period may be extended for up to an additional six (6) months when needed due to circumstances such as extended illness or a need to continue to evaluate an employee's performance.

D. During the probationary period, all full-time employees are covered by benefits as described in Appendix E.

E. During the probation period, the employee may be terminated at any time, with or without cause. Completion of the probationary period does not change employment status as an "at-will" employee unless the employee has a contract that states otherwise.

F. When a department head, supervisor, or Manager determines an employee has satisfactorily completed the probation period, that person shall prepare a written performance evaluation and shall notify Township Supervisors or their designee. If the probation period is satisfactorily completed, the employee shall be notified in writing of regular employment status and until so notified shall be a probationary employee.

### **3.5 ANTI-NEPOTISM**

A. No elected Township official, employee of the Township, or any member or employee of any board or commission within the Township shall be allowed to hire a member of his/her immediate family or the spouse or child of a member of his/her immediate family.

B. It is the policy of the Township, that the Township will not hire a person if a member of that person's immediate family is engaged in an administrative and/or supervisory capacity within the same department. These persons may however, be considered for employment in other Township departments.

C. This policy will not supersede the legal right of the hiring prerogatives of elected officials.

D. This policy is meant to convey to the general public the Township's intent regarding open employment.

E. Any employee holding a Township position at the time this Policy takes effect, who held the same position at the time of its approval, shall not be prevented from continuing in the position by the provisions of this section of the Policy.

### **3.6 PROMOTIONS AND TRANSFERS**

A. The Township encourages current employees to apply for vacant Township positions for which they are qualified. Promotions and transfers are based on the recommendation of the department head, supervisor, manager, or a committee chairperson, work force requirements, performance evaluations, job descriptions and related Township qualifications and requirements, and will be subject to approval by Township Supervisors, or their designee, where applicable.

B. Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his or her probation period and possess the qualifications for the vacant position.

C. After promotion to a new position, a new probation period of six (6) months must be completed. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held by the employee, if such position is vacant.

## **CHAPTER 4**

### **HOURS OF WORK AND ATTENDANCE**

#### **4.1 HOURS OF WORK AND OVERTIME**

A. All employees are required to be present for the work scheduled for their specific work function. Full-time employees who report to work at the Township Municipal Building are generally expected to work between 7:30 A.M. and 3:00 P.M., Monday through Friday. The normal work schedule for public property employees such as streets, who report to the Township Garage are generally expected to work from 7:00 A.M. to 2:00 P.M., Monday through Friday. Employees are entitled to a half hour unpaid lunch period to be scheduled with their supervisor. Upon application, the Township Supervisors may grant an employee an alternate work schedule. The decision to grant an alternate work schedule shall be based on factors including but not limited to employee justification for the alternate schedule, the needs of the Township, and compatibility with schedules of coworkers.

B. The ability to routinely report to work on time and regularly is an essential function of all Township employment positions.

C. The delivery of municipal services often requires employees to work overtime. Hourly employees will be paid time and one half for all hours worked over 40. The employee's direct supervisor, or the Township Supervisors must approve overtime in advance. The Township has no jobs that guarantee overtime, or a specified amount of overtime. Every effort will be made to distribute overtime work as fairly as possible among the employees performing the same or similar work in the same department on the same shift.

D. Salaried employees are expected to work the number of hours that it takes to successfully complete their job assignments and responsibilities. This may include attendance at evening meetings and other activities that take place outside the normal work schedule, which are associated with the responsibilities of their position. Under certain circumstances, with the approval of the Township Supervisors, salaried employees may be granted additional time off when a project requires the employee to work exceptionally extended hours.

## **4.2 ATTENDANCE**

A. Punctual and consistent attendance is a condition of employment. The immediate supervisor of the department, or the Board of Supervisors when there is no immediate supervisor, is responsible for maintaining an accurate attendance record of his or her employees.

B. Employees unable to work or unable to report to work on time should notify their immediate supervisor, or one or more members of the Board of Supervisors as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employees usual starting time or scheduled shift. If an absence continues beyond one day, the employee is responsible for reporting in each day. If no supervisor is available, the employee shall leave a message at the Township Office stating the reason for being late or unable to report for work.

C. Employees are expected to be at work during inclement weather. A liberal leave policy will be implemented in certain weather or emergency situations determined

by the Township Supervisors, not by any individual department head or supervisor. When a liberal leave policy is enacted by the Supervisors, every office is expected to be operational during regular hours, but may be done so with a limited staff. It is the department head or supervisor's responsibility to ensure that the office is open and operational.

D. Employees, who arrive late, leave early, or call off due to hazardous weather conditions may be authorized to use any form of leave that they have accrued, not anticipated, except for sick time. Employees, when calling off, must state the type of leave they wish to utilize. If the employee fails to call off within the prescribed time, designated by their individual office, they will be unexcused without pay. Leave may be denied by the department head, supervisor, or Board of Supervisors within reason, if it is necessary to maintain an operational staff in order to conduct business.

E. The Township Supervisors, or their designee, will make the announcement of the liberal leave policy or when a closing is in effect.

F. An employee who is excessively absent (frequent or extended absences, even though legitimate) or excessively late (a continued pattern of late arrivals) without authorization or notification is subject to disciplinary action, including possible termination.

#### **4.3 BREAKS AND MEAL PERIODS**

Employees shall be allowed to take one (1) fifteen (15) minute break for every scheduled four (4) hours worked. All breaks and meals shall be arranged so that they do not interfere with Township business or service to the public. The employees' department head, supervisor or the Board of Supervisors shall schedule meal periods. The scheduling of meal periods may vary depending upon department workload.

#### **4.4 LAYOFFS/CALL BACK**

A. The policy of the Township is to do what it can to keep employees working and to avoid the need for layoffs. There may be occasions, however, due to budgetary conditions or for other reasons when the Township simply cannot schedule all of its employees for work. If this occurs, the Township will make every effort to inform employees at that time of the anticipated duration of the layoff. In such cases, one of the following types of layoffs may occur:

(1) Temporary Layoff. When it appears from all of the information available at the time that the amount of work will be sufficient for employees to be recalled within three (3) months, employees will be placed on a temporary layoff. These employees will remain covered by the group insurance plan for one (1) month at the Township's expense and thereafter remain covered under the Township's group insurance plan with the employee paying the costs of the coverage for the remainder of the layoff. If conditions change and the layoff must exceed three (3) months, the status of the employees will be converted to permanent layoff.

(2) Permanent Layoff. A permanent layoff is one, which occurs in circumstances where the Township is reasonably certain that no recall will take place within three (3) months. Permanently laid off employees will have their monthly insurance coverage continued at the Township expense for one (1) month and may then convert to an individual policy.

(3) All layoffs will be based on the following factors: i. Temporary employees and those who are on warning for misconduct, poor performance, excessive absenteeism, or excessive lateness will ordinarily be laid off first. Length of service will play a major role in determining the remaining layoffs. However, the Township will also consider performance evaluations, development potential, affirmative action, and unique skills.

B. Call back or reemployment: When an employee's service is terminated and that employee is subsequently employed again with the Township, this is termed a "call back" or "reemployment." Should a former employee be reemployed within six (6) months from the effective date of the termination, the reemployment may be considered to be a reinstatement. If the employee has been gone longer than six (6) months from the



effective date of his/her termination before being employed again the reemployed person is treated as a new employee.

#### **4.5 PAYROLL RECORDS**

A. Time clocks are used to record the time worked by all hourly employees.

Time cards for all other employees are the responsibility of the Township Supervisors or a designated supervisor. Time sheets are submitted and maintained in the Township Office.

B. Employees have the option of viewing their payroll records after giving adequate notice to the Township Supervisors.

## **CHAPTER 5 COMPENSATION**

### **5.1 PAY PERIODS**

Employees are paid biweekly, every other Thursday. Whenever a payday falls on a holiday, paychecks will be distributed on the preceding workday. The Township reserves the right in the future to implement a program to permit the employee an option of having his/her paycheck automatically deposited into a checking or savings account.

### **5.2 OVERTIME**

Employees who work not more than 40 hours in a work week (midnight Sunday to 11:59 pm the following Saturday) receive 1-hour pay for each such hour worked.

When such employees work in excess of 40 hours in a work week, those hours over 40 will be compensated at time-and one-half (1 ½) times their regular hourly pay.

