

***Copley Township***

***Personnel Policy Manual***

***Adopted June 12, 2006***

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COPLEY TOWNSHIP BOARD OF TRUSTEES

To: All Employees  
Fr: The Copley Township Board of Trustees  
Re: Personnel Policies

This Policy Manual has been prepared as a guide and reference for employees of Copley Township at all levels of responsibility. It enjoys the unqualified approval of the Board of Trustees.

Because of the ever-changing complex legal nature of the employment relationship, we feel it is in the best interest of the township and its employees to have written personnel policies. It is important for our employees to know the township's objectives and expectations. It is also essential that all supervisory personnel understand the role of these policies in meeting those objectives and to provide a cohesive work environment.

Accordingly, we request that each of you thoroughly familiarize yourself with the contents of this Manual, in order that all personnel policies of the township may be administered fairly and effectively.

## FUNCTIONS OF THIS MANUAL

Policy: It is the policy of the Trustees that this Manual be used as an outline of the basic personnel policies, practices, and procedures for the township organization.

Comment:

- (1) This Manual contains general statements of Township policy and should not be read as including the fine details of each policy, nor as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The Township may add to the policies in the Manual or revoke or modify them from time-to-time. It will try to keep the Manual current, but there may be times when policy will change before this material can be revised.
- (2) All Manuals are Township property and are assigned to the department and not to an individual. The Fiscal Officer is responsible for distribution of the Manuals to department heads, who are in turn responsible for safeguarding the materials and inserting approved changes.
- (3) Department heads and supervisors are encouraged to recommend changes or new policies. The Fiscal Officer is responsible for disseminating new policy information once it is approved.
- (4) Department heads and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Board of Trustees or the township attorney if necessary.
- (5) As used in the Manual:
  - a) The words “shall” or “will” are to be construed as mandatory and the word “may” as permissive;
  - b) Whenever the context so requires, the use of the words herein in the singular shall be constructed to include the plural, and words in the plural, the singular, and words whether in the masculine, feminine or neutral genders shall be construed to include all of said genders. By the use of either the masculine or feminine genders it is understood that said use is for convenience purposes only and is not to be interpreted to be discriminatory by reason of sex.
  - c) “Supervisor” means an individual with the authority to assign, direct, and review the work of two or more subordinates.

GENERAL PROVISIONS

- (1) AMENDMENT: These policies may be amended by the Trustees by posting a notice of proposed changes in a prominent place in the Town Hall at least fourteen (14) days prior to the effective date. Following this fourteen (14) day period, a two-thirds vote of the Trustees shall make the amendment effective immediately upon passage. Changes to this Manual shall be made by a substitution of Sections or Section . The upper right hand corner of the “new Section ” shall include the words “Amended per Trustees – (date).
- (2) LEGAL SAVINGS CLAUSE: If any article, section or portion thereof of these policies and procedures are found to be unlawful or invalid by any duly constituted authority, all remaining portions shall remain in full force and effect.
- (3) REPEAL OF CONFLICTING RULES: Any and all policies and procedures in conflict with the provisions of this resolution are hereby repealed.
- (4) DEPARTMENTAL RULES AND REGULATIONS: A department may have additional rules and regulations found in its operating procedures manual unique to that department. Affected employees shall familiarize themselves with said manual (s).
- (5) SUBPOENA: Any employee subpoenaed to testify in any criminal or civil action arising out of his/her employment with the Township shall notify his department head promptly after receiving such subpoena and prior to any testimony.
- (6) INTERNAL INVESTIGATIONS: All citizen complaints of misconduct by a Township employee shall be promptly investigated by the department head, or his designee. The employee shall, if requested by the department head, or his designee, prepare a written report accounting for the facts and for their behavior in the matter. The employee may also be required to respond to oral questions by the department head or his designee. Failure to respond or submit required reports shall be considered an act of insubordination. Allegations of misconduct found to be true shall result in disciplinary action. Unsubstantiated allegations shall not be made a part of the individual’s personnel file and may not be used in future disciplinary action. The Trustees may conduct internal investigations in cases where warranted and shall have the same power to compel employee or department head reports as aforesaid.
- (7) EXPENDITURES: No person shall financially obligate the Township without specific appropriate prior approval. No expenditures in excess of the applicable approved budget shall be authorized without specific prior approval of the Trustees.
- (8) CHAIN OF COMMAND: All employees will follow and utilize the Chain of Command to pass information, directions, and or orders “up” and “down” within a department as with supervisory – management structure. Supervisors may from time-to-time bypass the

Chain of Command if the given situation warrants it. Employees who bypass the Chain of Command to pass information, reports, or other matters must be prepared to justify to the receiver of same, that such a violation of the chain of command concept was warranted. If found unwarranted such action can be considered a violation of the chain of command principle and may subject the violator to disciplinary actions.

