***Upper Makefield Township Personnel Policy***

# §301. INTRODUCTION.

1. This Part of the Township Code shall be known as the Personnel Policy Manual of Upper Makefield Township (hereinafter called “Manual”).

2. The purpose of this Manual is to serve as a working guide in the day-to-day administration of employee practices, procedures and benefits for all employees of Upper Makefield Township (“Township”). In some instances, collective bargaining agreements may provide different requirements for specific employees. ***When there is a conflict between this Manual and a collective bargaining agreement, the collective bargaining agreement shall control.***

3. The establishment of and adherence to a consistent administration of the policies outlined in this Manual is intended to promote employee morale and to ensure the recruitment and continuous service of capable and qualified personnel. The policies and benefits outlined in this Manual are subject to revision upon action taken by the Board of Supervisors.

4. The Manual and the policies contained herein are not intended to and do not create a contract between the Township and its employees, either as a group or individually. Unless you are a member of a duly recognized union or association, which is a party to a collective bargaining agreement, your employment is at-will and voluntarily entered into; you have the right to terminate your employment at any time, for any reason, and the Township retains the same right. Nothing in this Manual is intended to change that.

5. Employees are responsible for having knowledge of the policies in this Manual as well as those policies provided from time to time by the Board of Supervisors, the Township Manager, and/or department heads. Failure to be aware of the policies will not excuse an employee’s failure to follow them. If an employee has any questions, he/she should talk to a supervisor, department head or the Township Manager. This Manual supersedes all prior and contemporaneous, oral or written, express or implied, policies, procedures, rules, regulations and understandings, to the extent there are any conflicts.

# §302. ORGANIZATION.

*1. Form of Government.* Upper Makefield Township is a Township of the Second Class under the Commonwealth of Pennsylvania’s system of municipal classification. As such, it operates under the provisions of the Second Class Township Code which sets forth the general and corporate powers of the Township and the manner in which the Township’s governing body, the Board of Supervisors, may exercise those powers.

*A. Board of Supervisors.* The Upper Makefield Township Board of Supervisors is comprised of five (5) members who are elected for staggered six (6) year terms. The Board of Supervisors is responsible for governing the Township by setting policy, enacting local ordinances, adopting budgets, levying taxes and hiring and discharging all employees.

B. *Township Manager*. The Township Manager is a professional administrator hired by the Board of Supervisors to handle the day-to-day administrative operation of the Township. The Township Manager’s duties include, but are not limited to: preparing the budget, directing the day-to-day operations of the Township and carrying out the policies established by the Board of Supervisors. The Township Manager reports to and takes direction from the Board of Supervisors. The Township Manager is also responsible for the supervision of all departments and employees of the Township.

# §303. EMPLOYEE CLASSIFICATION.

*1.**Classification.* Employee classification is necessary to determine an employee’s eligibility for various benefits and to help the Township make sure employees are receiving the benefits they are entitled to receive.

2. *Categories*. A Township employee is classified in one of the following categories, depending on the type of work performed and how hours are scheduled:

A. *Regular Full‑Time* *Employee*. All non‑union represented employees who work forty (40) hours or more weekly and who maintain continuous, regular employment status.

B. *Regular Part‑Time Employee*. All non‑union represented employees who regularly work less than forty (40) hours during a normal work week and who maintain continuous employee status.

1. Part-time police officers are non-union represented, at-will employees who are scheduled to work seventy-two (72) hours per two week pay period (and to work additional hours as needed), and shall be considered regular part-time employees.

C. *Regular Full‑Time Union Represented Employee*. Hourly employees who are represented by a union or association as recognized by the Township or certified by the Pennsylvania Labor Relations Board.

D. *Seasonal Employee*. Hourly employees who work for specified limited periods of time to fill the needs and requirements associated with specific seasons.

E. *Temporary Employee*. Anyone employed for a finite period of time to fill a need caused by an employee's absence or unusual demand for specific services for a specific event, project or otherwise. This employee’s employment period will be determined by the Township Manager.

3. *Eligibility for Benefits*. Upon the successful completion of their probationary period, all Regular Full‑Time Employees shall become eligible for vacation and personal days as set forth in this Manual.

4. *Non-Eligibility*. Regular part‑time employees (including part-time police officers), seasonal, and temporary employees shall not be eligible for benefits unless approved by the Township in writing prior to hiring.

# §304. APPOINTMENTS AND PROMOTIONS.

1. *Township Policy*. It is the declared policy of the Township, in conformance with State and Federal laws, that:

A. all persons are entitled to equal employment opportunity regardless of race, creed, color, sex, age, ancestry, national origin, religion, handicap or disability, veteran status or other legally protected characteristic;

B. employment in the Township shall be based on merit including qualifications and experience as it relates to the position sought;

C. employment opportunities shall be open to all qualified applicants solely on the basis of their experience, aptitude and abilities;

D. promotion and advancement shall be based on merit, including the individual's achievement, performance, ability, attitude and potential for further promotion; and

E. continued employment shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and the availability of work.

2. *Recruitment.* All appointments will be made pursuant to the Township hiring policy. Employees shall be recruited, interviewed and recommended for hire by the department head and Township Manager. Where the Board of Supervisors deems it necessary, the Board of Supervisors may conduct further interviews.

3. *Hiring*. Actual hiring shall be accomplished only upon decision by the Board of Supervisors.

4. *Probationary Period*. All employees are hired or promoted on a trial basis for a probationary period of one (1) year from the date on which the employee actually begins to perform the duties of the position. If an employee has an extended absence during his/her probationary period, i.e., ten (10) consecutive days or more, for whatever reason, the probationary period may be extended by the number of days in the absence period.

1. The probationary period shall be treated as an integral part of the selection process and shall be utilized for closely observing the employee’s work, for securing the most effective adjustment of a new or promoted employee to his or her position, and for terminating the employment of any employee whose performance is not satisfactory. However, an at-will employee who has successfully completed the probationary process does not acquire any tenure or “just cause” rights in his or her Township employment; he or she remains an at-will employee, unless the provisions of an applicable employment agreement or collective bargaining agreement provide otherwise.

B. Immediate supervisors of new employees and the Township Manager shall responsible submit to the Board of Supervisors, a written recommendation two (2) weeks before the one (1) year anniversary of an employee’s hiring date. This recommendation shall state either that the employee should be retained or the reasons for dismissal.

C. A decision on whether the employee successfully completed the probationary period can be made by the Board of Supervisors at any time during the probationary period, or within a reasonable time after the probationary period has concluded.

# §305. SALARY OR PAY.

1. *Pay Scale*. The Board of Supervisors shall establish a salary budget line item during the annual budget preparation. Individual pay increases for employees not represented by a union shall be determined by the Township Manager through employee evaluations. Pay increases for employees represented by a union shall be determined in accordance with the terms of an applicable collective bargaining agreement.

2. *Pay Scale Amendments*. The salary/pay plan may be amended, supplemented or revised by the Board of Supervisors at any time during the calendar year. Likewise, the Board of Supervisors may from time to time during the calendar year effectuate a salary/pay increase or decrease to any employee or group of employees not represented by a union, if deemed appropriate by the Board of Supervisors.

3. *Compensatory Time or Overtime Compensation*. All compensatory time and overtime compensation shall be authorized in advance when possible only by the department head or Township Manager. All such time authorized shall be reported by the department head bi‑weekly. All employees who are exempt from the minimum wage and overtime provisions of the ***Fair Labor Standards Act***, as amended, are ineligible for overtime compensation, but remain eligible for compensatory time with the approval of the Township Manager.

A. *Overtime Compensation* *for Regular Full-Time Employees*. All employees of the Township [except police officers subject to the 7(k) exemption of the ***Fair Labor Standards Act*** (“FLSA”), 29 U.S.C. §207(k)] who are not exempt from minimum wage and overtime provisions of the FLSA, as amended, shall receive compensatory time or overtime compensation for hours actually worked in excess of forty (40) hours per week at the rate of one and one-half (1½) times the regular hourly rate. Only 50% of any overtime in a pay period may be received as compensatory time.

B. If an employee elects to take compensatory time in lieu of overtime compensation, the employee must provide one (1) weeks’ advanced notice to his or her supervisor, unless being taken for an emergency with supervisory approval, and schedule the compensatory time within six months from the day it is earned. If accrued compensatory time is not scheduled within six months from the day it is earned, the employee will be paid overtime compensation for the compensatory time.

4. *Deductions from Pay*

A. Each employee will receive a statement that summarizes their pay including required deductions and withholdings.

B. The Township takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

C. In the unlikely event that there is an error in the amount of pay (either with regards to deductions or a shortage or excess), the employee must promptly bring the discrepancy to the attention of his or her department head so that corrections can be made promptly.

**§306. WORK SCHEDULE.**

1. *Standard Workweek*. The standard workweek for regular full-time employees shall consist of forty (40) hours. Regular working hours vary by department and job classification. The department head, with the approval of the Township Manager, will establish the regular working hours for his/her department, unless otherwise provided in a collective bargaining agreement.

A. Certain limited services are provided on Saturdays, Sundays and holidays. Work on these days shall be assigned by the department head.

B. Special working hours and shifts may be assigned to employees from time to time to meet the needs of the Township’s responsibility to its citizens.

2. *Meal Periods*. All hourly, non-exempt employees are entitled to a paid half hour lunch break, which shall fall between the fourth and sixth hours of the work day unless otherwise directed by the department head or Township Manager. Employees covered by a collective bargaining agreement, salaried, exempt employees or employees assigned to duty during a meal period will have a lunch break during duty hours as provided in their respective collective bargaining agreements or as otherwise directed by the department head or Township Manager.

# §307. ABSENCE AND LATENESS.

1. *Attendance Records*. Employee absences and lateness must be recorded. Department heads are responsible for ensuring that an accurate record of attendance and punctuality for employees’ under his or her supervision is maintained, and accurately reported. .

2. *Notice*. An employee unable to report for work at his or her scheduled start time shall notify his or her immediate supervisor as soon as possible but in no event later than one (1) hour prior to the time he or she is scheduled to report for work. The employee's department head or the Township Manager may excuse compliance with this notification requirement if the department head or Township Manager determine that emergency or unusual circumstances exist.

3. *Extended Absence*. If any employee is absent for more than one (1) day, that employee is required to contact his/her supervisor on a daily basis to advise the supervisor of their status so that arrangements can be made for redistribution of work. Absence from work without prior notification or failure to notify the supervisor as required may result in disciplinary action.

4. *Authorized Absence*. Due to emergencies of either extreme weather or other conditions, the Township Manager may authorize employees, other than those needed for essential services, to be excused during working hours with pay. Likewise, in the event of extreme weather or other emergency conditions preventing an employee from reporting to work, the Township Manager shall determine whether such absence or lateness is to be excused with compensation.