Employees are not to work in excess of scheduled hours without specific prior approval from the Township Supervisors, or the employee's immediate supervisor, if designated by the Board of Supervisors. For overtime calculation purposes, paid time except paid sick leave shall be counted as time worked for the purpose of calculating

overtime. Unworked meal time (for example, the standard, daily, lunch period) or time when an employee is schedule for work but is on unpaid approved leave or holiday pay, is not time worked for overtime calculation purposes. When an employee is

required to attend a Township function (such as seminar, or meeting) away from their Township office, the time spent working at the function shall be compensated on a straight-time pay for the first 5 hours after 35 hours in a work week or a 1 ½ normal hourly rate of pay basis for hours over 40 in a work week, as previously referenced.

### **5.3 PAYROLL DEDUCTIONS**

Salaries or wages paid to employees reflect a gross amount less mandated deductions for Social Security, Federal, State, and local taxes, as well as, for such other benefits as may be elected by the employee in accordance with this policy.

**CHAPTER 6**  
**JOB DESCRIPTIONS, PERFORMANCE EVALUATIONS AND TRAINING**

**6.1 JOB DESCRIPTIONS**

The Township will develop and maintain current job descriptions for all established and authorized positions. The Township Supervisors will develop all job descriptions and establish pay or salary rates for each position.

**6.2 PERFORMANCE EVALUATIONS**

Performance evaluations provide the opportunity to discuss job strengths, job tasks, identify and correct weaknesses, encourage and recognize achievements, and to determine goals and the best approaches for meeting those goals. Township Supervisors, or their designee, may hold such evaluations periodically. Supervisors and employees are encouraged to discuss job performance and goals on an informal, day-to-day basis. Performance evaluations are considered as a factor when the budget is being configured and raises for the following year are being determined. Evaluations are scheduled to commence in the 2009 calendar year.

A. All Township employees shall be subject to evaluation by the Township Supervisors, or their designee, of the performance of their duties. These evaluations shall take into consideration the quality of the employee's work and the extent of his/her compliance with the provisions of this Policy and the job description and performance goals for the position during the period in review.

B. Performance evaluations shall take place in, or about, the month of December of each year, or on or about the anniversary of the effective date of the non-probationary

employee. Performance reviews for probationary employees shall take place within one month prior to the expiration of the probationary period and are likely to occur with relatively greater frequency during the probationary period. The December review shall include establishment of goals for the coming year, including reference to the employee's role in achieving the goals and objectives established by the Township Supervisors for the employee's department. A comparable goal-setting review shall be held with new hires and new promotions at the time of hire or promotion to establish initial goals for the position.

C. The results of the annual or probationary evaluations shall be in writing, and copies shall be maintained in the employee's employment file. In addition to the annual or probationary evaluations, employees may be subject to interim evaluations, at the discretion of the Township Supervisors, or their designee, or at the request of the employee. Interim evaluations will be in writing. Thorough, diligent, effective performance is expected to be the norm.

D. The Township will utilize performance evaluations as the basis for awarding any pay increments and, if unsatisfactory ratings are given, possibly as a ground for disciplinary action, demotion, or dismissal. Consistently poor attendance/tardiness records and a poor workplace attitude are, standing alone, basis for an unsatisfactory evaluation and are factors which will be taken into consideration in compensation, promotion, demotion, and other decisions.

### **6.3 TRAINING POLICY**

Township Supervisors may require employees, or employees may request from time to time to participate and attend relevant seminars, programs and other training events. Request by employees must be in accordance with the following:

A. All requests to attend training activities are to be made in writing to the Township Supervisors at least 45 days prior to the scheduled seminar, program or training event. Permission to participate will be contingent upon program relevance, employee workload, and budget sufficiency.

B. The Township will pay expenses related to attendance at approved training events, including travel, meals and lodging. Such reimbursements will be approved for payment at the next regularly scheduled meeting of the Township Supervisors following the date of receipt of the invoice by the Township Supervisors.

C. Graduate-level course work or similar academic study is not considered training and therefore is not to be pursued during regular hours of work. All staff training is limited to the Township's budgetary restriction.

## **CHAPTER 7**

### **BENEFITS & REIMBURSEMENT POLICY**

Details of all insurance benefits are provided in separate summary plan descriptions provided to employees when they become eligible to participate. The following is only a summary of current programs. The Township intends to continue these programs indefinitely, but may modify or discontinue a program.

## **7.1 RETIREMENT BENEFITS**

Regular full-time employees may be eligible for retirement benefits provided by the Township Retirement Plan. The details of the Plan can be found in the Black Creek Plan Description, a copy of which may be obtained upon request of the Board of Supervisors.

## **7.2 MEDICAL INSURANCE BENEFITS**

The Township currently offers regular full-time employees who have been employed by the Township for at least 30 days health insurance coverage. The type of plan and coverage shall be within the sole discretion of the Township Supervisors, is unilaterally selected by Township Supervisors, and may be changed from time to time within the sole discretion of Township Supervisors. The Secretary will assist employees in making the necessary arrangements for enrollment. A complete description of the plan is provided to each employee prior to the employee's enrollment, or upon request.

## **7.3 LIFE INSURANCE BENEFITS**

A life insurance policy may be provided to full time regular employees. The type of plan, benefit level, and administrator shall be as determined from time to time by the Township Supervisors. Specific coverage and information will be provided from time to time by the Township Supervisors, if the same is made available to employees.

## **7.4 EMPLOYEE REIMBURSEMENTS AND TRAVEL POLICY**

The Township will assume or reimburse the employee for all reasonable business expenses incurred in carrying out work assignments. It must be emphasized, however, that these expenses should be on a conservative basis consistent with the employee's normal living standards. All requests for reimbursement must be properly invoiced to the Township Supervisors and will be approved for payment at the next regularly scheduled meeting of the Township following the date the invoice is received by Township Supervisors. All such reimbursements must be pre-approved before incurred, otherwise, the Township may deny such reimbursement requests.

## **7.5 WORKERS' COMPENSATION BENEFITS**

Workers' compensation coverage is available in the event of an on-the-job injury of any employee. In the event of any work-related injury, an employee is entitled to either workers' compensation or sick leave payments, provided, however, that sick leave may only be utilized to cover a statutory "waiting" requirement. Any worker's compensation reimbursement for such time must be signed over to the Township and, in the event of dual compensation for any reason, the employee will remit to the Township the amount of any earnings that were so duplicated.

**CHAPTER 8**  
**LEAVES OF ABSENCE AND TIME OFF**



## 8.1 VACATION

A full time regular employee is entitled to annual (vacation) leave, which is to be scheduled at least 30 days in advance with the approval of Township Supervisors, or their designee. Annual leave is earned as follows:

Length of Service	No. of Vacation Days
First two (2) years	10 days
Three (3) years but less than nine (9) years	15 days
Nine (9) years but less than sixteen (16) years	20 days
Sixteen (16) years but less than twenty-one (21) years	22 days
Twenty-one (21) years and over	25 days

Computation- The length of service for purposes of vacation eligibility shall be determined as of January 1st of each year.

Accumulation – Employees may not carry over any vacation days to a succeeding employment year.

Termination – Upon termination, an employee is compensated for the days of annual leave, which have been accumulated but have not been used. An employee who has taken vacation days beyond those actually earned, as prorated above, shall reimburse the Township for the cost of those days. The rate of compensation or reimbursement, as

the case may be, is at the employee's average salary/wage rate for the immediately preceding twelve months.

## **8.2 PERSONAL LEAVE DAYS**

The Township Supervisors may grant to each employee unpaid personal days each year. An employee must apply for approved unpaid personal leave from work. Decisions on whether a personal leave of absence can be granted will be based upon the employee's reason for the leave, current workload, and the critical importance of the employee's job assignment.

## **8.3 SICK LEAVE**

A. Employees, who become ill, have an accident, or who are otherwise unable to work are required to notify their immediate supervisor, the Township Supervisors, or must notify the Township Office as soon as possible. All sick leave must be approved by the Township Supervisors, and the Township Supervisors reserve the right to require a doctor's certificate to determine eligibility or prior to permitting an employee to return to work.