- (9) NOTIFICATION PROCESS FOR BOARD OF TRUSTEES: The Board of Trustees are to be notified in the event of the following:
- a) Accidents involving, or damage to, any Township property or equipment.
  - b) Any injury incurred by a Township employee while on duty, or injury incurred by a citizen as a result of an action by a Township employee.
  - c) An injury to a citizen on Township property.
  - d) Major incidents involving participation by additional governmental agencies.
  - e) Incidents being monitored or observed by any facet of the news media.

During normal work hours, notification is to be made by pager first, and if no response, then by telephone. After work hours, telephone contact will be first, then if no response, by pager.

Notification is to be made in a timely manner as practicality and safety of the situation allows. Upon completion, copies of related reports are to be submitted in the Trustees' mailboxes.

- (10) JURY DUTY: Any Township employee, full or part-time employee shall, if called for jury duty, endorse over one's "jury check" or "warrant" for his services on jury duty, if said jury duty is scheduled during his hours of work, to receive his regular pay. Should the employee fail to turn over the pay for jury duty to the Township, as per the above, then that employee will not be compensated for those periods because of absence from work due to jury duty.
- (11) DUPLICATION OF TOWNSHIP KEYS: No person shall duplicate or cause to be made any duplication of keys to Township property or equipment without approval of his department head.
- (12) BAY FACILITIES: All bay facilities may only be utilized by full or part-time employees when the individual(s) are off duty. No individual either part-time or full-time may park a personal vehicle inside township facilities during their scheduled working hours, except at the express direction of their supervisor.
- (13) USE OF TOWNSHIP EQUIPMENT AND MATERIALS: No Township employee, either full or part-time, shall use any Township equipment, material, property or services for their own personal use or for the personal use of others. All equipment and material is for the official use of Copley Township and its business. The one exception to this policy is that stated in #12 above and specifically to part-paid firefighters who use their own vehicles to respond to fire and EMS calls. Part-paid firefighters shall be permitted reasonable, but limited, use of the fire facilities to wash and maintain their vehicles used to respond to fire and EMS calls. The Fire Chief shall control this use, and if, in his opinion, the use exceeds the services rendered by any one employee, he shall be permitted to prohibit, or limit that use.

EMPLOYEE DEFINITIONS

(1) Full-Time Employees

A full-time employee is defined as an employee who works a regular forty (40) hour or longer work week and is employed year round. Full-time employees are eligible for vacation, retirement contributions, sick leave, life, health, short-term disability insurance, holiday pay, and other benefits as may be specified by the Trustees.

(2) Part-time Employee

- a) A part-time employee is an employee who is hired with the expectation that the employee will not work more than one thousand five hundred (1,500) hours in a year, and will normally be scheduled to work for less than thirty (30) hours per week. The Department Heads are responsible to manage and supervise the work schedules of the part-time employees in their department in order to bring the employees' overall work hours within the above standards. Part-time employees are not eligible for the benefits listed for full-time employees except as expressly agreed to within certain departments.
- b) All part-time employees not covered under a collective bargaining agreement serve solely at the pleasure of the Department Head or Trustees. Except as otherwise specified in a collective bargaining agreement, a part-time employee may be terminated or otherwise disciplined at any time by the Department Head or Trustees with absolutely no advance notice being required. The Department Head or Trustees may take disciplinary action against or terminate the employment of a part-time employee not covered under a bargaining agreement for any or no reason, solely within their discretion, and their decision is not subject to any appeal civilly, administratively, or otherwise.
- c) Any employee who voluntarily requests a change in classification from full-time to part-time must seek permission from the respective Department Head. If a position is available for the employee to work part-time hours, the employee will be subject to paragraphs a) and b) in this section.
- d) Any employee who changes positions from full-time to part-time will no longer be covered under the respective collective bargaining agreement. Any accrued vacation, holiday or personal time will be paid to the employee in the same manner described in termination under the collective bargaining agreement. If the employee is retiring, unused sick leave may be paid to the employee as stated in the collective bargaining.

(3) Department Heads

Department Heads are appointed by the Board of Trustees and are charged with the direct supervision of their departments and their employees and answer to the Board of Trustees or their designee, i.e. Township Administrator.