5. *Disciplinary Action*. Excessive absence or lateness puts an unfair burden on co-workers and, in fairness to all, cannot be tolerated. Therefore, excessive absences and/or lateness which are not authorized by law or this Manual may result in disciplinary action, up to and including dismissal.

# §308. TEMPORARY EMPLOYMENT OR ASSIGNMENT.

1. *Vacancies*. To fill a vacancy of an unanticipated nature, the Township Manager, with the agreement of any appropriate department head, may hire employees on a temporary basis, not to exceed three (3) weeks. Temporary employment may be made at a rate of pay not to exceed the prorated annual salary pay rate for the position as set by the Board of Supervisors. Any temporary employment beyond a three (3) week period must be approved by the Board of Supervisors.

2. *Assignment*. The Township Manager, after consultation with any applicable department head (non-police), may assign any Township employee from one position to another on a temporary basis, not to exceed three (3) weeks. In the event such transfer involves a higher paid position, a temporary assignment may be made at a prorated rate of salary/pay not to exceed the annual salary/pay rate set for the particular position by the Board of Supervisors. Assignment beyond a three (3) week temporary basis must be approved by the Board of Supervisors.

# §309. TOWNSHIP EMPLOYEE PERFORMANCE EVALUATION POLICY.

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1. *General Provisions*.

A. Each full‑time and part‑time employee will receive an annual performance evaluation.

1. The performance evaluation shall consist of a written evaluation of the employee's job performance including his immediate supervisor's written comments, recommendations, performance objectives and goals for the following year.
2. Numerical ratings are to be used in the performance evaluation forms. The numerical ratings will comply with the following rating guide: 1 (unsatisfactory); 2 (improvement desired); 3 (meets expectations); 4 (exceeds expectations; and 5 (outstanding performance).

D. The purpose of the performance evaluation shall be to assess the employee’s performance in the previous year, provide feedback on areas of deficiency and proficiency, set future performance goals and objectives, identify any training needs of the employee, and assist in setting compensation.

E. The performance evaluation shall be conducted by the employee's immediate supervisor or department head. The Township Manager shall be considered to be the department head's immediate supervisor for the purpose of conducting the annual performance evaluation of the department head.

F. The Township will provide the Township Manager and all department heads with training in the proper manner and techniques in preparing and conducting a performance evaluation.

G. The performance evaluation reports will be maintained by the Township Manager as part of each employee's personnel file and record.

2. *Performance Evaluation Form*. The immediate supervisor shall develop, with the approval of the Township Manager, performance evaluation forms to be utilized uniformly as the basis for performance evaluations of employees within each job classification. The Township Manager shall develop performance evaluation forms to be utilized as the basis for performance evaluations of each department head.

3. *Evaluation Criteria.* The immediate supervisor shall evaluate each employee taking into consideration the experience and training of the employee, the employee's job responsibilities as defined under his job description, and the attainment of previously defined performance goals or objectives. In order to more nearly tailor the performance evaluations to the employee's job classification, responsibilities and description, the immediate supervisor may be granted flexibility in the formulation and development of the performance evaluation criteria and factors which shall include, but are not limited to: the employee's quantity and quality of work; timelines for completion of projects and assignments; initiative; cooperation; skill levels; job knowledge; decision and judgment skills; communication skills; computer skills; demonstrated abilities of budget and cost control; accounting skills; attendance; acceptance of responsibility; and problem-solving skills.

4. *Procedure*.

A. The immediate supervisor should give the employee reasonable notice of the date, time and place for the performance evaluation.

B. The immediate supervisor and the employee must sign the performance evaluation form at the conclusion of the performance evaluation. The employee's signature is considered to be verification only that the employee was present and has read the performance evaluation. The employee may attach a response or other explanatory materials to the evaluation form.

C. Performance evaluations shall be conducted at least annually. Performance evaluations of all regular full-time and regular part-time employees should be done by September 30th of each year.

D. New personnel shall receive a performance evaluation within a reasonable time after the completion of six (6) months of employment with the Township.

# §310. EMPLOYEE BENEFITS.

The Township offers comprehensive health benefits to eligible employees, including medical, prescription drug, dental, and vision benefits. In addition, the Township provides eligible employees with continuation of healthcare coverage (COBRA), life insurance, workers compensation and pension benefits.

1. *Eligibility and Effective Date*. A newly hired full-time employee (i.e. an employee expected to work at least 40 hours a week) is eligible to participate in the Township sponsored health benefits within 30 days of employment. Part-time, seasonal or temporary employees shall not be entitled to these benefits. The Township allows an eligible employee to enroll the spouse to which he or she is legally married in dependent healthcare coverage. Note that the Township does not offer health benefits to an eligible employee’s opposite-sex or same-sex domestic partner. In addition, the Township allows an eligible employee to enroll biological children, adopted children, stepchildren and eligible foster children in dependent coverage under the Township’s health benefits until the end of the month when they reach age 26.

2. *Summary Plan Description*. Details of the health insurance program are described in the Summary Plan Description (SPD). A copy of the SPD will be provided to employees in advance of the annual enrollment period. Contact the Township Manager’s office for more information about health insurance benefits.

3. *Continuation of Healthcare Coverage (COBRA)*. Employees and their families may be eligible to temporarily continue health coverage at group rates in certain instances when coverage under the Township’s plan would otherwise end. Employees choosing continuation coverage will be responsible for paying the monthly premium, plus a two percent (2%) administrative fee. Coverage will terminate if either the premium is not paid, the former employee becomes eligible under another group health plan or Medicare, or the Township no longer provides group health insurance coverage for its employees. For more information on COBRA, contact the Township Manager.

1. *Healthcare Opt-Out Provision*. Employees who have health insurance available from another source may elect to opt-out of the Township provided health insurance program and receive an opt-out payment equal to twenty percent (20%) of the annual premium cost of the Township provided health insurance, pro-rated as necessary. The payment will be provided in a lump-sum payment on or before the last day of the Plan Year or as soon as administratively possible following the termination of a benefit eligible employee’s employment, if applicable. Opt-out payments provided to benefit eligible employees whose employment is terminated will be prorated accordingly.

5. *Life Insurance.* The Township provides life insurance for all regular full-time, non- union represented employees. The coverage level is two times the employee’s annual salary. This policy is subject to continual review which may result in revision or modification of terms in the Township’s sole discretion.

6. *Workers’ Compensation Benefits*. The Township provides comprehensive workers’ compensation insurance at no cost to employees. The insurance covers injuries and illnesses sustained in the course of employment that require medical, surgical or hospital treatment. Subject to applicable legal requirements, workers’ compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. Neither the Township nor the insurance carrier will be liable for the payment of workers’ compensation benefits that occur during an employee’s voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee’s work-related duties. If an employee has any question about whether an activity is work related or not, he/she should contact their department head or Township Manager.

A. During any applicable waiting period under PA Workers’ Compensation Law, an employee may use accrued sick leave for absences due to a compensable work-related accident or illness.

B. Employees who qualify for workers’ compensation benefits shall not be entitled to use sick, vacation, personal or any other paid leave during the period of benefit eligibility. In addition, said paid leave shall not accrue during the period of benefit eligibility.

7. *Pension Benefits*. All regular full-time employees hired prior to January 1, 2012 shall be eligible to participate in the Non-Uniformed Employees’ Defined Benefits Pension Plan and all regular full-time Non-Uniformed employees hired on or after January 1, 2012 shall be eligible to participate in the Non-Uniformed Defined Contribution Pension Plan as set forth in the Non-Uniform Employees’ Pension Ordinance (Ordinance 304~~)~~ as amended. All regular full-time Police Officers shall be eligible to participate in the Uniformed Employees’ Pension Plan as set forth in the Uniformed Employees’ Pension Ordinance (Ordinance 291) as amended.

# §311. VACATIONS.

1. *Paid Vacation for Full-Time Employees who are not represented by a union*. Regular full‑time employees shall be entitled to the following paid vacation benefits per year:

A. One (1) week (five (5) working days) after completing one (1) full year of employment.

B. Two (2) weeks (ten (10) working days) after completing two (2) full years of employment.

C. Three (3) weeks (fifteen (15) working days) after completing five (5) years of employment.

D. Four (4) weeks (twenty (20) working days) after completing ten (10) years of employment.

E. Five (5) weeks (twenty-five (25) working days) after completing twenty (20) or more years of employment.

2. *Accrual of Vacation Time*. Starting January 1, 2005, all regular full-time employees’ vacation time will be based on the completion of a calendar year and will accrue beginning on January 1st of each year.

A. For all regular full-time employees hired after January 1, 2005, at the conclusion of the calendar year in which employment commenced, they shall be entitled to prorated vacation time based on the completion of one full year’s employment. The first full calendar year worked will be counted as the completion of one year’s employment.

For example, if an employee is hired on July 1, 2005, the employee will be entitled to two and one-half (2 ½) vacation days to be used in calendar year 2006. On January 1, 2007, the employee will have earned five vacation days for completing one full calendar year’s employment. On January 1, 2008, the employee will be entitled to ten (10) vacation days and so on as provided in Section 1 above.

3. *Scheduled Vacation Time*. Where possible, earned vacation time shall be selected and scheduled for the entire calendar year during the period between January 1 and February 28 of each year. Vacation days may be otherwise scheduled and taken at any time during the year subject to the discretion of the employee's immediate supervisor or the Township Manager. Vacations shall be scheduled to avoid overlapping of vacations among employees to ensure the normal performance of all Township functions. In the event of any conflicts in the time selected for vacations, immediate superiors and then employees with the most years of service will be given preference.

4. *Unused Vacation Time*. No employee shall be permitted to waive annual vacation for the purpose of receiving double pay. Vacation shall be in addition to the legal holidays mentioned herein. Unused vacation time may not be accumulated and credited or carried over to a following year except for specific circumstances as approved by the Township Manager in writing. Vacation time must be taken within the calendar year it is accrued or it will expire.

5. *Paid* *Vacation Time for Part-Time Employees.* Part-time or temporary or seasonal employees shall not be entitled to paid vacation time. However, regular part-time employees with at least five (5) years of continuous Township employment shall be entitled to one (1) week (five (5) working days) of paid vacation time.

6. *Vacation Time for Union Represented Employees*. Union employees have their vacation time and related requirements set forth in their collective bargaining agreements.

7. *Use for Early Retirement*. All regular full-time employees in good standing after ten (10) years of employment are entitled to a time credit representing their “banked” vacation days which, at the election of the employee, may be applied toward the determination of a date for early retirement. The total time credit to be applied to a date for early retirement, from the “banked” vacation days, shall not exceed fifty (50) days. If the employee elects not to apply the banked vacation time toward the determination of a date for early retirement, the Township shall buy back the banked vacation time upon the termination of the employee’s employment with the Township.