B. Whenever possible, employees are expected to schedule required visits to the doctor or dentist before or after their normal work schedule. However, the Township recognizes that occasions occur when an employee must schedule a visit with a doctor or dentist or other health care provider during normal working hours. In those cases, with the prior approval of the employee's immediate supervisor, or the Board of Supervisors, an employee may take time off. Time used must be charged either to vacation time or sick leave.

## **8.4 JURY AND WITNESS LEAVE**

Court Duty – All regular full-time employees called for jury duty or subpoenaed to court will be excused with pay for time lost during the normal workweek. Employees shall be limited to one call to jury duty per year, and the benefit is not available when the employee volunteers for jury duty. Employees on jury duty shall receive the difference between the jury duty pay and the employee's regular straight time hourly rate, not to

exceed two (2) consecutive weeks. If an employee is excused from jury duty and reasonable time remains to work part of the employee's regular shift, the employee is expected to return to work for the remaining part of the shift.

## **8.5 MILITARY LEAVE**

Employees who are members of the United States Armed Forces Reserves or the Pennsylvania National Guard are entitled to up to 15 days of paid leave per year whenever called into active duty or other authorized activity. In addition, the Township shall adhere to the requirements of 51 Pa. C.S.A. Sections 7302 to 7317.

## **8.6 FAMILY MEDICAL LEAVE ACT**

A. Overview. This policy establishes guidelines and procedures for leaves under the Family & Medical Leave Act of 1993 (FMLA). This policy applies to all employees; however, if it conflicts with a collective bargaining agreement or interest arbitration award, the conditions of leave for bargaining unit employees will be governed by the respective agreement/award. All employees requesting leave must submit, in writing, to the Township Supervisors for placement on the Supervisors' Agenda for approval. All full-time employees, who have been employed by the Township for at least 12 months are eligible for Family & Medical Leave. An employee who meets the eligibility requirements may receive up to 12 weeks of leave and continuation of health benefits coverage (if applicable) for qualified events within each 12-month period. This leave may be taken as continuous leave or, depending upon the nature of the qualifying event, on an intermittent basis. A rolling 12-month period, measured backward from the date the leave will begin, will be used to calculate the amount of leave available to an employee. For example, if the employee has taken eight weeks of Family & Medical Leave within the past 12 months, the employee has available a balance of four weeks. Family & Medical Leave provides job security and continuation of benefits. It does not provide paid leave. However, if an employee has paid leave available (vacation, sick, personal) that leave must be used concurrently with Family & Medical Leave. Paid leave will count as part of the 12 weeks of leave to which the employee may be entitled under this policy. Once paid leave is exhausted, or if paid leave is not available, time on Family & Medical Leave is unpaid.

B. Qualified Events.

1. The birth of an employee's child, or placement of a child with the employee for adoption or foster care;

2. Care of a family member (spouse, dependent child or parent, but not parent-in-law) with a serious health condition;

3. Serious health condition of an employee, which renders the employee unable to perform the functions of his/her position.

### C. Definitions

A "**serious health condition**" is an illness, injury, impairment, or physical or mental condition that involves: 1. Inpatient care: an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity which results in inability to work, attend school or perform other regular daily activities due to the serious health condition, or treatment for or recovery from the serious health condition, or any subsequent treatment in connection with this inpatient care; or 2. Continuing treatment by a health care provider: a serious health condition involving continuing treatment by a health care provider includes any one or more of the following: a. A period of incapacity involving an inability to work, attend school, or perform other regular daily activities due to the serious health condition, or treatment for or recovery from the serious health condition which lasts longer than three consecutive calendar days, and any later treatment or period of incapacity related to the same condition, that also involves: i. two or more treatments by a health care provider, by a nurse or physician's assistant under a health care provider's direct supervision, or by a provider of health care services under orders of or on referral by, a health care provider; or ii. treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. b. Any period of incapacity because of pregnancy, childbirth, or for prenatal care. c. Any period of incapacity or treatment for an incapacity due to a chronic serious condition which: i. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; ii. continues over an extended time period, including recurring episodes of a single underlying condition; and iii. which may cause episodic periods rather than one continuing period of incapacity (examples include asthma, diabetes, epilepsy, migraine headaches, etc.). d. A period of incapacity that is permanent or long-term because of a condition for which treatment may not be effective (examples include Alzheimer's, a severe stroke, or the terminal stages of cancer).

e. Any period of absence to receive multiple treatments (and any period of recovery from those treatments), by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely cause a period of incapacity of more than three consecutive calendar days if there were no medical intervention or treatment (examples include chemotherapy, radiation, etc. for cancer; physical therapy for severe arthritis; and dialysis for kidney disease). f. Dental appointments, eye exams and similar routine procedures are not considered serious health conditions. Ordinarily, minor health problems such as the common cold, flu, earaches, upset stomachs, headaches (other than migraine), and routine cosmetic surgery are not considered as “serious health conditions” for FMLA purposes unless complications arise. g. Family & Medical Leave is available for treatment for substance abuse (provided the employee otherwise meets the conditions for a “serious health condition”), but not for absences due to drug use or time off to recover from drug use.

A "**health care provider**" is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices. The definition also includes podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers, and Christian Science practitioners. These professionals must be performing “within the scope of their practice as defined under state law.”

A “**family member**” consists of spouse, parents (biological or “loco parentis,” which does not include in-laws), children (biological, adopted, step and foster) under the age of 18, or children who are over the age of 18 who are incapable of self-care.

D. Coordination with Other Leaves. Family & Medical Leave is unpaid, unless covered by another policy, such as workers’ compensation, or unless an employee has available paid leave. If not covered by another policy, all available paid leave (vacation, sick, personal) must be used concurrently with Family & Medical Leave. Paid leave will

count as part of the 12 weeks of leave to which the employee may be entitled under this policy. Once paid leave is exhausted, or if paid leave is not available, time on Family & Medical Leave is unpaid. For example, if an employee has paid vacation leave available, the employee must take such paid vacation leave, and such leave will count as part of the 12 weeks under this policy. As further example, if an employee is entitled to workers' compensation, the employee must take the workers' compensation, and such leave will count as part of the 12 weeks under this policy. The order in which paid leave is used, depends upon the qualifying event: 1. Employee's own serious health condition – The employee may use available paid leave in any order. 2. Serious Health Condition of Spouse/Dependent – Each year, an employee may use up to five days of sick leave before using vacation or personal leave. If all vacation and personal leave is exhausted before the conclusion of Family & Medical Leave, the employee may use additional sick leave. 3. Childbirth (Male Employee) – Follow the same guidelines as provided above in #2. 4. Childbirth (Female Employee) – The employee may use available paid leave in any order through the date on which she is medically released to return to work (normally six or eight weeks after delivery). If additional Family & Medical Leave will be taken, the employee must exhaust available vacation and personal leave before using additional sick leave. 5. Adoption or Placement for Foster Care – The employee would first use available vacation and personal leave. If vacation and personal leave is exhausted before the conclusion of Family & Medical Leave, the employee may use sick leave. An employee may reserve up to five days of sick leave for use upon his/her return to work. If a designated county holiday falls while the employee is on paid leave, the employee receives holiday pay for that day. If the employee is on unpaid leave, no holiday pay is granted. Vacation, sick leave, and personal leave do not accrue while the employee is in an unpaid status.

E. Benefits Continuation During Leave While on Family & Medical Leave. An employee retains all health benefits. If the employee is on unpaid leave and has enrolled for supplemental benefits, the employee is responsible for making payments directly to the provider.

F. Duration of Leave. The length of Family & Medical Leave is limited to a total of 12 weeks within each month period. A total of 12 weeks of leave is available even if an employee experiences more than one qualifying event per year. Generally, the employee may determine the length of leave desired following the birth of the employee's child or placement of a child with the employee for adoption or foster care.

Leave for one of these reasons must be completed within 12 months from the date of birth or placement and may not be taken on an intermittent basis, unless medically necessary. The amount of leave available for a serious health condition is based upon the professional opinion of a qualified healthcare provider. "Twelve weeks of leave" equates to 480 hours for a full-time employee on a 40-hour workweek. To determine the entitlement for a part-time employee, multiply the number of hours in a normal workweek by 12.