Department Heads are expected to work a regular 40-hour or longer work week and are employed year round.

Department Heads are eligible for vacation, retirement contributions, sick leave, life, health, short-term disability insurance, holiday pay and other benefits as may be specified by the Trustees.

(4) Trustees

The Board of Trustees shall serve in the capacity of the Township "Safety Director." They shall provide command and control to the police and fire departments. The fire chief and the police chief shall operate under the command, control, and guidance of said Board of Trustees as it may from time-to-time provide to said chiefs. All other department heads shall answer to the Trustees for their departments and shall be given command, control, and guidance from said Board of Trustees from time-to-time as the Board may direct.

EQUAL EMPLOYMENT OPPORTUNITY

Policy: It is the policy of the Township to provide equal opportunity in employment to all employees and applicants for employment. No person is to be discriminated against in employment because of race, religion, color, sex, age, national origin, or disability.

Comment:

- (1) This policy applies to all terms, conditions, and privileges of employment including, but not limited to hiring, introductory period, training, placement and employee development, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, social and recreational programs, employee facilities, termination, and retirement.
- (2) The Township, if required by law, will establish a written affirmative action program to achieve prompt and full utilization of minorities, the disabled, Vietnam-era or disabled veterans, and women at all levels and in all segments of the work force. The results of the program are to be reviewed annually, and the program is to be modified as necessary to achieve its stated objectives.
- (3) The department heads, who report directly to the Trustees on matters relating to this policy, are responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Their duties may include, but are not necessarily limited to:
  - a) Assisting in collecting and analyzing employment data;
  - b) Developing policy statements, affirmative action programs, if required, and recruitment techniques designed to comply with the equal employment policies of the Township;
  - c) Complying with various statutory record keeping and notice requirements in order to ensure full compliance with all employment-related statutes and regulations;
  - d) Assisting supervisory personnel, in arriving at solutions to specific personnel problems.
- (4) Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter is to be referred to the Trustees.
- (6) While overall authority for implementing this policy is assigned to the department heads, an effective equal employment opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any employees who feel they are the victim of discrimination have a responsibility to report this fact to their supervisor and/or their department head.

## PRODUCTIVE WORK ENVIRONMENT

Policy: It is the policy of the Township to promote a productive work environment and not to tolerate verbal or physical conduct by any employee, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment.

Comment:

- (1) Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, and special attention is called to the prohibition of sexual harassment.
- (2) Each supervisor has a responsibility to maintain the work place free of any form of sexual harassment. No supervisor is to threaten or insinuate, either explicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- (3) Other sexually harassing or offensive conduct in the work place, whether committed by supervisors, non-supervisory employees, or non-employees, is also prohibited. Such conduct includes:
  - a) Sexual flirtations, touching, advances, or propositions;
  - b) Verbal abuse of a sexual nature;
  - c) Graphic or suggestive comments about an individual's dress or body;
  - d) Sexually degrading words to describe an individual; and
  - e) The display in the work place of sexually suggestive objects or pictures, including nude photographs.
- (4) Any employee who believes that a supervisor's, another employee's, or a non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. Such report or complaint should be made to the employee's supervisor, or to the department head or Trustees if the complaint involves the supervisor.
- (5) Complaints of harassment are to be handled and investigated under the Township's grievance policy (see Grievance Procedure, Section 902), unless special procedures are deemed appropriate. Regardless, all complaints of harassment are to be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint is to be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

- (6) Any employee, supervisor, or department head who is found to have engaged in harassment of another employee will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination. (See Disciplinary Procedure, Section 807.)

## HIRING

Policy: It is the policy of the Township to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications and ability to do the job to be filled. Unless otherwise provided in writing, employment with the Township is considered to be at-will, so that either party may terminate the relationship at any time and for any lawful reason.

### Comment:

- (1) Department heads who need to fill a job opening or want to add a new job position should submit a formal request to the Board of Trustees or their designee for approval. All employment requests will be reviewed, but those for new job positions will be evaluated in greater detail before being approved.
- (2) During the recruitment and hiring process, no person is authorized to make a promise of employment to a candidate until after such employment has been approved by the Trustees. No written employment agreement is to be used without authorization from the Trustees.
- (3) The Trustees will consider qualified internal applicants and qualified laid off employees on an active recall list for available job openings. However, the Trustees reserve the right to consider qualified outside applicants, especially for administrative, executive and professional positions (e.g., department heads and assistant department heads). If the Trustees determine that the internal and outside candidates are substantially equally qualified, the Trustees will give preference to internal candidates.
- (4) When candidates from within the Township are to be considered for job openings, the department head or his designee will post the openings in accordance with department procedures.
- (5) When candidates from outside the Township are to be considered for job openings, the following procedures should be followed:
  - a) Department heads are responsible for recruiting the candidates. However, the Trustees reserve the right to recruit candidates for administrative, executive and professional positions.
  - b) Candidates for employment must fill out and sign an employment application form and submit proof that they have the legal right to work in the United States in order to be considered for hiring.
  - c) Applicants who appear to be qualified for available job openings will be given an initial screening interview by the department head or his/her designee, and any tests required for the job.