# §312. HOLIDAYS.

1. *Holidays*. The following holidays shall be observed by the Township:

A. New Year's Day

B. Presidents Day

C. Martin Luther King's Birthday

D. Memorial Day, as observed

E. Easter (to be observed on Good Friday)

F. Fourth of July

G. Labor Day

H. Thanksgiving Day

I. Day following Thanksgiving Day

J. Veterans Day

K. Christmas Eve Day

L. Christmas Day

2. *Observance of Holidays*. If any of the above holidays fall on a Saturday, then Friday shall be the day of observance. If any of the above holidays fall on a Sunday, then Monday shall be the day of observance.

3. *Holiday Compensation*. In the event that an employee is assigned to work on a stated holiday, the employee may, within a period of two (2) weeks preceding or following such holiday, elect to be paid the equivalent of one (1) day's pay in addition to his regular pay or select a day for compensatory time off. If an employee elects to receive compensatory time off, said compensating day or days may not accumulate or be taken beyond the two (2) week period following the holiday for which they are granted, unless otherwise agreed by his/her immediate superior.

4. *Holiday Pay for Part-Time Employees*. Part‑time or temporary or seasonal employees shall not be entitled to holiday pay or compensatory time off. However, regular part‑time employees with at least two (2) years of continuous Township employment shall receive one-half (½) day’s pay for each Township observed holiday. For example, an eligible part-time employee who works twelve (12) hours per day will receive six (6) hours of holiday pay while an employee who works eight (8) hours per day will receive four (4) hours of holiday pay or time off.

# §3l3. SICK LEAVE.

1. *Definition of Sick Leave*. Sick leave shall be defined as leave with pay for any non‑work‑related personal illness or injury, legal quarantine, or care of a minor sick child at home that is the employee’s biological, adopted or foster child.. Regular full-time employees are eligible for sick leave upon completion of the probationary period established in §304(4) of this Manual.

2. *Amount of Sick Leave*. Each regular full‑time employee shall earn sick leave at the rate of one (1) day per month up to a maximum of twelve (12) days per year. Part‑time, temporary or seasonal employees shall not be entitled to sick leave pay.

3. *Accrual of Benefits*. Employees using earned sick leave shall be considered to be working for purposes of accumulating vacation or further sick leave.

4. *Accumulation of Sick Leave.* Sick leave not used in a calendar year may be accumulated and added to the employee’s sick leave bank. Each employee shall be permitted to accumulate a maximum of eighteen (18) sick leave days in their post 2004 sick leave bank.

1. *Grandfather Provision*. Employees hired before January 1, 2005, may maintain an accrued sick leave bank of up to two hundred (200) days which may be used in subsequent years or have a portion of it applied toward the determination of a date for early retirement. There shall be no accumulation of sick leave for any other purpose. Additionally, for 2005 only, employees will earn sick leave at the rate of (1.5) days per month up to a maximum of eighteen (18) days.

1) *Date for Early Retirement.* All regular full-time employees hired before January 1, 2005, who are in good standing, are entitled to apply up to one hundred fifty (150) days of banked sick leave toward the determination of a date for early retirement. Under no circumstances shall time credit applied to a date for early retirement exceed one hundred fifty (150) days.

5. *Doctor’s Certificate*. As a condition of being paid, a doctor's certificate may be required by the Township of any employee when such employee is absent because of illness for two (2) or more consecutive days. Additionally, employees may be required to produce a doctor’s certificate when they use sick leave the day before or after a scheduled day off or holiday. The Township may further require a doctor’s certificate in support of sick leave usage when an employee uses sick leave in excess of ten (10) days in a calendar year.

6. *Certificate of Fitness*. An employee who is absent from work for ten (10) consecutive days or more because of sickness, accidental injury or quarantine may be required to provide a doctor-issued Certificate of Fitness to return to work establishing that the employee is again capable of performing the job duties of his or her position without risk of injury to himself/herself or other Township employees.

7. *No Buy Back*. The Township shall not buy back any unused or banked sick leave at the time an employee’s employment with the Township terminates or at any other time.

8. *Abuse of Sick Leave*. Claiming sick leave benefits for reasons not specified in this policy or otherwise misusing sick leave benefits may be cause for disciplinary action, up to an including dismissal.

9. *Amount Charged*. Use of paid sick leave will be charged as follows:

A. Four (4) hours or less will be charged as one‑half (½) day of sick leave.

B. More than four (4) hours will be charged as a full day of sick leave

# §314. DISABILITY BENEFITS.

*1. Short Term Disability*. The Township shall provide a short-term disability plan for all regular full-time employees. Plan provisions are available in the Finance Office.

2. *Long Term Disability Benefits.* The Township shall provide a long-term disability plan for all regular full-time employees. Plan provisions shall be available in the Finance Office.

# §315. WORK INJURIES.

1. *Incident Reports*. All employees are required to complete an Incident Report for any and all instances where injury has occurred. This is to be done immediately following the incident or accident, no matter how minor the injury may be. Incident Reports are to be filled out and signed by both the employee and his/her immediate supervisor. Incident Reports are reviewed by the Township Manager or department head.

2. *Discipline*. Employees may be disciplined for incidents and/or accidents caused by employee negligence or misconduct as determined by the Township Manager or department head. Employees who are involved in accidents resulting in damage or injury may be required to submit to substance testing.

3. *Duty to Report Injury*. When it is necessary for an employee to obtain medical treatment due to a work related injury, the employee must report the injury to his/her supervisor immediately. Failure to do so can delay benefits or cause an employee to lose rights to benefits under the Township's workers' compensation insurance policy.

4. *Expenses Paid for by the Township*. The Township will pay all reasonable medical supplies and treatment related to a compensable work injury or illness not resulting from violations of law or the Township’s policies relating to substance abuse, in accordance with the Workers’ Compensation Law.

5. *Changing Physicians*. An employee has the right, during this ninety (90) period, to switch from one physician on the list of designated physicians to another on the list, and treatment will be paid for by the Township.

6. *Emergency Treatment*. If an emergency arises due to an employee’s work related injury, the employee has the right to seek medical treatment from any provider, but subsequent non‑emergency treatment shall be performed by one of the designated panel of physicians for the remainder of the ninety (90) days period.

7. *Treatment by Non‑Designated Physicians*. An employee has the right to seek treatment or medical consultation from a non‑designated physician during the ninety (90) days period, but these services will be at the employee’s expense.

8. *Continuing Treatment*. After the ninety (90) day period has ended, an employee may seek treatment from any health care provider and workers’ compensation insurance will pay for the treatment if it is deemed reasonable and necessary.

A. If an employee seeks treatment by a non‑designated provider, he/she must notify the Township Manager in writing within five (5) days of the first visit to the provider.

# §316. FAMILY MEDICAL LEAVE.

1. *Job‑Protected Leave*. Under certain circumstances, employees may be eligible for job‑protected leave pursuant to the Family and Medical Leave Act (“FMLA”). FMLA leave will consist of appropriate accrued paid leave and unpaid leave.

2. *Definitions.* For purposes of this policy, the following definitions apply:

A. “Child” means a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter on Covered Active Duty or call to Covered Active Duty, or for Service member Family Leave, the child may be of any age.

B. “Covered Active Duty” means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during deployment with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.

C. “FMLA Leave” means leave which qualified under the Family and Medical Leave Act of 1993 and the Department of Labor's regulations and is designated by the Township as so qualifying.

D. “Parent” means a biological, adoptive, step or foster parent of an employee or any other individual who stood in loco parentis to an employee.

E. “Qualifying Exigency” includes: 1) notification of a call to Covered Active Duty seven (7) or fewer days from date of deployment (leave for this purposes may be used for up to seven (7) calendar days beginning on the date the military member is notified of an impending call or order to Covered Active Duty); 2) military events and related activities, including post-deployment activities (e.g., official ceremonies, support programs, counseling, etc. related to Covered Active Duty or a call to such); 3) childcare and related activities; 4) attending to financial and legal matters; 5) to attend certain counseling the need for which arises from the Covered Active Duty or call to Covered Active Duty status; 6) to spend up to fifteen (15) days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; 7) to provide parental care; and, 8) any additional activities related to the call to Covered Active Duty otherwise agreed to by the employer and employee.

F. “Serious Health Condition” means an illness, injury, impairment or physical or mental condition involving:

1. inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care;

2. a period of incapacity of more than three (3) consecutive full calendar days that also involves continuing treatment as follows:

a. treatment two (2) or more times, within thirty (30) days of the first day of incapacity (unless extenuating circumstances exist), by or under the supervision, orders or referral of a health care provider, so long as a first visit to a health care provider takes place within seven (7) days of the first day of incapacity; or

b. 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, so long as the visit to the health care provider takes place within seven (7) days of the first day of incapacity;

3. any period of incapacity due to pregnancy or for prenatal care;

4. any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

a. 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;

b. continues over an extended period of time (including recurring episodes of a single underlying condition); and

c. may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy);

5. any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, and which requires the continuing supervision of, but not necessarily active treatment by, a health care provider (e.g., Alzheimer's, severe stroke or terminal stages of a disease);

6. any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare 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 result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy) or kidney disease (dialysis).

3. *Eligibility Requirements*.

A. To be eligible for FMLA leave, employees must have been employed by the Township for at least one year and worked at least twelve hundred fifty (1250) hours during the twelve (12) month period preceding the leave, provided that the Township employs at least 50 employees at the time of the FMLA leave request.

B. FMLA leave will be charged to an employee for time missed from work as a result of an illness or injury covered by the Township's sick leave or disability policies, worker's compensation or the Heart and Lung Act, that qualifies as a serious health condition under the FMLA including where the employee is out due to illness for more than three (3) consecutive days.

4. *Reasons for Leave*.

A. Employees who meet the above eligibility requirements may be granted up to twelve (12) weeks of FMLA leave (consisting of appropriate accrued paid leave and unpaid leave) in a 12-month period, calculated using a “rolling” method that is measured backward from the date you use any FMLA leave, for the following reasons:

1. the birth of the employee's child and in order to care for the child;

2. the placement of a child with the employee for adoption or foster care;

3. to care for a spouse, child or parent who has a serious health condition;

4. a serious health condition that renders the employee incapable of performing the functions of his or her job; or

5. a Qualifying Exigency of a spouse, son, daughter or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

B. Eligible employees may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that he or she takes FMLA leave to care for a spouse, son, daughter or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).

C. Spouses who are both employed by the Township and eligible for FMLA leave may be limited to a:

1. Combined total of 12 weeks of leave during the 12-month period if leave is requested:

* for the birth of a son or daughter and in order to care for such son or daughter;
* for the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter; or
* to care for an employee's parent with a serious health condition.

2. Combined total of 26 weeks in a single 12-month period if the leave is either for:

* military caregiver leave; or
  + a combination of military caregiver leave and leave for other FMLA-qualifying reasons.

4. *Intermittent Leave*.