G. Intermittent or Reduced Leave. Scheduled Employees may take leave on an intermittent or reduced leave schedule, if medically necessary for a serious health condition of the employee or the employee's spouse, child or parent. Intermittent leave is taken in separate blocks of time; it may consist of days, weeks, or hours, but the total cannot exceed 12 weeks. Intermittent leave may include time off for medical treatments, such as chemotherapy, dialysis, physical therapy, etc. If an employee requests leave on this basis, the Township may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence, if the position has equivalent pay and benefits. When intermittent leave is required for medical treatments, the employee must schedule appointments in a manner that causes the least disruption to the operations of the department.

H. Request for Leave/Medical Certification. When an employee can foresee the need for leave (such as leave for birth or adoption of a child or planned medical treatment), the employee must, if able to do so, give reasonable prior notice and try to schedule leave so as not to disrupt the Township operations. In case of an emergency, the employee must provide a verbal notice to his/her supervisor at the earliest possible time (within one to two business days). An employee requesting leave under this policy shall complete a Family/Medical Leave of Absence Request form accompanied by a completed Certification of Healthcare Provider Form. These forms must be completed and returned to the department head at least 30 calendar days before taking leave, or within 15 calendar days following an emergency. The Township will require medical certification from a qualified healthcare provider to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. For the employee's own medical leave, the certification must include a statement that the employee cannot perform the functions of his or her job. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee will be needed to provide care. All requests for leave of absence due to illness must include the following sufficient medical certification attached to the written leave request: 1. the date when the serious health condition began;

2. the probable duration of the condition; and 3. the appropriate medical facts, which the health care provider knows about the condition. In the case of intermittent leave or leave

on a reduced leave schedule for planned medical treatment, the certification must state the dates when such treatment is planned and how long the treatment will take.

The Township, at its expense, may require an examination by a second medical provider designated by the Township, if it reasonably doubts the medical certification initially provided. If the first and second opinions differ, the Township, at its expense, may require the binding opinion of a third health care provider, approved jointly by the Township and the employee. The Township reserves the right to require periodic medical updates. Furthermore, the Township also reserves the right to require recertification no more often than once every 30 days. Provided, however, if the original certification is for more than 30 days, no recertification may be required until the initial certification period expires. Requests for recertification may be more frequent if the employee requests an extension of the leave, if conditions have significantly changed, or if information arises which casts doubt on the stated reason for the absence. The employee must provide the recertification within 15 calendar days after the Township requests it. If the employee's healthcare provider fails to cooperate by completing the Certification of Healthcare Provider form, or fails to complete the form on a timely basis, the employee is expected to find a healthcare provider who will meet the deadline. If the employee never provides the Certification of Healthcare Provider form, the Township may refuse to designate or may remove its conditional designation of the leave as Family & Medical Leave.

I. Periodic Status Reports. While on leave, the employee may be periodically required to contact his/her supervisor regarding the status of the condition and intention to return to work. Employees must also give notice as soon as practical (within two business days) if the dates of leave change. If the dates of leave were initially unknown, the employee must contact his/her supervisor within two business days, once this information is available.

J. Return to Work After Leave. When an employee returns to active employment, he/she shall return to the same or an equivalent position with equivalent employee benefits and compensation and other conditions of employment. "**Equivalent**" means substantially the same but not exactly equal. "Key Employee" Exception: If the employee on leave is a salaried employee and is among the highest paid ten percent of all Township employees within 75 miles of the employee's worksite, and keeping the job open for the employee would result in substantial economic injury to the Township, leave is provided, but reinstatement can be denied. In this situation, however, the employee will be given an opportunity to return to work before the Township fills the position. If the employee was on leave for three or more days for his/her own serious health condition, the employee



must present written certification from the health care provider indicating that the employee is able to return to work. The certification must be provided to the employee's supervisor on the day the employee returns to work.

K. Extension of Leave. Any request for an extension of leave following the conclusion of Family & Medical Leave, or any leave taken in excess of the 12-week period, will be considered on an individual basis and will be subject to the parameters set forth in Section 8.4 Leave Without Pay.

L. Attendance Policies. An employee on intermittent Family & Medical Leave is expected to follow his/her department's guidelines for reporting an absence ("calling off" work) unless the condition prohibits the employee from calling. In this case, the employee must contact the Manager, his/her supervisor, committee chair or a member of Township Supervisors as soon as possible.

## **8.7 LEAVE WITHOUT PAY**

Employees may request time off without pay for reasons not otherwise provided for above, or as extensions of leave authorized by this Policy. Each such request will be judged on its own merits and the terms of any such unpaid leave shall be put in writing to the Township Supervisors and placed on the Agenda for the Supervisors' approval. Employees granted this status would not be entitled to any compensation or benefits for the period of the unpaid leave. To maintain insurance benefits during the designated leave period, the employee will be responsible for paying for any and all insurance premiums typically covered by the Township or elected by the employee through the Township's Benefits Plan. Access to this benefit must comply with, and not put at risk, the Plan. Time spent on unpaid leave shall be considered continuous service for purposes of determining benefit levels under this policy when regular employment status resumes, but the employee shall not accumulate, be eligible for, or be compensated for holidays, sick leave, or annual or other leave or other benefits during the period of unpaid leave.

## **8.8 BEREAVEMENT LEAVE**

All regular full-time employees are granted a maximum of three (3) paid days in cases of a death in the employee's immediate family, which includes spouse, son,

daughter, brother, sister or parent. In the event of the death of an employee's grandparent, grandchild, daughter-in-law, son-in-law, sister-in-law, parent-in-law, grandparent-in-law, or any relative residing in the household of the employee, one (1) paid day will be granted, for which the employee may charge the absence to his or her vacation time.

## **8.9 LEAVE REPORTING AND APPROVAL**

All leave described in this Article may only be approved by the Township Supervisors. In all cases, adequate notice of leave shall be provided in writing to the Township Supervisors.

## **8.10 HOLIDAYS**

A. The following legal holidays are observed for all regular full-time employees:

1. New Year's Day-January 1
2. President's Day
3. Good Friday-the Friday preceding Easter
4. Dr. Martin Luther King Day
5. Memorial Day, the Last Monday in May
6. Independence Day, 4<sup>th</sup> of July
7. Labor Day, the 1<sup>st</sup> Monday in September
8. Veterans' Day, November 11<sup>th</sup>
9. Thanksgiving Day, the 4<sup>th</sup> Thursday in November
10. Christmas Day, December 25<sup>th</sup>
- 11-12. Election Day (2-Primary and General Elections)

B. In the event that a holiday falls within a vacation period, the holiday will not count as a vacation day.

C. Full-time regular employees who are required to work on a major observed Holiday (Christmas, New Years, 4<sup>th</sup> of July, Labor Day, Memorial Day and Thanksgiving) shall receive holiday pay plus their regularly hourly rate for all hours worked.

D. In order for a full-time regular employee to qualify for holiday pay, the employee must work the day immediately preceding and following the holiday unless the Township Supervisors approve the absence.

## **CHAPTER 9**

### **EMPLOYEE RESPONSIBILITY AND CONDUCT**

#### **9.1 GENERAL POLICY**

A. All Township employees are expected to represent the Township to the public in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by the Township Supervisors.

B. Since the proper working relationship between employees and the Township depends on each employee's on-going job performance, professional conduct and behavior, the Township has established certain minimum standards of personal conduct. Among the Township's expectations are: basic tact and courtesy towards the public and

fellow employees; adherence to Township policies, procedures, safety rules and safe work practices; compliance with directions from Supervisors; preserving and protecting the Township's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

C. Employees shall respect and comply with the law, rules of court and the regulations specifically applicable to the department in which they are employed and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the Township. Employees shall not allow their family, social or other relationships to influence their conduct or judgment in the performance of their duties. They shall not lend the prestige of their employment to advance their private interests or the private interests of others, nor shall they convey or permit others to convey the impression that they are in a special position to influence the conduct of the duties.

## **9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

A. Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, with the interests of the Township or interfere with the employee's ability to perform his/her assigned Township job. Examples include, but are not limited to, outside employment which: 1. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods; 2. Is conducted during the employee's work hours; 3. An employee's compensation is contingent upon or a result of his/her employment with the Township; 4. Utilizes Township telephones, computers, supplies, or any other resources, facilities or equipment; or 5. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

C. All Elected Officials and certain management employees, including some appointed officials, board and commission members are required to annually file a statement of Financial Interests under the Public Official and Employee Ethics Law.