- d) If an applicant is still deemed qualified, the department head should arrange for a background check.
  - e) If an applicant is still deemed qualified, a second interview should be conducted by the department head and/or Trustees, as appropriate.
  - f) The department head is encouraged to recommend qualified applicants for employment, and the Trustees shall consider the department head's recommendation. However, the Trustees reserve the right to employ a candidate not recommended by the department head.
  - g) Following authorization by the Trustees to employ the applicant, the department head should convey an offer of employment, including any necessary contingencies. If a medical examination is required, the department head or his/her designee should arrange it. (See Medical Procedures, Section 203).
  - h) If the background, medical, or any other subsequent job-related investigation discloses any misrepresentation on the application form or information indicating that the individual is not qualified for employment with the Township, the applicant will be refused employment or, if already employed, may be terminated.
  - i) Department heads are responsible for orientation of new employees and the processing of their employment forms, and for any necessary job training.
- (7) Former employees who left the Township in good standing may be considered for re-employment. Former employees who resigned without written notice or who were dismissed for cause may not be considered for re-employment. Former employees who are re-employed will be considered a new employee from the date of re-employment.

EMPLOYMENT AGREEMENTS

Policy: It is the policy of the Township that it may execute, at its sole discretion, written employment agreements with certain of its employees

Comment:

- (1) The Trustees are the only officers authorized to enter into a written employment agreement on behalf of the Township with any employee.
- (2) Written employment agreements, when used, normally will spell out the important terms and conditions of an individual's employment. Such terms and conditions should generally include:
  - a) The length of time that the agreement will last and how, if at all, it can be renewed;
  - b) The job title and/or job description, reserving to the Township the right to change the employee's duties as the Township's interests require;
  - c) The employee's salary;
  - d) Any other forms of compensation, such as health insurance, pension, or incentive plans; and
  - e) Provisions for the termination of employment.

MEDICAL PROCEDURES

**Policy:** It is the policy of the Township that applicants to whom a conditional offer of employment has been extended and present employees may be required to submit to medical tests or examinations whenever management feels such actions are necessary for the safe or efficient operation of the Township organization.

**Comment:**

- (1) Successful applicants for employment may be required as a condition of employment to pass a medical examination to establish both their fitness to perform the jobs for which they have applied and their fitness to do so without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made are to be examined.
- (2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with Township necessity. Such occasions may arise when there is the potential for exposure to toxic or unhealthful situations, when the employee is being considered for transfer or promotion, or when there is a question concerning the employee's ability to perform his duties or the job he is being considered for. (See Drugs, Narcotics, and Alcohol, Section 808.)
- (3) Employees are encouraged, but not required, to have physical examinations periodically during their employment and to participate in wellness programs.
- (4) Medical examinations required by the Township will be paid for by it and must be performed by a physician or licensed medical facility designated or approved by it. Such examinations paid for by the Township are the property of the Township and are to be treated as confidential and held in separate medical files. However, records of specific examinations, if required by law or regulation or warranted by appropriate business practice, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (5) Employees who need to use prescribed drugs or narcotics while at work, and where such use may impair their ability to perform their job safely and effectively, must report this requirement to the Department Head. Depending on the circumstances, employees may be reassigned, forbidden to perform certain tasks, or even not allowed to work if they are judged not able to perform their jobs safely and properly while taking prescribed drugs or narcotics. (See Drugs, Narcotics, and Alcohol, Section 808.)

- (6) The Township reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees. (See Leaves of Absence, Section 701.)
- (7) The Township reserves the right to require a second medical opinion regarding an employee's absence because of illness or injury or regarding a doctor's certification of an employee's ability to return to work. Any such second opinion will be paid for by the Township.
- (8) Employees who become ill on the job or suffer any work-connected injury, no matter how minor, are to report it to their department head or supervisor immediately to seek examination and treatment, and the recording of the incident. Time spent by an employee in waiting for and receiving such medical attention will be considered hours worked for pay purposes. Employees who must leave their work shift for medical attention should, whenever possible, notify their supervisor.
- (9) Each Department is responsible for developing and administering programs concerning employee health and safety. However, an injured employee's supervisor, or any member of management is authorized to have the employee transferred to an outside medical facility for treatment.