A. Under certain circumstances, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part‑time schedule:

1. Where leave is taken because of a birth of an employee's child or placement with the employee of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the Township Manager or his/her designee agrees; or

2. Where FMLA leave is taken to care for a sick family member (employee's spouse, child or parent) with a serious health condition, a covered service member with a serious injury or illness, or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary.

B. To accommodate intermittent leave or part‑time schedule, the Township may alter an existing job or transfer an employee to an alternative position with equivalent pay and benefits.

5. *Procedure for Requesting Leave*.

A. In all cases, an employee requesting FMLA leave must complete an “Application for Family and Medical Leave” and return it to the Township Manager or his/her designee. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave. The Township shall promptly respond in writing to the application.

B. If the Township becomes aware that the employee is using sick leave or is on disability leave, or is receiving worker's compensation or Heart and Lung benefits, for reasons that qualify as a serious health condition (whether or not the employee has requested FMLA leave), the Township will designate the period of absence as FMLA leave and will inform the employee that the leave has been so designated.

C. An employee intending to take FMLA leave because of an expected birth or placement of a child, or because of a planned medical treatment, must apply for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must notify his or her supervisor and the Township Manager orally and in writing as soon as the need for the leave arises.

6. *Medical Certification*.

A. An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a “Medical Certification Statement” completed by a health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. The Township may also require second and third opinions (at the Township's expense) to support the request for leave because of a serious health condition and the effect it will have on the Township to perform Township services while the employee is on leave.

B. If the employee is needed to care for a spouse, child or parent, the certification must so state, along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

C. The Township reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave as well as certification in connection with military exigency leave.

D. The medical certification must be completed and returned within fifteen (15) days after leave commences. Failure to return the medical certification within this time limit may result in the denial of leave and the absence from work will be treated as an absence without authorization which may result in disciplinary action up to and including dismissal from employment.

E. During leave, the Township may ask the employee to report periodically on his/her status and continued intention to return to work, and the employee must reasonably cooperate.

7. *Compensation and Benefits During Leave*.

A. FMLA leave will consist of appropriate accrued paid leave and unpaid leave. If leave is requested for an employee's own serious health condition, the employee must first use all of his or her accrued paid vacation leave, sick leave and personal leave. The remainder of the leave period will then consist of unpaid leave.

B. If leave is requested for any of the other reasons listed under, §3 an employee must first use all of his or her accrued paid vacation and personal leave. The remainder of the leave period will then consist of unpaid leave.

C. During a period of family or medical leave, an employee will be retained on the Township's health plan under the same conditions that applied before leave commenced.

D. An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of unpaid leave. An employee who takes FMLA leave will not lose any employment benefits that accrued before the date leave began.

8. *Restoration of Employment Following Leave*.

A. Employees who are returning from leave should provide the Township Manager with reasonable advance notice of their return both orally and in writing.

B. An employee returning from FMLA leave (except an employee designated by the Township as a “key employee”), will be restored to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The Township cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an “equivalent position” will be made by the Township.

C. If an employee’s leave of absence was for his or her own serious health condition and the leave lasted more than ten (10) days, the employee may be required to submit a certificate to return to work indicating that the employee is capable of performing the duties of his or her position without risk of injury to himself or herself or other Township employees.

9. *Failure to Return to Work After Leave*. An employee who fails to return to work upon the expiration of an FMLA absence may be subject to termination, unless that employee has requested in writing, and the Township has approved in writing, an extension of the leave for a definite time. Employees must request an extension of leave as soon as they realize that they will not be able to return at the end of the scheduled leave period. Union employees should review their respective union contracts for their eligibility for extended leaves of absence.

# §317. BEREAVEMENT LEAVE.

1. *Paid Excused Absence for Immediate Family*. All full‑time employees may be granted five (5) consecutive days excused absence, with pay, in the event of the death of such employee's spouse, mother, father, sister, brother, child, mother-in-law or father-in-law, step-child or step-parent.

2. *Paid Excused Absence for Other Family Members*. A full‑time employee may be granted two (2) consecutive days excused absence, with pay, in the event of the death of such employee’s grandparents, aunts, uncles or cousins, brother-in-law or sister-in-law.

3. *Request for Bereavement Leave*. All requests for such bereavement leave should be made through the chain of command, to the employee's immediate supervisor, with final approval by the Township Manager. Full‑time employees are entitled to use personal leave to attend funerals of relatives or friends other than those enumerated in this section. Bereavement leave of absence will be applied to all regular full‑time employees regardless of length of service. The Township reserves the right to require satisfactory proof and documentation of death and relationship to deceased.

# §318. PERSONAL LEAVE.

1. *Paid Leave*. After one (1) year of continuous service, all regular full‑time employees of the Township are entitled to three (3) personal days per calendar year, with pay, to be taken at any time of his or her preference. The employee shall give two (2) weeks advance notice of the taking of such personal day to his or her immediate supervisor, unless such personal day is being taken for an emergency reason for which the immediate supervisor gives consent. There shall be no accumulation or accrual from year‑to‑year of personal days.

2. *Unpaid Leave*. Regular full-time employees requesting a personal leave of absence, without pay or benefits, must place the request in writing to the Township Manager with a simultaneous copy to his or her department head. The Township Manager is authorized to grant a leave of absence that is less than three (3) days in duration. If the leave request is for three (3) days or more, the leave will be granted on a case-by-case basis at the discretion of the Board of Supervisors in conjunction with the Township Manager and the employee’s department head.

3. *Voluntary Resignation*. A Township employee who fails to report to work at the scheduled conclusion of an authorized leave of absence shall be deemed to have voluntarily resigned his or her position with the Township.

# §319. JURY DUTY/COURT DUTY.

1. *Excused Absences*. When a regular full‑time employee is selected for jury duty, the required time‑off will be considered as an excused absence. When extenuating circumstances exist, the Township may request a postponement or relief from jury duty.

2. *Compensation*. Compensation for regular full-time employees will be the difference between their normal regular pay and the amount received from the court for a period of up to ten (10) days. The employee will receive his or her normal pay and will assign over to the Township any jury or court payments received from the Court for attending jury duty not including any reimbursed expenses. The employee is entitled to receive this benefit for a period of up to ten (10) days. Part-time, temporary and seasonal employees are not compensated by the Township for jury duty.

3. *Proof of Jury Duty Attendance*. Proof of attendance at jury duty as provided by the courts shall be made to the Township in writing. An employee serving on jury duty is expected to report for work during any regular working hours when the jury is not in session.

4. *Excused Absence Without Pay*. An excused absence, without pay, shall be granted to an employee appearing in court under subpoena or on his or her own behalf in legal proceedings involving non-Township matters.

# §320. MILITARY LEAVE OF ABSENCE.

1. *Leave of Absence*. Township employees serving in the uniformed services shall be eligible for Military Leave for voluntary or involuntary military service, and for reinstatement, in conformity with all applicable federal and state laws, including the Uniformed Services Employment and Reemployment Rights Act (USERRA), provided that the legal requirements for such leave are met. The uniformed services include the full‑time and reserve components of the Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard and the commissioned corps of the Public Health Services.

2*. Return from the Military*. Any eligible employee returning from military leave shall be entitled to reinstatement to his or her former position, or substantially the same position with the same seniority and benefits, provided he or she notifies the Township of his or her intent to return to his position as follows:

A. In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting for work with the Township not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service, and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence.

B. In the case of a person whose period of service was more than thirty one (31) days but less than one hundred eighty one (181) days, by submitting an application for re‑employment with the Township not later than fourteen (14) days after the completion of the period of service or if submitting such application is impossible or unreasonable through no fault of the person, the next first full calendar day when submission of such application becomes possible.

C. In the case of a person whose period of service was more than one hundred eighty (180) days, by submitting an application for re‑employment with the Township not later than ninety (90) days after the completion of the period of service.

3. *Failure to Apply for Re‑Employment*. An employee's failure to report or apply for re‑employment or to fulfill all requirements for re-employment within the appropriate time period specified herein, may forfeit his or her right to re‑employment with the Township.

4. *Paid Leave*. An employee who is a member of any reserve component of the United States Armed Forces or the National Guard will be allowed leave of absence for required training or duty with pay for a period not exceeding fifteen (15) working days during any one calendar year. This paid leave will be provided only for days during which the employee is engaged in field training, ordered or authorized, and for days when he or she is called into service by the Commander‑in‑Chief. An employee returning from military service shall submit a certified statement from the disbursing officer of his or her National Guard or Reserve Unit, attesting to the period of training and/or service.

5. *Leave Request Form*. Employees shall complete a Township Leave Request Form when requesting a military leave of absence.

# §321. PERSONNEL RECORDS.

1. *Personnel File*. The Township maintains a personnel file on each employee containing essential job data and emergency notification information.

2. *Confidentiality*. Information contained in personnel files is considered confidential and will be so treated by the Township. An employee has the right to review his or her personnel file by written request to the Township Manager or, in his absence, the Finance Officer. The Township Manager or Finance Officer will designate a place to review a personnel file at a mutually convenient time.

3. *Release of Information*. Unless required by a valid subpoena or court order, employee records generally will not be provided to non‑Township third parties unless the employee signed an authorization containing the date, the person to whom the information will be released and the purpose of the release of information.

4. *Changes in Status*. It is very important for employees to keep personal records up‑to‑date and to ensure their accuracy. Employees must notify the Township Manager of any changes in basic information related to employment or benefits, such as marital status, dependents, beneficiaries, address, telephone number, person(s) to be notified in case of an emergency, and changes in income tax exemptions/deductions.

# §322. ETHICS POLICY.

1. *Laws and Regulations*. The Township provides an environment that is ethical and in compliance with all applicable laws and regulations. Integrity must underlie all Township relationships with those in the community and among employees.

2. *Conflict of Interest*. Employees shall not engage in any conduct that constitutes a conflict of interest or which gives the appearance of a conflict of interest. A conflict of interest is an abuse, by an employee, of the authority of his or her office, employment or any confidential information (information not obtainable from reviewing a public document or from making inquiries to a publicly available source of information) received through his or her employment for the private pecuniary benefit of that employee, a member of his or her immediate family, or a business with which he or she or a member of his or her immediate family is associated. Examples of conflict of interest include, but are not limited to, an employee's receipt of money, gifts or benefits personally or through family members or businesses with which the employee is associated.

3. *Solicitation*. No employee shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based upon any understanding that the employee's judgment would be influenced thereby.

4. *Gifts, Gratuities and Loans*. An employee shall not accept gifts, gratuities or loans from organizations, businesses or individuals who have an official relationship with the Township. These limitations are not intended to prohibit the acceptance of an invitation for lunch or the acceptance of articles of negligible value which are distributed generally, nor to prohibit relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting employees, and enforcement employees avoid relationships which might be considered as evidence of favoritism, coercion, unfair advantage or collusion.