### **9.3 POLITICAL ACTIVITIES**

A. Township employees may participate in political or partisan activities of their choosing provided that Township resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions.

Employees may not campaign on Township time or in a Township uniform or while representing the Township in any way. Employees may not allow others to use Township facilities for political activities.

B. Any Township employee who meets with or may be observed by the public or otherwise represents the Township to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on Township property or Township time, for a contribution for a partisan political cause.

C. Except as noted in this policy, Township employees are otherwise free to fully exercise their constitutional First Amendment Rights.

### **9.4 PUBLIC RECORDS**

Employees may not release any Township records. Any public record request must be referred immediately to the Township appointed Public Record's Officer, as the request must be handled in accordance with the Pennsylvania Right to Know Law and the Township's Public Records Ordinance.

### **9.5 NO TOBACCO USE POLICY**

A. For health and safety considerations, all Township owned or leased buildings, vehicles and equipment are hereby designated as no tobacco use areas.

B. This policy applies to all employees, visitors and members of the public utilizing any facility of the Township.

C. Every Township employee has the responsibility to notify visitors of Township facilities, of this no tobacco use policy. All encounters regarding the enforcement of this policy must utilize tact, diplomacy and courtesy at all times.

D. Employees of the Township who fail to comply with the no tobacco use policy will result in the following:

First Offense – Oral warning. A notation will be made in the employee's personnel file.

Second Offense – Written warning. A copy of the written warning will be placed in the employee's personnel file.

Third Offense – Employee will be terminated.

The above listed infractions shall be in addition to any fines, sanctions or penalties imposed by state law in regards to tobacco use in public places.

## **9.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS**

A. The Township furnishes desks, filing cabinets, closets, and/or lockers for security of employee coats, purses, and other personal possessions, whenever possible. The Township does not, however, assume responsibility for any theft or damage to the personal belongings of employees.

B. The Township reserves the right to search employee desks, lockers, filing cabinets, vehicles and personal belongings brought onto Township premises.

C. The Township furnishes computers for use in conducting Township business.

Since computers are for Township business, employees may not use computers for personal reasons. The Township reserves the right to review the contents of any files or documents on the computer, including electronic mail, as employees have no expectation of privacy in this regard. Personal software may not be loaded on Township computers, without prior approval of the Township Supervisors. Township installed software may not be uninstalled without the prior approval of the Township Supervisors. Software may not be duplicated contrary to any licensing agreement.

## **9.7 USE OF TOWNSHIP EQUIPMENT**

Township equipment may only be used by employees for Township business. Use of Township telephones for local personal calls are prohibited. An employee's misuse of Township services, telephones, equipment or supplies shall result in disciplinary action, which may include termination.

## **9.8 USE OF TOWNSHIP VEHICLES AND EQUIPMENT**

A. It is the policy of the Township that all vehicles and equipment owned by the Township are solely the property of the Township. As such, Township vehicles and equipment are to be used for the exclusive purpose of conducting Township business and shall be operated in the safest manner possible at all times to ensure the well being of Township employees and the general public.

B. The following rules govern the appropriate use of Township vehicles and equipment:

1. All Township vehicles and equipment will be appropriately and universally marked whenever possible with the Township's name, municipal license plate, numbered and labeled for identification.

2. All Township employees are required to provide their own transportation to

and from work.

3. Any employee who operates a Township vehicle or uses Township equipment for their own personal use is subject to disciplinary action as set forth in 9.8(C) below.

4. All potential operators of Township vehicles and equipment are required to maintain a valid driver's license.

#### C. DISCIPLINARY ACTION:

1. The department heads or the Supervisors are responsible for the enforcement of this policy and shall be accountable for any violation by an employee of the respective department.

2. A department head, supervisor or employee determined to be in violation of this policy shall be subject to disciplinary action, which may include, but not limited to, the revocation of vehicle operating privileges, reimbursement for mileage, repayment for fuel or damages incurred while operating a Township vehicle or using Township equipment without authorization, suspension without pay and/or termination from Township employment. The type of disciplinary action shall be determined at the discretion of the Township Supervisors and administered as soon as reasonably possible.

#### D. DRIVER QUALIFICATIONS:

1. All employees who operate a Township owned vehicle or use Township equipment must be a minimum of 18 years of age and possess a valid Pennsylvania Driver's license.

2. If an employee's driver's license has been suspended or revoked for any reason, the employee must notify the Township Supervisors upon receipt of the notification from the Commonwealth of Pennsylvania. The employee will not be eligible to operate a Township owned vehicle for the duration of the suspension/revocation. Once



the employee's driving record has been cleared by the Department of Motor Vehicles, the employee may be declared eligible to operate a Township owned vehicle again. This policy shall also apply to Township equipment, if the equipment requires a valid driver's license to operate.

3. If a valid driver's license is necessary for an employee to perform his/her job duties, the loss of that license may result in immediate termination of that employee.

4. All employees who operate a Township owned vehicle are required to comply with all applicable motor vehicle laws.

5. All operators and passengers of Township owned vehicles are required to wear seat belts in accordance with all applicable motor vehicle laws.

6. Any operator of a Township vehicle or equipment who receives a citation/summons for any violation while in control of the vehicle or equipment shall be personally responsible for all fines. All violations must be reported to the Township Supervisors within 24 hours of the violation. Should a holiday weekend occur within the 24-hour period, the Township Supervisors must be notified during the next working day. Whenever there is an accident involving a Township owned vehicle or equipment, the employee's immediate supervisor or the Board of Supervisors must be notified immediately. It shall be the responsibility of the employee to follow-up the oral notification with written notice and provide in writing within 24 hours of the incident the following information:

1. Date and time of the accident.
2. Location of the accident.
3. Authority contact and report number (local/state).
4. Description of the accident.
5. County vehicle information, vehicle year, make, model, VIN number and registration number.
6. Operator of the vehicle.
7. Property damage (if other vehicle involved, provide year, make, model registration number and insurance company name and policy number).

8. Owner's name and address.
9. Other driver's name and address.
10. Any injured persons (name, address, phone number and extent of injuries).
11. Any witnesses or passengers (name, address and phone number).

## **9.9 INTERNET USE**

A. Internet access is provided to certain employees as a research and communication tool to help them conduct Township business. Employees are trusted and expected to exercise good judgment in both duration and frequency of Internet use and to access Internet sites only for job related purposes. Employees should not access bulletin boards or chat rooms on Township computers, or any personal computer during Township time.

B. Downloading and installing software from the Internet is only permitted, when there is a clear business reason for using the software. The appropriated anti-virus detection program must be used to prevent infection.

C. The Township reserves the right to monitor Internet usage. Use of the Internet for purposes other than job related activities may result in disciplinary action, up to and including termination.

## **9.10 E-MAIL USE**

A. While all e-mail may be considered writings, and all writings may be public records, the public does not have a right to examine every public record. Pennsylvania laws may exempt broad categories of records, while other statutes provide for confidentiality of specific records.

B. Extra care must be exercised when communicating confidential or privileged

information via e-mail, including but not limited to performance reviews, disciplinary actions, and attorney privileged information. All such information should be clearly labeled as confidential and/or privileged and should not be available for review or copying by persons without appropriate authorization.

C. All office information technology resources, including e-mail systems, are the property of the Township. Employees shall use e-mail for Township business or otherwise to advance the Township's best interests.

D. Employees shall not use Township provided e-mail media in a fashion that harasses or promotes discrimination based on the harassment/discrimination policy detailed in Section 2.2 or for personal business interests; or any unlawful activity.

E. Employees should be aware that messages might be forwarded to others by the recipient, printed in a location where individuals other than the intended recipient may view the message, or directed to the wrong recipient.

F. Employees should be aware that messages cannot be protected from unauthorized access caused by the user failing to maintain password confidentiality or leaving the computer unattended when he/she has logged onto the system.

G. The Township may access data that is normally under an employee's control without the consent of the individual employee when necessary to carry out normal business functions, or if there exists reasonable cause to believe the employee has used e-mail on Township computers contrary to these policies. Use of the e-mail system contrary to these policies will result in disciplinary action, up to and including termination.

H. The Pa Right to Know Law, the Township Ordinance regulating this area, and the appointed Public Records Officer must be consulted before disseminating any public records.