WORKPLACE INJURY PROCEDURE

**Policy:** It is the policy of Copley Township that any employee who is injured in the course of his or her job, will receive all necessary medical treatment in an expedited manner. All work related injuries must be documented and submitted to the Ohio Bureau of Worker's Compensation and/or the Managed Care organization currently under contract with the Township.

The following procedure shall be used by all Dept. Heads, Supervisors and Employees when an employee is injured:

- (1) Injured worker notifies supervisor of injury. All injuries must be reported prior to the end of the worker's scheduled shift.
- (2) Appropriate medical treatment is sought. If injured worker needs assistance getting to a medical facility, the supervisor will make arrangements.
- (3) If possible, the injured worker completes OBWC First Report of Injury Form and signs top half. If the injury prevents the worker from completing the form, the supervisor must complete the form as complete as possible.
- (4) Employees who are covered by a labor agreement, will be given a post accident test for drugs and controlled substances in accordance with the appropriate labor agreement. Non-union employees will be subject to the same testing procedures as stated in the union contracts.
- (5) If an employee does not need to be seen at a medical facility, the injured worker will be taken to the designated medical facility for a drug screen. If the accident occurs after regular business hours, the supervisor will call the medical facility for after hour instructions on administering a drug screen.
- (6) First Report of Injury Form (FROI) is given to Supervisor or Department Head for review and any additional follow up that may be necessary.
- (7) Supervisor or Department Head, will give the FROI form to the Township Administrator or her designee.
- (8) Township Administrator (or designee) will fax form immediately to Premier Comp representative. Premier Comp representative will inform the injured worker of any required medical evaluations or appointments.
- (9) Premier Comp will notify OBWC of injury and treatment plan.

## PROBATIONARY PERIOD

**Policy:** It is the policy of the Township that all new employees, initial part-time appointments, and all promotions from part-time to full-time appointments are to be carefully monitored and evaluated for an initial probationary period.

**Comment:**

**Part-Time Employment:** All new part-time employees shall be on probation for a period of one thousand-forty (1040) work hours from the effective date of such appointment. All employees promoted from part-time status to full-time status shall be on probation for a period of one (1) calendar year from the effective date of such promotion. During any such probationary period, such employees shall not have the right to avail themselves of the Township grievance procedure for any reason. During any such probationary period, such employees may be disciplined or removed from Township employment at any time and for any reason without recourse or appeal.

**Full-Time Entry Level Positions:** All new full-time employees appointed to an entry level position shall be on probation for a period of one (1) calendar year from the effective date of such appointment. During any such probationary period, such employees shall not have the right to avail themselves of the Township grievance procedure for any reason. During any such probationary period, such employees may be disciplined or removed from Township employment at any time and for any reason without recourse or appeal.

**Full-Time Promotional Positions:** All employees promoted from within the Township to a full-time position which is above entry-level, and all employees appointed from outside the Township to such a position, shall be on probation for a period of one (1) calendar year from the effective date of such promotion or appointment.

- (1) During any such probationary period, an employee who was promoted from within the Township to such a position may be returned to the position which he/she formerly held prior to such promotion, provided that his/her former position is available, at any time and for any reason without recourse or appeal.
- (2) During any such probationary period, an employee who was appointed from outside the Township to such a position may be disciplined or removed from Township employment at any time and for any reason without recourse or appeal.

**Evaluations:** At least thirty (30) days prior to the completion of the probationary period, his/her department head should advise each probationary employee of his/her progress and shortcomings. Failure to comply with this guideline shall not prevent probationary removal.

Recommendations: The department head should forward, in writing, to the Trustees, a recommendation for certification as a permanent employee or dismissal for each probationary employee under his/her supervision. Such recommendation should be forwarded in time for consideration at a regular business meeting of the Board of Trustees prior to the completion of the probationary period. Failure to comply with this guideline shall not prevent probationary removal.

**PROBATIONARY PERIOD AGREEMENT**

\_\_\_\_\_  
**Position**

I, \_\_\_\_\_, hereinafter referred to as "Appointee", hereby understand and agree to the below listed terms of probation and consent to same, and acknowledge that I will be bound by the same as witnessed my signature herein below.