5. *Political Affiliation*. No Township employee shall be hired, fired, appointed, promoted, demoted, favored or discriminated against with respect to employment because of his or her political opinions or affiliations.

6. *Improper Coercion*. No Township employee shall directly or indirectly coerce, attempt to coerce, command or advise any other Township employee to pay, lend, or contribute any part of his/her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purpose.

7. *Political Activity*. No Township employee, while serving in his/her official capacity, may solicit from the public any political contribution or distribute political buttons, pamphlets, handbills or literature of any kind favoring or opposing any candidate for election.

8. *Disciplinary Action*. Violations of any sub-section of this section §322, Ethics Policy, may result in disciplinary action, up to and including termination.

# §323. EQUAL EMPLOYMENT OPPORTUNITY POLICY.

1. *Equal Opportunity Employer*. It is the Township’s policy to offer equal employment opportunity (EEO) to all persons without regard to race, ethnicity, religion, color, national origin, age, sex, disability status, veteran status or any other legally protected trait or characteristic. This applies to all terms and conditions of employment including but not limited to recruitment, hiring, placement, transfers, promotions, demotions, selection for training, layoff, return of layoff, Township-sponsored training, educational tuition assistance, and social and recreational activities.

The Township accomplishes these goals by providing an environment of acceptance and inclusion of all employees. The Township will make all decisions regarding recruitment, hiring, selection, training, advancement, discharge or other terms, conditions, or privileges of employment based on job-related qualifications and abilities.

2. *No Tolerance*. The Township prohibits, forbids, and does not tolerate discrimination against any employee based on race, ethnicity, religion, color, national origin, age, sex, disability status, veteran status or any other legally protected trait or characteristic.

3. *Reporting Procedure and Prohibition Against Retaliation*. Any employee who believes he or she is being discriminated against in violation of this policy should promptly report his or her concern pursuant to the reporting procedure set forth in the Township’s Harassment The Township prohibits retaliation against employees for raising a concern pursuant to this policy. Concerns of retaliation should likewise be reported using the reporting procedure sent forth in the Township’s Harassment Policy.

4. *Procedure for Requesting an Accommodation for a Physical or Mental Impairment*.

A. Qualified employees with disabilities who wish to request a reasonable accommodation should contact their department head, preferably in writing. On receipt of an accommodation request, the department head will meet with the employee making the request to engage in an interactive process and discuss and identify the precise limitations of job functions resulting from the disability and the potential accommodation that the Township might make to help overcome those limitations. The department head shall then discuss the matter with the Township Manager.

B. *Feasibility*. The Township will determine the feasibility of the requested accommodation, considering various factors, including, but not limited to, the nature and cost of the accommodation, overall financial resources, and the accommodation’s impact on the operation of the department and/or Township, including its impact on the ability of other employees to perform their duties. If the accommodation requested would present an undue burden on the Township, the Township will explore whether an alternate accommodation is available.

C. *Decision Notification*. The Township will inform the employee in writing of the Township’s decision on the accommodation request and what, if any steps, will be taken for making the accommodation.

# §324. HARASSMENT POLICY.

1. *Harassment*. The Township is committed to maintaining a professional business environment and a workplace that is free from unlawful harassment and discrimination. strictly prohibits and does not tolerate unlawful harassment against employees or any other covered persons because of race, color, religion, national origin or ancestry, sex (including pregnancy), age, physical or mental disability, genetic information, past, current, or prospective service in the uniformed services, or any other characteristic protected under applicable federal, state, or local law.

This policy applies to employees, members of the public, contractors, vendors, or suppliers. Likewise, this policy applies to all employees while on the Township’s premises or while acting on behalf of the Township at any other location.

2. *Definition of Harassment.*

Sexual Harassment

All Township employees, other workers, and representatives (including visitors) are prohibited from harassing employees and other covered persons based on that individual's sex or gender (including pregnancy) and regardless of the harasser's sex or gender.

Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

* Submission to the advance, request, or conduct is made either explicitly or implicitly a term or condition of employment; or
* Submission to or rejection of the advance, request, or conduct is used as a basis for employment decisions; or
* Such advances, requests, or conduct have the purpose or effect of substantially or unreasonably interfering with an employee's work performance by creating an intimidating, hostile, or offensive work environment.

The Township's policy means that no Township Manager, department head, supervisor or other employee shall threaten or suggest, directly or indirectly, that any employee's refusal to submit to sexual advances in any form will adversely affect that person's employment, performance ratings, wages or other compensation, opportunities for advancement, assigned duties or any other term or condition of employment.

In addition, offering, promising or granting favored treatment to any other employee or applicant for employment as a result of that person's engaging in or agreeing to engage in sexual conduct as well as seeking in any way to make the performance of a person's job more difficult because of that person's sex or the refusal of that person to submit to sexual advances, are strictly prohibited.

The Township will not tolerate any form of sexual harassment, regardless of whether it is:

* Verbal (for example, epithets, derogatory statements, slurs, sexually-related comments, or jokes, unwelcome sexual advances, or requests for sexual favors).
* Physical (for example, assault or inappropriate physical contact).
* Visual (for example, displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).
* Online or by email (for example, derogatory statements or sexually suggestive postings).

This list is illustrative only, and not exhaustive. No form of sexual harassment will be tolerated.

Other Types of Harassment

The Township's anti-harassment policy applies equally to harassment based on an employee's race, color, religion, national origin or ancestry, sex (including pregnancy), age, physical or mental disability, genetic information, past, current, or prospective service in the uniformed services, or any other characteristic protected under applicable federal, state, or local law.

Prohibited conduct includes harassment that is:

* Verbal (for example, epithets, derogatory statements, slurs, derogatory comments, or jokes).
* Physical (for example, assault or inappropriate physical contact).
* Visual (for example, displaying derogatory posters, cartoons, drawings, or making derogatory gestures).
* Online or by email (for example, derogatory statements or sexually suggestive postings).

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated.

3. *Reporting Harassment*. It is crucial that harassment, of any nature, be reported immediately to enable the Township to stop it. Without prompt reporting the Township will not be able to timely and effectively respond to concerns. All employees share responsibility for assuring that the workplace is free from harassment.

Any employee who feels that he or she has been a victim of harassment in any form by any department head, supervisor, co‑worker, vendor, customer, client or other visitor to the Township Building, as well as any person who has witnessed the harassment of an applicant or fellow employee, should bring the problem to the immediate attention of their supervisor or department head. If the complaint involves someone in the employee's direct line of supervision (including the Township Manager), or if the employee is uncomfortable for any reason with discussing such matters with his or her supervisor and/or department head, or if the employee is not satisfied after bringing the matter to the attention of either or both of these individuals, that employee should report the matter promptly to the Township Manager or the Board of Supervisors. Any such reports should be immediately confirmed in writing.

4. *Investigation of Harassment Allegations*. The Township takes very seriously all complaints of harassment and will promptly investigate all allegations of harassment in as confidential a manner as possible and will take appropriate corrective action when warranted. Any employee who is determined, after such an investigation, to have engaged in harassment of any kind in violation of this policy shall be subject to appropriate disciplinary action, up to and including termination of employment.

5. *Prohibited Behavior*. The following behaviors are also prohibited by the Harassment Policy:

A. Retaliation.

1. Against the Complainant: It is a violation of the Township's Harassment Policy to retaliate against a Complainant for raising a concern of harassment. Concerns about retaliation should be reported using the steps followed for a complaint of harassment.

2. Against the Respondent: A complaint of harassment is not proof of prohibited conduct, and the Township will thoroughly investigate complaints of harassment prior to taking corrective action. .

B. Knowingly False or Malicious Complaints. To file a knowingly false or malicious complaint of harassment or of retaliation is a violation of the Harassment Policy. Concerns about such conduct should be reported using the steps followed for a complaint of harassment. A complaint under this provision shall not constitute prohibited retaliation.

6. *Questions*. Any questions about this or any other policy, rule or regulation should be addressed immediately either to your department head or the Township Manager. If the conduct of the Township Manager is or may be involved, all questions should be directed to the Board of Supervisors.

# § 325. RESPECT IN THE WORKPLACE POLICY

1. *Policy*. The Township is committed to creating a safe and productive work environment where all employees, customers and visitors are treated with respect and dignity. Each employee represents the Township and the entire operation, and since we are employees of the taxpayers, it is imperative that each person acts in an appropriate and professional manner.

Respectful treatment of others is a fundamental element of any successful organization. In order to deliver the best possible services to the Township, all employees must demonstrate respectful behavior towards one another in order to be able to effectively deliver services.

2. *Expectations*. The Township recognizes that conflicts and disagreements are bound to occur. It is the expectation that all employees will work to resolve these issues in a manner that contributes to a professional and productive workplace so that we may all focus on the important work and services we deliver to the community. There are positive behaviors we expect employees to demonstrate while working with one another to collectively foster a respectful working environment for all employees, volunteers, vendors, visitors and residents.

The positive behaviors include, but are not limited to the following:

* being polite, courteous and respectful to others
* acknowledging others and creating an open and sharing environment
* treating others equitably and fairly
* listening and speaking respectfully with others
* being open-minded to other people’s ideas, comments and suggestions
* giving positive feedback for ideas, suggestions or work accomplishments
* suggesting improvements constructively where appropriate
* communicating face-to-face whenever possible and being aware that other methods such as e-mail can be misinterpreted
* ensuring that decision making is influenced only by factors which have a work related purpose
* recognizing and valuing the diversity of other employees, residents and visitors

All Employees have the responsibility to create and maintain a respectful and safe working environment so that all employees can reach their maximum potential and ensure the proper service is delivered to the community.

# § 326 WORKPLACE VIOLENCE POLICY.

1. *Violence Prevention*. The Township is committed to preventing workplace violence and maintaining a safe work environment for all employees. The Township has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours on Township premises or at Township-sponsored events, or while an employee is conducting business on behalf of the Township.

2. *Prohibited Workplace Behavior*. The Township does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities as the Township has a zero tolerance policy.

3. *Prohibited Conduct*. Employee conduct that threatens, intimidates, or coerces another employee, a resident, or member of the public, will not be tolerated. The following list provides examples of prohibited behavior:

A. Causing physical injury to another person;

B. Making threats of violence;

C. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress; and

D. Intentionally damaging Township property or property of another employee.

This list is illustrative only, and is not meant to be all-inclusive.

4. *Weapons*. No weapons of any kind, even if unloaded or disassembled, shall be brought onto Township property, into a Township vehicle, or handled by the employee while on duty, unless having that weapon is part of the employee’s job duties, i.e., police officer. If the employee has a weapon as part of his or her job, the weapon shall not be brandished, cleaned, or otherwise used or displayed except as is necessary for performance of his or her duties.

5. *Reporting Threats*. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees as well as threats by residents, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible and confirm the report in writing. The Township will keep all information reported as confidential as possible, consistent with its need to conduct an investigation, as it deems appropriate.