## **9.11 BULLETIN BOARDS.**

Information of special interest to all employees will be posted regularly on a Township bulletin board to be located in the Office of the Township Municipal Building.

#### **9.12 CONTACT WITH NEWS MEDIA.**

Township Supervisors or their designee shall be responsible for all official contacts with the news media. The Township Supervisors may designate specific employees to give out procedural, factual or historical information on particular subjects. All other employees should defer any comments concerning Township business to the Township Supervisors, their designee or the Township Solicitor.

#### **9.13 SEAT BELT POLICY.**

Anyone operating or riding in Township vehicles and equipment, or operating their own vehicle on Township business, must wear seat belts at all times pursuant to State Law.

#### **9.14 DRIVER'S LICENSE REQUIREMENTS.**

A. As part of the requirements for certain Township positions, an employee may be required to hold a valid Pennsylvania State Driver's License.

B. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her immediate supervisor, or the Board of Supervisors and will be immediately suspended from driving duties. Additionally, if the employee has serious traffic violations that result in point accumulations, the employee shall promptly notify his/her immediate supervisor or the Board of Supervisors for consideration of continuing the employee's

driving duties. The employee may not resume driving until proof of a valid, current license is provided to the Township Supervisors.

C. If an employee is not able to perform assigned duties without a license, he/she shall be suspended without pay until he/she obtains a valid Pennsylvania Driver's License, or terminated, at the option of the Township Supervisors.

### **9.15 SAFETY.**

A. It is the responsibility of each employee that all tasks be conducted in a safe and efficient manner complying with all local, state and federal safety and health regulations, programmatic standards, and with any special safety concerns identified by the Township for use in a particular area.

B. Although most safety regulations are consistent throughout each department and program, it is the responsibility of the employee to identify and familiarize himself or herself with the Emergency Plan and Safety and Health guidelines for his or her working area, if any. A partial list of the plans and guidelines established by the Township is attached hereto as Appendix D.

C. It is the responsibility of the employee to complete an "Accident and Incident Report" for each safety and health infraction that occurs by an employee or that the employee witnesses.

D. Failure to report such an infraction may result in employee disciplinary action, including termination.

E. Failure to follow any Township established safety and health guidelines or conduct which places the employee, volunteer, citizens or agency property at risk can lead to employee disciplinary action and/or termination.

F. Township Employees may develop safety and health procedures for suggested investigation and possible implementation by the Supervisors when the same come to the attention of the employee or are in the interest of a safer work environment.

#### **9.16 DRUG AND ALCOHOL POLICY AND TESTING PROCEDURE FOR ALL EMPLOYEES.**

The Township has a strong commitment to provide a safe work environment for its employees and to establish programs promoting high standards of employee health and safety. Consistent with that commitment, this policy establishes prohibitions regarding alcohol and controlled substances and the right of the Township to screen or test employees to determine the presence of alcohol and/or controlled substances.

#### **9.17 COMPLAINT PROCEDURES.**

The Township recognizes that sometimes situations arise in which an employee feels that he/she has not been treated fairly or in accordance with Township rules and procedures. For this reason, the Township provides its employees with the following procedures for resolving complaints:

A. Step 1: An employee should first try to resolve any problem or complaint with his/her immediate supervisor.

B. Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of Township policies and procedures, the employee should file a written complaint, and include, at a minimum, the information detailed in Step 3, with his/her immediate supervisor. The immediate supervisor has thirty (30) calendar days to attempt to resolve the complaint. If no decision is made, or is unsatisfactory, the employee has fourteen (14) calendar days from the disposition at step 2, to submit the complaint to Step 3.

C. Step 3: If the employee is not satisfied with the response from the immediate supervisor, or the employee does not have an immediate supervisor, then the employee must submit the issue, in writing, to the Township Supervisors, or their designee. The written complaint must contain, at a minimum, the following:

1. A description of the problem;
2. A specific policy or procedure, which the employee believes, has been violated or misapplied;
3. The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances; and,
4. The remedy sought by the employee to resolve the complaint.

The written complaint must be filed within the timeframes noted above.

The Township Supervisors, or their designee, has thirty (30) calendar days to meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within fourteen (14) calendar days of the meeting. The Township Supervisors' response and decision shall be final.

D. Certain employees may have more than one source of dispute resolution rights, i.e. an employment agreement and this complaint process. Employees who may have a contract that provides otherwise should follow grievance procedures set out in their respective employment contract. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

**CHAPTER 10**  
**EMPLOYEE RELATIONS**

**10.1 DISCIPLINE.**

A. All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of



services to the public and the citizens of the Township.

B. Acts, errors, or omissions, which discredit the public service or impair the provision of orderly services to the public, may result in discipline, including termination.

C. The Township Supervisors, or their designee, have full discretion and authority to impose disciplinary action in accordance with these Policies and the circumstances of the particular case. The degree of disciplinary action, up to and including termination, will depend on the severity of the infraction, as determined by a majority of the Township Supervisors

D. The following are examples of the types of conduct, which may result in discipline:

1. Consumption or possession of alcohol on the job or arriving at work under the influence of alcohol; being under the influence of any drug or controlled substance when it affects the employees ability to perform the assigned job; or, the possession of illegal drugs or other illegal controlled substance;
2. Violation of a lawful duty;
3. Insubordination;
4. Absence from work without first notifying and securing permission from the Township;
5. Habitual absences or tardiness for any reason;
6. Unsatisfactory job performance, as determined by the Township Supervisors;
7. Conviction of a felony or a misdemeanor involving moral turpitude;
8. Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the Township;
9. Inability, refusal or failure to perform the duties of the assigned job; and,
10. Violation of duties or rules imposed by these policies, or by any other Township rule, regulation or administrative order.

This list is not all-inclusive, but only serves as a general guide. The Township may discipline or terminate employees for other misconduct not stated above.

E. The following types of disciplinary actions may be used, depending on the particular situation:

1. Oral warning. The Township Supervisors, or their designee, who are imposing this warning will make a record of it and record the offense in the employee's personnel file.

2. Written warning. The Township Supervisors, or their designee, who are imposing the written warning will document the incident, send the original to the employee involved and maintain a copy in the employee's personnel file.

3. Employee will be suspended without pay or demoted.

4. Employee will be terminated.

Note: Contingent upon the severity of the alleged offense, any and all steps could be waived based on the Township Supervisors' decision. No employee can be terminated or suspended without the approval of a majority vote of the Township Supervisors.

F. Suspensions with pay, where the employee is placed on administrative leave, may be utilized by a Department/Supervisor, or a majority of the Township Supervisors, pending the results of an investigation or disciplinary action where the that person determines that factors such as public confidence, the safety of the employee, or the efficient functioning of the Township call for such a suspension.

## **10.2 Separation of Employment Policy**

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction in workforce or termination. When an employee

separates from the Township, the employee agrees to conduct an exit interview with the Township Supervisors, or their designee, typically to take place on employee's last workday.

#### Types of Separation:

A. Resignation. Resignation is a voluntary act initiated by the employee to end employment with the Township. The employee must provide a minimum of two (2) weeks notice prior to resignation. If an employee does not provide advance notice or fails to actually work the remaining two (2) weeks, the employee will be ineligible for rehire and will not receive accrued benefits. The resignation date must not fall on the day after a holiday. The time period may be waived by the Township Supervisors.

B. Retirement. Employees who wish to retire are required to notify the Township Supervisors in writing at least one (1) month before a planned retirement date.

C. Job Abandonment. Employees who fail to report to work or contact the Township Supervisors for two (2) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the second day. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

D. Termination. Employees are employed on an at-will basis, and the Township retains the right to terminate an employee at any time.

E. Release. Release is the end of temporary or seasonal employment.

F. Automatic Termination. If an employee has not returned to full-duty status from an authorized leave of absence(s) at the end of one (1) year, employment will be automatically terminated. An employee will be considered unable to return to work if he or she cannot perform the essential functions of the job in full capacity, with or without reasonable accommodation. Under no circumstances may an employee be absent from the workplace for more than one (1) consecutive year, unless on Military Leave or with

approval of the Township Supervisors.