6. *Individual Situations*. While the Township does not expect employees to be skilled at identifying problems involving the threat of potential violence, employees are expected to exercise good judgment and to inform their supervisor, the Township Manager or the Board of Supervisors if any employee, vendor, or visitor exhibits behavior, which could be a sign of a potentially dangerous situation. Such behavior includes:

A. Discussing weapons in a threatening manner or bringing them to the workplace where the employee does not use weapons in their job;

B. Displaying overt signs of extreme stress, resentment, hostility, or anger;

C. Making threatening remarks;

D. Sudden or significant deterioration of performance;

E. Displaying irrational or inappropriate behavior.

7. *Reporting Suspicious Activities*. All suspicious individuals or activities should also be reported as soon as possible to a supervisor or the Township Manager. The employee should not place himself or herself in peril. If you see or hear a commotion or disturbance near your work station, report the matter immediately and do not try to intercede.

8. *Investigation of Reports*. The Township Manager will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities and then take appropriate action.

9. *Disciplinary Action*. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

10. *Resolution of Disputes*. The Township encourages employees to bring work-related disputes or differences with other employees to the attention of their supervisor or department head before the situation escalates into potential violence.

# §327. SEARCHES OF TOWNSHIP PREMISES.

1. *Scope of Search*. The Township may conduct a search of any part of the Township premises and any Township property, including but not limited to computers (hard drive, e-mail, files), desks, closets, lockers, or filing cabinets, to retrieve work related materials or to investigate violations of the law or any Township policies, procedures, rules, and regulations.

2. *No Expectation of* *Privacy*. If you wish to maintain your privacy, do not use Township computers and storage areas for your personal and private matters.

# §328. ELECTRONIC EQUIPMENT & SOCIAL MEDIA POLICY.

Electronic Equipment. The Township provides its employees with a telephone, computer, and other electronic devices and systems, including, but not limited to: Internet access, electronic mail (e-mail), and voice mail and facsimile transmission activities (collectively “Electronic Equipment”). All employees have a responsibility to use this equipment in a professional, lawful and ethical manner, and to comply with the Township’s policy regarding the use of Electronic Equipment. Failure to do so may result in disciplinary action, up to and including discharge from employment. This policy is not intended to and does not prohibit, protected, concerted activity.

1. *Use of* *Electronic Equipment Is for Business Purposes*. Subject to limited exceptions, the Township’s Electronic Equipment is intended to be used for authorized business use. Incidental personal phone calls, text messages or emails are permitted, if not abused, but must not interfere with the conduct of business at the Township, or distract from an employee’s work duties or the work duties of his/her colleagues.
2. *Employee Conduct*. All employees understand and agree by their use of such Electronic Equipment that all information, data, text, software, music, sound, photographs, graphics, video, message or other materials (“Content”) whether publicly posted or privately transmitted, are, unless otherwise authorized by the Township, the sole responsibility of the person from which such Content originated. This means that the employee, and not the Township, are entirely responsible for all Content that you upload, post, e-mail, or otherwise transmit *via* Township Electronic Equipment and, as such, the Township does not guarantee the accuracy, integrity or quality of such Content. Under no circumstances will the Township be liable in any way for any Content, including, but not limited to, any errors or omissions in any Content, or for any loss or damage of any kind incurred as a result of the use of any Content posted, e-mailed or otherwise transcribed by employees of the Township.
3. *Prohibited Use of Electronic Equipment*.

A. Employees may not upload, post, e-mail or otherwise transmit any unlawful, tortious, harmful content, or content otherwise prohibited under any law or under contractual or fiduciary relationships (*e.g.* confidential information learned or disclosed as part of employment relationships).

B. Employees must observe all copyright laws and applicable licenses that may apply to software, files, graphics, documents, messages, and other materials. Employees may not agree to a license or download any material for which a fee is charged with first obtaining the express written permission of the Township Manager.

C. Employees may not use recording devises such as cameras, video recording applications during working hours, unless the device is used to serve a necessary job function.

D. Employees may not use Electronic Equipment while operating a Township vehicle (including while a Township vehicle is idle).

1. *Use and Installation of Software and Downloading Files*. Employees may not copy, move, transfer, alter or destroy any program or software package from/on any of the Township’s Electronic Equipment without the permission of the Township Manager. Employees likewise may not download, install, copy, move or transfer any program, software, package, games, movies, or other entertainment items or software onto any of the Township’s Electronic Equipment without the permission of the Township Manager. The Township Manager will decide what software and other items can be introduced to the Township’s Electronic Equipment and conduct the virus screening necessary to protect it.
2. *Inappropriate Communications*. Employees may not post or transmit any material which is defamatory, abusive, profane, harassing, threatening, sexual, offensive, discriminatory or otherwise unethical, including but not limited to any other unauthorized or inappropriate materials (*e.g.*, stalking others, offensive, sexual or discriminatory materials, etc.). All communications by employees must comply with the Township’s Equal Employment Opportunity, Workplace Violence, and Harassment policies, found in this Manual.

A. The Township’s Electronic Equipment should not be used to receive, access, send and/or store obscene, pornographic, defamatory, offensive and/or otherwise inappropriate material. The Township Manager, in his/her sole discretion, shall decide whether particular material is inappropriate for the workplace.

1. *Access to and Disclosure of Electronic Information*. Employees are provided with Electronic Equipment to conduct Township business. **Employees have no privacy expectation concerning messages received, sent, accessed and/or stored on the Township’s Electronic Equipment**. If an Employee wishes to make or receive personal, confidential communications do not do it with the Township’s communications equipment.

A. Waiver of Privacy Rights. Employees expressly waive any right of privacy in anything they create, store, send or receive using Township Electronic Equipment. Employee cannot deny the Township access to and review of all materials created, stored, sent or received by employees through any and all Township Electronic Equipment.

1. *Preserving Confidentiality*. Employees are prohibited from sending, transmitting, or otherwise distributing confidential, privileged, proprietary, or trade secret information belonging to the Township. Employees shall take all necessary and prudent measures when using the Township’s Electronic Equipment to avoid the inadvertent disclosure of such information.
2. *Social Networking, Websites and Blogging*. The Township requires that employees observe the following guidelines when participating in a blog, website, social network or any other internet-based communication system.

A. Social Media includes all means of communicating or posting information or content of any sort on the Internet, including to an employee’s or someone else’s web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chatroom, whether or not associated or affiliated with the Township, as well as any other form of electronic communication.

B. The same principles found in the Township’s policies apply to employees’ activities online. Postings that violate these policies, including discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct towards other employees, officials, or members of the public will not be tolerated and may result in disciplinary action up to and including termination of employment.

C. Employees may not create, maintain, or use personal websites or Social Media forums during work time or to use the Township’s Electronic Equipment for such purposes during work time. Employees may use their own electronic devices for posting to these sites during non-working time such as authorized breaks.

D. Employees must not use Social Media to post information or conduct any online activity that is prohibited by Township policies or by the law.

E. Employees are to assume that personal information posted on such sites is not protected.

F. Social Media may be blocked on work computers for employees who are not authorized to use these sites on behalf of the Township.

G. Employees are prohibited from posting or electronically distributing content pertaining to Township business obtained during work hours, unless they receive permission from the Township Manager.

1. *Reporting Violations*. An employee who feels that he/she has knowledge of a violation of this policy should promptly bring the incident to the attention of the Township Manager. Retaliation in any form against an employee who in good faith reports a violation of this policy or participates in an investigation of any alleged violation is strictly prohibited.

# §329. TREATMENT OF CONFIDENTIAL INFORMATION.

1. *Employee's Responsibilities*. It is the responsibility of all Township employees to protect against the improper and/or unauthorized disclosure of confidential information. If there is any question that information may be confidential, the employee should not allow disclosure of the information and must immediately bring the matter to the attention of their department head.

2. *Confidential Records and Information.*  Confidential information and records include but are not limited to:

A. sensitive personnel information and records;

B. computer passwords and security codes;

C. reports and investigations concerning any Township business and/or personnel;

D. matters relating to pending or potential litigation;

E. any documents, letters, e‑mails or information between Township employees in the performance of their duties and documents, letters, or e‑mails provided by the Township's attorneys, accountants, representatives, adjusters, or investigators; and

F. land acquisition information.

3. *Release of Confidential Information*. The release of confidential information without the express written consent of the Township Manager is strictly prohibited and may be met with disciplinary action up to and including termination.

4. *Breach of Confidence*. All employees, department heads and supervisors shall treat the official business of all departments as confidential unless intended to be public. Any questions of confidentiality should be directed to the Township Manager or Solicitor and the information shall be treated as confidential in the interim. Any breach of this confidence may result in disciplinary action. The release of confidential information concerning departmental business may only be made upon obtaining the express written consent of the Township Manager.

5. *Media Inquiries*. Inquiries from the media concerning Township business, employees, or confidential information shall immediately be referred to the Township Manager. In the absence of the Township Manager, all media inquiries should be referred to the Chairman of the Board of Supervisors. Without explicit authorization beforehand, employees cannot discuss or comment on Township business.

6. *Lawsuits*. All inquiries relating to lawsuits involving the Township or employees of the Township should be immediately referred to the Township Manager or Solicitor. Under no circumstances should any Township employee discuss with any claimant, attorney, investigator, or other representative any litigation, without obtaining written approval from the Township Manager or Solicitor. Discussion with others who have interests adverse or against the interests of the Township about those matters should only be done with written consent of the Township Manager or the Township Solicitor in response to a lawful subpoena which must be honored.

A. All employees, are prohibited from giving statements to, meeting with, or in any manner discussing with any claimant or potential claimant, insurance investigator or adjuster or attorney, about any ongoing or pending litigation involving the Township, Township Board of Supervisors, or any public official or employee of the Township, or any claim which has been made or may be made against the Township, Board of Supervisors, public official or employee, without first obtaining the written consent of the Township Manager.

7. *Inquiries from Outside Agencies and Entities*. Inquiries from other outside governmental agencies or entities concerning Township business, employees or confidential information should be referred to the Township Manager.

8. *Disclosure by Employees*. Employees should speak with the Township Manager when in doubt about the handling and disclosure of confidential information and not disclose it until obtaining said advice.

9. *Authority to Release Confidential Information*. All releases of information which may become public must be approved by the Township Manager before such information is released and those releasing the information must have authority delegated to them in writing from the Township Manager.

# §330. MOTOR VEHICLE USE POLICY.

1. *Rules and Regulations*. In those cases where a motor vehicle is assigned permanently or on a temporary basis to any employee, the following rules and regulations shall apply:

A. Said vehicle shall be used primarily for Township purposes;

B. Only minor incidental personal use of the vehicle is permitted and only when such use occurs in the course of employment. Incidental personal use shall include use of vehicle during break periods;

C. A log of all use outside the Township boundaries shall be completed on a daily basis and remain open to inspection, except as determined by the Police Chief. Such log shall include the time, purpose and destination of use outside the Township;

D. No employee shall cause anyone to operate a Township motor vehicle unless the operator possesses a valid operator's license for the motor vehicle class being operated;

E. No employee shall allow persons, other than authorized employees or other authorized personnel, to ride in or upon the vehicle under their control;

F. Township drivers shall observe all traffic regulations and use all available safety equipment, including seatbelts;

G. Township drivers shall observe all laws and regulations prohibiting the use of interactive wireless communication devices (including but not limited to cell phones and smart phones) while operating a Township vehicle. This applies even when the vehicle is idle;

H. If a Township motor vehicle is involved in an accident or collision with another vehicle, person or property, the department head and Township Police Department and PA State Police shall be immediately notified. The accident investigation shall be conducted by the PA State Police or a neighboring Police Department. An accident report shall be prepared and submitted to the Township Manager;

I. Township operators shall not, except in emergencies, use Township motor vehicles for the purpose of towing or pushing another vehicle. In the case of using a Township motor vehicle to push or tow another Township motor vehicle, said pushing or towing shall proceed under the direction of the appropriate department head(s) or Township Manager. This subsection shall not be interpreted to limit Township employees in times of emergency or harsh weather in rendering aid;

J. Township operators shall perform a cursory inspection of Township motor vehicles prior to use. Any damage or operational malfunction shall be immediately reported to the appropriate department head;

K. A log of any and all fueling shall be prepared and completed on a per fueling basis. Such log shall include date and gallons of fuel dispensed to a Township vehicle. In no event are employees to dispense fuel to private vehicles without the approval of the Township Manager;

L. Township vehicles shall be returned to the work place at the end of the work day and properly secured by the employee utilizing said vehicle;

M. Failure to abide by the aforementioned rules and regulations shall be considered a disciplinary offense.

2. *Driver’s License Verification*. Any employee who operates a Township owned, rented or leased vehicle, or their own personal vehicle on a permanent or intermittent basis as a requirement of their job function, must hold a valid Pennsylvania driver’s license and submit to a driving record verification.

A. *Suspended License*. Any Township employee who has his/her license suspended, revoked, canceled or who has been issued an out of state order from driving a motor vehicle must notify his/her department head immediately. If the occurrence happens during off hours, then notification must occur upon the start of the next business day.

B. *Change In Status*. All Township employees who operate a Township owned vehicle or a personal vehicle as a function of their job with the Township must notify their department head of a change in the status of his/her driver’s license or of an arrest, conviction, or complaint filing for a violation of driving under the influence before the start of the next shift.

C.  *Verification Form*. All Township employees who operate a motor vehicle as part of their job duties must complete a Driver Verification Form which shall contain his/her name, date of birth, valid driver’s license number, signature and date. The completed Driver’s Verification Form and a copy of the employee’s valid driver’s license are submitted to the Township Police Department to perform the driving record verification. The driving record verification verifies the validity of the Township employee’s Pennsylvania driver’s license and provides a history of convictions of motor vehicle violations in Pennsylvania during the preceding three years (36 months) from the date of the driving record verification.

D. *Frequency of Driving Record Verification*. A newly hired Township employee whose job requires the operation of a motor vehicle, or an employee who operates a Township owned, rented or leased motor vehicle, shall have a driving record verification performed by the end of his/her probationary period. The Township Manager shall assure that all employees who have completed their probationary period shall have a driving record verification performed annually.

E. *Disciplinary Action*. An employee’s failure to notify his/her supervisor or department head of the loss of a driver’s license may result in disciplinary action up to and including dismissal. Operating a Township owned, rented or leased vehicle without a valid driver’s license may also result in disciplinary action up to and including dismissal.

# §331. DRUG AND ALCOHOL POLICY FOR TOWNSHIP EMPLOYEES HOLDING SAFETY SENSITIVE POSITIONS AND APPLICANTS FOR SUCH POSITIONS.

1. *Applicability*. This section shall apply to those employees and applicants for employment who are employed in safety sensitive positions with the Township. These positions include part-time police officers and employees who are required to have a Commercial Driver’s License (hereinafter “CDL”) for their employment by the Township and who are assigned to operate Township owned, leased or borrowed vehicles or equipment requiring CDL licensor.

2. *Federal Regulations*. The regulations of the Federal Highway Management Administration (hereinafter the “federal regulations”) are hereby adopted by reference insofar as they apply to the Township and this Section.

3. *Policy Established*.

A Employees shall not use, sell, possess or receive alcohol or illegal drugs, use prescription drugs in a manner other than as prescribed, or distribute or sell prescription drugs while on duty. Violation of these rules will subject the employee to discipline and/or dismissal pursuant to the provisions of subsection (7) of this section, subject to any applicable provisions and procedures of a collective bargaining agreement in effect, if any.

B. Prescription drugs must be kept in their original container identifying the drug, dosage, date of prescription and physician. Employees are required to notify their designated supervisory personnel if they are taking a prescription drug and shall file with the Township, on a form provided by the Township, a statement from the doctor who issued such prescription stating whether or not such prescription drug will impair the employee's ability to operate a CDL vehicle or equipment. The term “illegal drugs” shall include drugs for which the employee does not have a valid prescription as well as Class I & II Scheduled drugs such as cocaine, phencyclidine (PCP), marijuana, opiates (including heroin), amphetamines and such other illegal drugs as may be identified from time to time.

4. *Tests Established*. The following drug and alcohol test procedure shall be applicable to all employees and applicants for employment to whom this section applies.

A. Pre‑Employment. The Township will test all applicants for the position of part-time police officer and commercial driver positions for illegal drugs and alcohol prior to employment. Any applicant testing positive without explanation satisfactory to the Township shall not be considered for employment. The Township shall bear the full cost and expense of all pre-employment testing.

B. Random. The Township shall implement a random testing procedure that meets the requirement of the federal regulations. The procedure shall include Township paid tests of affected employees on a random basis and shall be conducted without any advance notice; but shall be done at least on a quarterly basis. The number of affected employees selected shall be at least fifty (50) percent of the employees for drug testing and twenty‑five (25) percent of the employees for alcohol testing annually; provided, however, that the requirements of this section shall be satisfied if the above percentages are selected from a pool of employees which includes the Township's employees.

C. Reasonable Cause. Any employee giving reasonable cause to believe that he or she is in violation of the policy established in subsection (3) of this section shall be subjected to Township paid testing immediately upon observation of such reasonable cause by trained supervisory personnel. Reasonable cause shall be limited to behavior or conduct observed at the work place or en route to a work place during working hours. Observation shall be by supervisory personnel who have received at least one (1) hour of training in drug use detection and one (1) hour of training in alcohol use detection. Supervisory personnel making reasonable cause observation shall make and file with the Township a written report on a form provided by the Township of the attendant circumstances. Such reports shall be maintained in a confidential manner, and shared only on a need-to-know basis.

D. Post‑Accident. Any employee involved in an accident as defined herein shall be tested at the Township's expense for illegal drugs as soon after an accident occurs as is possible, but not later than thirty two (32) hours afterwards and for alcohol as soon after an accident as possible, but not later than eight (8) hours afterwards. Provided:

1. Testing should not take precedence over needed medical treatment or other needed emergency measures.

2. If for any reason the tests cannot be obtained within the times provided, the tests shall not be administered. However, refusal to submit to a test or interfering with the successful completion of such a test shall be deemed a positive test result in accordance with subsection (5) below.

3. No employee shall consume alcohol or illegal drugs between the time of an accident and the test administration.

4. An accident shall include any occurrence involving a Township owned, leased, rented or borrowed vehicle where the following conditions occur:

(a) There is a fatality regardless of fault.

(b) There is issuance of a citation to the Township employee for a moving violation and (1) bodily injury of any person involved requiring transportation of the injured person away from the accident scene for treatment or (2) vehicular damage requiring the vehicle to be towed from the scene.

5. *Test Standard*. Any refusal or failure by the employee or applicant to submit to any test required by this section or the applicable law shall be deemed to be a positive test result. Refusal to submit to a test under this section shall include any act or omission that prevents, thwarts or frustrates the objectives of this section including, without limitation, the following:

A. Refusal to submit in a timely fashion to testing;

B. Refusal or failure by the employee or applicant to complete, sign or initial the required testing form;

C. Refusal or failure without good cause to provide any sample or provide an adequate sample for testing; or

D. Failure or refusal to otherwise cooperate with the testing process in a way which prevents the completion of any required test.

6. *Alcohol Testing*. Alcohol testing shall be conducted using a federally approved Breathalyzer. Any employee receiving a test result of greater the .02 but less than .04 breath alcohol level shall be removed from safety sensitive duties as defined in the Act and federal regulations for twenty four (24) hours. Any test result of greater than. 04 breath alcohol level shall be considered a positive test and shall subject the employee to the disciplinary provisions of this section.

7. *Illegal Drug Testing*. Testing for illegal drugs shall be conducted by urine sample which shall be analyzed at a federally approved testing facility. Any test result showing the presence of illegal drugs shall be considered a positive test and shall subject the employee to the disciplinary provisions of this section. Any employee testing positive for illegal drugs may request a split sample of the same specimen to be retested, at the employee’s expense. Employees should speak with the Medical Review Officer about such request.

8. *Positive Tests/Return to Duty*.

1. An employee who tests positive for illegal drugs and/or alcohol will be allowed to return to duty if this is the employee’s first positive test and the employee, prior to returning to duty:

1. consults with the Bucks County Drug and Alcohol Commission and/or a substance abuse professional at the employee's expense within ten (10) days of notification of a positive test;

2. completes all treatment recommended by the substance abuse professional at the employee's expense; and

3. completes all necessary tests for illegal drugs and/or alcohol at the employee's expense and obtains negative results.

4. During this timeframe, an employee may be required to use sick or vacation time and may apply for short-term disability benefits, if applicable.

1. Any subsequent positive result to a test for illegal drugs and/or alcohol by the same employee will subject that employee to immediate dismissal by the Township.

9. *Follow‑up*. If an employee who tests positive for illegal drugs and/or alcohol is offered the chance to return to duty, that employee shall be subject to, and pay for, unannounced follow‑up illegal drug and/or alcohol tests as directed by the Substance Abuse Professional for a period of sixty (60) months following return to duty. At least six (6) unannounced follow‑up illegal drug and/or alcohol tests shall be conducted in the first twelve (12) months following return to duty. Such tests shall be conducted as directed by the assigned Substance Abuse Professional. A positive result on any test administered during this probationary period automatically subjects the employee to immediate dismissal.

10. *Test Results*. Employees will be notified of their positive test results. Test results shall be retained by the Medical Review Officer responsible for analyzing the employee’s test results. Said results shall be held in strictest confidence and shall be accessible only to the employee, Township Manager and such other persons authorized by law and shall not be released to any other person except with the written consent of the employee. The results of test made known to the Township may be released to future employers with the written consent of the employee, in accordance with the federal regulations.