G. Return of Property. The separating employee must return all Township property at the time of separation.

H. Termination of Benefits. An employee separating from the Township is eligible to receive benefits as long as the appropriate procedures are followed as stated above. Two-weeks notice must be given, and the employee must work the full two workweeks. Accrued vacation leave will be paid in the last paycheck. Health insurance terminates the last day of the month of employment, unless employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided when applicable. Employees will be required to pay their share of the dependent health and dental premiums through the end of the month. The two week period may be waived.

I. Rehire. Former employees who left the Township in good standing and were classified as eligible for rehire may be considered for reemployment.

J. Bar From Employment. An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

### **10.3 PRE-DISCIPLINARY MEETING.**

When a disciplinary meeting is required for an employee, a pre-disciplinary meeting will be arranged by the immediate supervisor or the Board of Supervisors to discuss the issues.

### **10.4 DEATH.**

A termination due to death of an employee will be made effective as of the date of death. All compensation due shall be paid to the beneficiary or the estate of the employee. The employee's accrued vacation time will also be paid to the beneficiary or estate of the employee.

**CHAPTER 11**  
**WHISTLEBLOWER POLICY**

Any employee who reports a problem or grievance will not be retaliated against, harassed or made to stand out in a negative manner because of the act of reporting. Knowingly making false reports though, will be grounds for disciplinary action, up to and including dismissal.

## **ACKNOWLEDGEMENT**

Please read the following and then sign, date and return to the Township Supervisors. One copy of this acknowledgement will be placed in the employee's personnel file and one copy will be provided with the employee's copy of these personnel policies. It is the employee's responsibility to read the personnel policy and any amendments adopted thereafter.

By signing below, the employee acknowledges that he or she has received a copy of the Township's Personnel Policy and that he or she has had a full opportunity to read and review it. A copy of the Township's Personnel Policy is also kept in the office of the Secretary or Supervisors. Employees may review these copies of the policy should they need to reacquaint themselves with any provisions of the personnel policies. These personnel policies are a general informational guide to the Township's current

employment policies and shall not be construed as a contract or to create any contractual obligation.

The Township reserves the rights to amend, delete, supplement, or extend any of the provisions of these policies, as the Township Supervisors deem necessary and appropriate. These policies are not intended to be a contract, expressed or implied, or a guarantee of employment for any specific duration. Although the Township hopes that the employee's employment relationship with the Township will be long term, the Township recognizes that things may not always work out as hoped, and either the employee or the Township as employer may decide to terminate the employment relationship.

No non-elected representatives of the Township have the authority to enter into any agreement with an employee for employment for any specified period or to make any written or verbal commitments regarding employment for a specific period of time. Only the Township Supervisors have the authority to authorize employment agreements for a specified term.

By signing below, the employee acknowledges that he or she has received a copy of the Township's Personnel Policies, has had a full opportunity to read and review such policies and agrees to abide by their terms.

---

Employee Name (Printed)

---

Date

---

Employee Signature

**Appendix A**

**SEXUAL HARASSMENT COMPLAINT FORM**

NAME: \_\_\_\_\_

SS#: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

JOB TITLE: \_\_\_\_\_

TIME PERIOD COVERED BY COMPLAINT: \_\_\_\_\_

INDIVIDUALS WHO ALLEGEDLY COMMITTED HARASSMENT:

NAME/JOB TITLE: DEPARTMENT:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

DESCRIBE THE DATES AND THE NATURE OF THE HARASSMENT  
ALLEGEDLY COMMITTED BY EACH IDENTIFIED INDIVIDUAL:

---

---

---

---

---

---

---

---

---

---



---

---

IDENTIFY ALL EMPLOYEES OR OTHERS WITH KNOWLEDGE OF THE COMPLAINED OF CONDUCT:

---

---

---

---

---

---

---

---

ARE THERE ANY DOCUMENTS WHICH CONTAIN INFORMATION SUPPORTING THE OCCURRENCES DESCRIBED ABOVE:

---

---

---

---

---

---

---

---

IS THERE ANY PHYSICAL EVIDENCE THAT SUPPORTS YOUR COMPLAINT? IF SO, PLEASE DESCRIBE:

---

---

---

---

---

---

---

---

---

---

---

---

HAVE YOU MISSED ANY WORK TIME AS THE RESULT OF THE ALLEGED HARASSMENT? IF "YES", IDENTIFY THE OCCASIONS:

---

---

---

---

---

---

---

HAVE YOU INCURRED ANY NON-REIMBURSABLE MEDICAL EXPENSES AS THE RESULT OF THE ALLEGED HARASSMENT?

---

---

---

---

---

---

---

IF YOU PREVIOUSLY COMPLAINED ABOUT THIS OR RELATED ACTS OF SEXUAL HARASSMENT TO A COMPANY SUPERVISOR OR OFFICIAL. PLEASE IDENTIFY THE INDIVIDUAL TO WHOM YOU COMPLAINED, THE DATE OF THE COMPLAINT AND THE RESOLUTION OF YOUR COMPLAINT:

---

---

---

---

---

---

---

---

---

---

WHAT IS YOUR REQUESTED REMEDY IN THIS COMPLAINT?

---

---

---

---

---

ACKNOWLEDGMENTS

THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

IN ORDER TO INVESTIGATE YOUR COMPLAINT, IT WILL BE NECESSARY TO INTERVIEW YOU, THE ALLEGED HARASSER(S), AND ANY WITNESSES WITH KNOWLEDGE OF THE ALLEGATIONS OR DEFENSES. THE TOWNSHIP WILL NOTIFY ALL PERSONS INVOLVED IN THE INVESTIGATION THAT IT IS CONFIDENTIAL AND THAT UNAUTHORIZED DISCLOSURES OF INFORMATION CONCERNING THE INVESTIGATION COULD RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE. I AM WILLING TO COOPERATE FULLY IN THE INVESTIGATION OF MY COMPLAINT AND TO PROVIDE WHATEVER EVIDENCE THE TOWNSHIP DEEMS RELEVANT.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**Appendix B**

**BACKGROUND CHECK AUTHORIZATION FORM  
AUTHORIZATION FOR RELEASE OF INFORMATION**

Date \_\_\_\_\_

I, \_\_\_\_\_ (include full middle name), having made application for employment with Black Creek Township, authorize an investigation of my background, including all documents from educational and former places of employment, or any other records that may be of assistance in making a determination of suitability for employment. I intend this authorization to include release to the Pennsylvania State Police or to other assigned departments by the National Personal Records Center, or custodian of my military record, of information or photocopies from my military records and related medical records. I further understand that in the event my application is not approved, the sources of confidential information cannot be revealed to me. A photocopy of this release will be valid as an original hereof, even though the said copy does not contain an original writing of my signature.

---

Full name of applicant

---

Date of Birth

---

Social Security Number

---

Notary Signature

**Appendix C**  
**DRUG AND ALCOHOL FREE WORKPLACE**

A. Purpose. The Township is committed to maintaining the health and safety of its employees. It is our goal to:

1. assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and a healthy manner;
2. create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
3. prohibit the unlawful manufacturing, distribution, dispensing, possession, or use of controlled substances; and
4. encourage employees to seek professional assistance to overcome any addiction to, dependence upon, or problem with drugs or alcohol prior to testing positive under this policy.

B. Definitions. While on-the-job involvement with drugs and/or alcohol is a violation of the policy, the Township also expects employees to report for work in a condition to perform their duties. It is recognized that employee's off-the-job

involvement with drugs and/or alcohol can have an impact on the work place and the employer's ability to accomplish the goal of a drug and alcohol-free work environment.

For the purpose of this policy, the following definitions apply:

1. Alcohol or alcoholic beverage - any beverage or medication that may be legally sold and consumed and that has an alcoholic content in excess of .5% by volume. i. Illegal drug - any drug or controlled substance, the possession, sale, purchase, consumption, manufacturing, or other use of which is illegal under federal or state law. ii. Township property - all premises, facilities, buildings, or motor vehicles (whether owned, leased, or used), including other work locations or while traveling to and from these locations while in the course of employment. The term includes locations that are non-Township facilities where the employee represents the employer in any capacity. iii. Work hours - includes all working hours as well as meal periods and break periods, regardless of whether on Township property. iv. Medical Review Officer (MRO) - A licensed physician responsible for receiving a laboratory result generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

C. Prohibited Activities. Employees are prohibited from being under the influence of alcohol or illegal drugs during work hours, on Township property, or while performing Township business. Employees are prohibited from: 1. using alcohol during work hours, on Township property, or while performing Township business, or 2. using, selling, possessing, manufacturing, or purchasing illegal drugs during work hours, on Township property, or while performing Township business.