11. *Confidentiality of Documents*. All files, documents and records of the Township related to the application of this section to individual employees shall be deemed and kept confidential by the Township.

12. *Record Keeping*.

1. All of the records relating to the administration and results of the Township’s alcohol and illegal drug testing program for its employees will be maintained for a minimum period of five (5) years, except that individual negative test results will be maintained for a maximum of twelve (12) months.
2. Tests will be conducted by a licensed facility and will be analyzed by a Medical Review Officer. The Medical Review Officer who is appointed shall be a licensed doctor of medicine or osteopathy with knowledge of drug and alcohol abuse disorders and who is employed by the Township or group which the Township has joined to conduct alcohol and illegal drug testing in accordance with the federal regulations. The Medical Review Officer shall retain the reports of individual test results for a minimum of five (5) years.
3. The Township shall retain in the employee’s personnel file, information indicating only the following:

1. the employee submitted to a test for illegal drugs and or alcohol;

2. the date of such test;

3. the location of such test;

4. the identity of the person or entity performing the test; and

5. whether the test finding was “positive” or “sub-negative.”

1. The Township shall also maintain an annual calendar year summary of the records related to the administration and results of the testing program for its employees under the federal regulations.

13. *Access to Test Results and Findings*

No person may obtain the individual test results retained by the Medical Review Officer and no Medical Review Officer shall release the individual test results of any employee to any person without first obtaining written authorization from the tested employee, unless otherwise required by law.

14. *CDL Information Contact*.

A. The following entity is designated by the Township for the purpose of providing information to employees concerning the federal laws and regulations governing the testing of CDL employees and for implementing and monitoring the Township’s compliance with the federal testing program:

DSI Medical

300 Welsh Road

Bldg. 4, Suite 160

Horsham, PA 19044

1. Designation of the DSI Program as available to provide information to the Township’s employees shall continue for as long as the Township is a member in good standing in the DSI Program.

# §332. GENERAL POLICIES.

1. *Outside Employment*. Other employment during normal working hours or shift assignment of the Township is prohibited. Other employment is permitted provided such activity does not adversely affect an employee’s duties or involve a potential conflict of interest. Any supplemental or outside employment must not interfere with the employee’s effectiveness or performance of his or her Township employment. Any employee, full‑time or part‑time, performing outside work shall notify his or her supervisor and the Township Manager of the supplemental employment in advance of accepting said employment, or disclose it at the time of application for Township employment . No employee shall perform outside work which would pose a conflict of interest, or which is incompatible with the proper discharge of his or her Township duties.

2. *Travel Reimbursement*. An employee shall be reimbursed for expenses incurred in the performance of Township business in accordance with the following guidelines:

1. In order to receive reimbursement, the employee must submit a business expense report for approval.

B. An employee must have had prior written authorization to incur expenses from either his or her department head or the Township Manager.

C. To be eligible for reimbursement, an employee must submit written proof of expenses in the form of expense vouchers, checks or receipts. Employees are entitled to reimbursement in accordance with these guidelines for reasonable travel, meal and lodging expenses. Meals shall be limited to three (3) meals for each twenty‑four (24) hour period. There shall be no reimbursement for alcoholic beverages of any type.

3. *References and Employment Verifications*. All requests for information, whether written or verbal, relative to active or terminated employees must be referred to the Township Manager. If a letter of recommendation for any person who has terminated employment with the Township is requested, this matter must be referred to the Township Manager. Any applicant for employment with the Township authorizes the Township to write or otherwise communicate with all references submitted by applicant; any information obtained by the Township shall be confidential.

4. *Building Security*.

A. All employees regularly assigned to a normal work area shall be responsible at the end of the work day to secure closets, turn‑off lights and air conditioning, secure safes, secure and turn‑off office equipment, secure files and checks, secure deposits and lock office doors.

B. All road department and police personnel shall secure working areas in accordance with written regulations set forth by their respective department heads.

C. The responsibility to secure all entrance ways shall be assigned by written memorandum from the Township Manager or individual department heads.

# §333. NO SMOKING POLICY.

1. *Coverage of Policy*. The no smoking policy applies to all tobacco products including cigarettes, pipes and cigars, as well as e-cigarettes.

2. *Non‑Smoking Areas*. Smoking is prohibited in the following areas:

A. All Township vehicles, including police cars and road department vehicles;

B. All Township buildings; and

C. Within fifty (50) feet of any Township building.

3. *Outside Work Sites*. Smoking is prohibited while on duty. When off-duty and off Township property, the rules of the establishment apply.

# §334. DISCIPLINARY ACTIONS.

1. *Conduct of Township Employees*. The Township is committed to providing prompt, quality service to its residence. The best interest of the Township residents is the Township’s primary responsibility. Employees are expected to conduct themselves with this in mind at all times. When employees fail to live up to the standards of conduct expected of them, disciplinary action will be taken, up to and including discharge. Township employees’ employment is “at-will”, unless otherwise provided in a collective bargaining agreement or by statute. The Township retains the right to terminate an employee at any time, for any or no reason. The availability of a procedure by which the Township’s “at will” employees can air their questions or concerns, is not intended to and does not serve to alter or change in any way that employee’s “at will” status.

2. *Employee Violations*. An employee may be disciplined for any violation of this Manual, department rules and regulations, memoranda, oral or written orders from his or her department head or Township Manager, violation of law or for conduct detrimental to the work performance, work efficiency or general operation of the Township or any of its departments. This subsection shall not in any way be construed to limit the Township's causes for discipline or supplement existing statutory causes of discipline. Any disciplinary action may take into account factors such as the seriousness of the offense, the employee's past record, response to any previous warnings and extenuating circumstances.

3. *Forms of Discipline*. Forms of discipline include oral warning, written warning, removal or denial of benefits or privileges, suspension with or without pay, demotion or discharge from employment.

4. *Authority to Discipline*. Department heads and/or the Township Manager are authorized to issue oral warnings and written warnings. The Township Manager is authorized to place employees on administrative leave pending investigation, and to issue suspensions without pay of up to five (5) days. Unpaid suspensions in excess of five (5) days, permanent demotions and dismissals are within the exclusive authority of the Board of Supervisors.

5. *Relinquishing Township Property*. Upon any resignation, suspension, placement on administrative leave or termination, an employee will be required to account for all Township property which has been assigned to that individual employee.

# §335. SEPARATION FROM EMPLOYMENT.

1. *Resignation*. An employee who wishes to resign in good standing shall give simultaneous notice in writing, at least ten (10) working days prior to the anticipated resignation, to the Township Manager and department head, where applicable. Said ten (10) days’ notice shall be a working notice and shall not include earned annual vacation time or compensatory time. Failure to give required notice will result in forfeiture of accrued but unused vacation time, and may be cause for denying future employment with the Township. The Township, at its option, may choose to tender payment to the employee for the remaining notice time and ask the employee to leave the Township’s employ immediately.

2. *At-Will Employees*. All employees are employed at the will and discretion of the Board of Supervisors, unless otherwise provided by law or a valid written employment agreement, or the terms of an applicable collective bargaining agreement. Accordingly, all such employees may be demoted or dismissed for any reason, or reasons including, but not limited to, the following:

A. Unsatisfactory work performance;

B. Lack of work output;

C. Quality of work output;

D. Lack of sufficient funding;

E. Budgetary reasons;

F. Insubordination;

G. Failure to observe memorandum, departmental rules or regulations, Township ordinances or resolutions, administrative rules and/or policies and procedures, including those set forth in this Manual;

H. Violation of law;

I. Abuse of break periods;

J. Inefficient work habits;

K. Tardiness and/or lack of punctuality;

L. Unauthorized pursuance of non‑work‑related activities during work hours;

M. Excessive profanity and/or insulting gestures;

N. Careless waste of materials;

O. Abuse of Township equipment and/or facilities;

P. Use of Township equipment and/or vehicles for unauthorized personal reasons; or

Q. Failure to maintain security of facilities or equipment.

3. *Reasons for Dismissal*. This subsection shall not in any way be construed to limit the Township's reasons or causes for discipline.

4. *Notice of Dismissal*. Any employee dismissed or demoted for non-disciplinary reasons will be given ten (10) working days’ notice before such action is taken or at the Township’s option, ten (10) days’ pay in lieu thereof. Any employee demoted or dismissed for disciplinary reasons will be subject to immediate action without notice or payment in lieu thereof.

5. *Pro-Ratio of Benefits*. Employees whose employment with the Township terminates will receive the unpaid balance of accrued vacation/holiday/personal time, including holidays through the date of termination, and a total of vacation and personal days representing a pro-rated amount of leave based on the date of termination, except under the following circumstances:

A. The employee is dismissed for disciplinary reasons; or

B. The employee voluntarily terminates employment and provides less than ten (10) working days’ notice.

# §336. PROBLEM SOLVING PROCEDURE

1. *Procedure*. The following chain of authority and procedure shall be adhered to by any employee to address requests or concerns, benefit disputes, and changes to policies and procedures:

A. Step 1. Request or concern is to be made to the appropriate departmental head or the Township Manager.

B. Step 2. In the event an employee receives an unsatisfactory disposition or no resolution in Step 1, a meeting may be requested and may be held with the Township Manager. Where the request or concern is by an employee(s) against an individual member(s) of the Board of Supervisors, the Township Manager may appoint a professional mediator to participate in the meeting.

C. Step 3. In the event of an unsatisfactory resolution in Step 2, a meeting may be requested and may be held with the Township Board of Supervisors, at the Board’s discretion. A decision rendered by the Board of Supervisors shall be final.

2. *Alternate Procedure*. Notwithstanding the foregoing, in the case of requests or concerns, benefit disputes, and changes to policies and procedures related a departmental head, the following chain of authority and procedure shall be adhered to by all departmental heads:

A. Step 1. Request or concern shall be addressed to the Township Manager.

B. Step 2. In the event of an unsatisfactory disposition or no resolution at Step 1, a meeting may be requested and may be held with the Township Manager. Where the grievance or request is by an employee(s) against an individual member(s) of the Board of Supervisors, the Township Manager may appoint a professional mediator to participate in the meeting.

C. Step 3. In the event of an unsatisfactory or no resolution in Step 2, a meeting may be requested and may be held with the Township Board of Supervisors. A decision rendered by the Board of Supervisors shall be final.

# §337. CHAIN OF AUTHORITY

The chain of authority shall be considered a model to be followed in daily decision making, with flexibility granted in unusual or emergency situations. The attached organizational chart attached as Exhibit A shall serve as a model of authority and decision making to be followed and observed.

# § 338. AMENDMENT.

#### From time to time, the Board of Supervisors may amend and modify this Manual by resolution of the Board.

Approved by Resolution No. 2018-06-05-01

Amended by Resolution No. 2018-06-19