D. Testing. The cost of testing, except a split sample test, will be paid by the Township. Employees will be paid for time lost while taking the tests.

1. Pre-employment testing. The parties recognize that the Township has the management right to require pre-employment testing of applicants, and to establish its own policies concerning such testing. The provisions of this policy shall therefore not apply to pre-employment testing.

2. Reasonable suspicion/post accident. There are circumstances under which

the Township reserves the right to request that an employee submit to a controlled urine drug screen test or breathalyzer test by qualified personnel for the presence of alcohol or illegal drugs. Each employee is expected to comply with the drug and alcohol policy as implemented. An employee who fails to submit to the test as required, tampers with the urine sample, or after reasonable opportunity, fails to complete any step in the testing process will be deemed to have refused a drug and/or alcohol test. Such individuals will be terminated. A reasonable suspicion test will be given when the employer has a reason to believe that an employee is using or has used drugs or alcohol in violation of

the policy based on specific objective and articulated facts and circumstances

which are consistent with the short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to the following: i. observable phenomena, such as direct observation of drugs, or the physical symptoms or manifestations of being under the influence of drugs or alcohol, such as slurred speech or glassy eyes; ii. abnormal conduct or erratic behavior while at work, including absenteeism, tardiness, or deterioration in work performance including flagrant disregard or violation of established safety, security or other operating procedures; iii. a report of drug use provided by reliable and credible sources and which has been independently corroborated; iv. evidence that an individual has tampered with a drug test during his/her term of employment with the Township; v. information that an employee has caused or contributed to an accident while at work; and vi. evidence that an employee is involved in the use, possession, sale, solicitation, manufacturing, or transfer of illegal drugs while working or while on the Township's premises or operating Township vehicles or equipment.

E. A post-accident test will be conducted on an employee who is involved in an accident or unsafe practice during work hours or while performing Township business that involves: 1. a fatality, 2. an injury requiring immediate medical treatment away from the scene of the accident, or 3. significant property damage unless employee performance is discounted completely as a causative or contributing factor for the damage. Employees are to report such accidents promptly and failure to notify their immediate supervisor or designee can result in disciplinary action up to and including termination. Employees must not consume alcohol after an accident until after she/he has been tested, eight hours have elapsed, or the employee is notified that she/he will not be tested, whichever occurs first.

F. Positive test result. A positive test result means that an employee has violated the policy and will be subject to immediate termination. If the employee has never



previously violated this policy, the Township shall offer the employee a “last chance agreement” which shall set forth terms and conditions that the employee must comply with in order to continue employment.

G. Negative test result. A negative test result means that an employee has not violated this policy. The employment status of the tested employee remains unchanged.

#### H. Test Procedures.

1. Failure to comply with the request for drug/alcohol testing will be cause for termination.

2. Urine drug testing. The Township will utilize testing facilities that are certified to perform urinalysis tests. All specimens identified as positive on the initial test shall be confirmed and reported to the Township and the employee. An employee may request, within 72 hours of notification of a positive test, that a split sample be tested at a different or the same certified laboratory. If the second test is performed at the same certified laboratory or a different laboratory, the employee shall pay for the cost of the second test.

3. Alcohol Breath Testing: An initial test will be administered by a breath alcohol technician using an Evidential Breath Testing (EBT) device on the National Highway Traffic Safety Administration’s Conforming Products List. Initial and confirmation tests will be identified as positive if the alcohol concentration is .04 or greater. An initial test with an alcohol concentration below .04 will be reported as negative. If the results of the initial test are .04 or greater, a confirmation test will be conducted on the same EBT. The confirmation test is deemed to be the final test result.

## **APPENDIX D**

### **PARTIAL LIST OF SAFETY AND HEALTH PLANS AND GUIDELINES**

#### **Safety and First Aid**

The Township feels morally as well as legally responsible for providing our employees with the safest working environment possible. To do this, we need our employees' help. Safety and health involves everyone. We ask all our employees to be considerate of their fellow employees, thus helping the Township become a better and safer place to work.

No employee should operate any equipment or perform any job

function until properly trained to do so. Employees should bring to their supervisor's attention any safety hazard observed or any safety suggestion they think is helpful. The supervisor will promptly investigate the situation, eliminate any hazard where possible, provide safeguards where needed, or otherwise follow up on suggestions.

No employee should attempt to fix any piece of equipment unless properly trained to do so. All electrical equipment should be unplugged before any repairs are attempted.

The Township Municipal Building and the Township Garage both have a designated first aid station where help is available in case of illness or injury. Please familiarize yourself with the location of the first aid station in your building.

The following safety rules and regulations have been developed for your well-being and safety. Learn the safe way to a job before-you start. If you are not sure you thoroughly understand the job, ask your supervisor for further instructions. You are expected to strictly adhere to these rules and regulations.

### *Personal Protection*

- Approved hard hats must be worn by all Township personnel working in areas where there is a danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns. ("Bump" type caps are not considered approved hard hats.)
- Use of approved eye protection by all Township personnel shall be required as indicated by the operation being performed, such as sawing, grinding, etc.
- All Township personnel exposed to hazardous volumes of toxic or noxious dusts, fumes, mists, or gases shall wear approved respiratory equipment.

- Personal protective equipment is to be used under unusual conditions such as in high temperature work, handling caustic or corrosive liquids, or molten metals.
- Keep your shirt on -- it may save you from sunburn, weld or burn splatter, cement burns, or cuts.
- All non-office employees must wear hard sole shoes at all times. Sneakers, Hush Puppies, desert boots, etc. are not considered to be work shoes and will be prohibited.
- Wearing of safety shoes is strongly recommended for non-office employees.
- Public works employees must wear the uniforms as required by the Township at all times.
- When lifting material, keep back straight, bend knees, and lift with your legs. Get help if the load is too heavy.
- Work clear of suspended loads. If a load is moved above where you are working or walking, stand clear until it has passed.

For non-office work areas, finger rings should not be worn while working.

Unless it is part of your regular work, do not attempt to repair or adjust any electrical equipment.

- Kill any circuit before attempting to work on it. Even voltages lower than 110 will cause serious injury or death under certain conditions.
- Treat all electric wires as live. Do not touch exposed wires. Report them immediately to your supervisor.

### *Proper Use of Equipment and Tools*

- Use only hand and power tools that are in good condition. If a Township-owned tool is in poor condition, turn it over to your foreman or supervisor. Your own tools must be kept in safe condition.
- Riding material hoists, crane loads, headache balls, or the hook is not permitted.
- When operating equipment with seat belts, the belts must be worn at all times when the equipment is in operation.
- Compressed air tools or hose nozzles shall never be pointed at persons.

Unless you have been taught to operate a machine, stay away from it.

- When you find it necessary to leave the machine you are operating, shut it down.
- Stop machine before fueling, oiling, or cleaning. Never attempt to make repairs or adjustments while the machine is running.
- Keep your fingers, hands, and feet out of pinch pockets.
- Always use a boom prop when working under a raised boom.
- Torches are to be turned off immediately after use.
- Ground wires, leading from electrical apparatus, must not be disconnected or broken.

- Indiscriminate throwing of material from scaffolds or other high places will not be permitted.

### *General Safety Rules*

- Work at a speed consistent with safety. Running in passageways, or on stairs and ladders is dangerous and unnecessary.
- Loads on trucks, trailers, etc., should be safely secured before being moved.
- Help promote good housekeeping -this includes the proper disposal of lunch bags, bottles, and personal scrap.
- Keep stairways and landings free and clear of material and debris.
- Keep aisles, passageways, and walkways clean and clear. Exits should be kept clear at all times.
- Learn where fire extinguishers are located and how to use them.

Do not park your automobile, Township vehicle, or machine where it is exposed to danger or where it will interfere with operations.

Shop work areas should be kept dry at all times.

- Flammable liquids must be stored in proper containers away from open flame and high temperature area.

- Horseplay has no place in your work; practical jokes are never funny.

Anyone who violates these safety rules will be subject to discipline, up to and including immediate discharge, depending on the severity of the offense.