**CONDITIONS OF PROBATION**

1. The appointment of \_\_\_\_\_ to the position of \_\_\_\_\_ is subject to all conditions hereinafter imposed.
  - a. Appointee understands and agrees to comply with the responsibilities, duties, and all applicable laws outlined in the job description established by the Board of Trustees.
  - b. Appointee understands that the decision as to what is or is not satisfactory probationary service or performance during his/her probationary period lies solely with the Board of the Trustees of Copley Township.
  - c. Any decision made to terminate Appointee during his/her probationary period is final and not subject to administrative or judicial review.
  - d. Appointee's appointment as a full-time employee is not final until appointee has successfully and satisfactorily served his/her probationary period. The probationary period is from \_\_\_\_\_ to \_\_\_\_\_ unless extended as provided by township policy.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Appointee's Signature

ATTENDANCE AND WORK WEEK

**Policy:** It is the policy of the Township to establish the time and duration of working hours as required by work load, Township service needs, and any applicable law.

**Comment:**

All employees are expected to make a serious and ongoing commitment to perform their work regularly, promptly, and effectively in order to provide the services to taxpayers, for which we are all responsible. Excessive absenteeism and/or tardiness are failures of that commitment and are not acceptable.

Work schedules may vary from department to department, and shall be approved by the Department Head.

- (1) The standard work week begins Friday at 2300.00 hours and ends the following Friday at 2259.59 hours.
- (2) The normal workday for non-bargaining unit employees working a forty (40) hour work week is eight consecutive hours with a thirty (30) minute paid meal period.
- (3) Department Heads may schedule overtime or extra shifts when it is deemed necessary. Employees are not permitted to work overtime without the prior approval of their supervisor or Department Head.
- (4) Overtime compensation will be paid to eligible employees working a forty (40) hour work week for hours worked in excess of forty (40) hours during a work week or eight (8) hours during a workday. Approved sick time will be counted in calculating hours worked. Overtime compensation for eligible employees shall be at the rate of one and one-half (1-½) times base pay for all overtime hours worked.
- (5) All employees are required to complete an individual time record showing their daily hours worked.
  - a) Time records are to be completed at the end of each workday.
  - b) Employees who are eligible for overtime under the FLSA are not permitted to sign in or commence work before their normal starting time or to sign out or continue working past their normal quitting time without the prior approval of their supervisor.
  - c) Employee time records are to be checked and signed by the employee's supervisor.

- d) Unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) shall be entered on employee time records.
  - e) Authorized overtime shall also be entered on employee time records.
  - f) Unapproved absences are not to be considered as hours worked for pay purposes. Supervisors are to inform employees if they will not be paid for unapproved absences.
  - g) The filling out of another employee's time record or the falsifying of any time record is prohibited and is grounds for disciplinary action, up to and including termination.
- (7) Department Heads and certain other employees are, by the nature of their job duties and functions, not eligible to receive overtime compensation under the Fair Labor Standards Act (FLSA).

LAYOFF AND RECALL

Policy: It is the policy of the Township that, if it must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs will be conducted consistent with Township requirements and in accordance with the procedures set forth below.

Comment:

- (1) The Township will attempt to avoid layoffs and, whenever possible, will consider alternatives to layoff before any final decisions are made. However, management must reserve the right to alter the layoff procedure in order to assure an adequate level of output or service.
- (2) Layoffs that are expected to be temporary will be handled according to the provisions of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in Termination of Employment, Section 209.
- (3) Hourly employees within each affected unit are to be selected for layoff in the following order:
  - a) Probationary employees are to be laid off first;
  - b) Part-time employees are to be laid off next; and
  - c) Full-time employees are to be laid off based on their length of service, provided that the employees who are retained have the demonstrated ability and fitness to perform the available work. If after a reasonable time, an employee cannot perform the duties of a new job that employee is to be laid off if the employee is ineligible to transfer or “bump” to any other job.
- (4) Salaried employees within each affected unit are to be selected for layoff in the seniority order.
- (5) Employees selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances. Employees will be informed of the reason for the layoff, of the estimated length of the layoff, and of any rights they have to appeal their selection for layoff.
- (6) Employees who are laid off will be maintained on a recall list for one year or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have.
- (7) Employees will be recalled according to last laid off, first recalled. Notice of recall will be sent by registered mail, return receipt requested, to the current home address furnished by the employee to the Department.

## TERMINATION OF EMPLOYMENT

Policy: It is the policy of the Township to terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the work force. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the Township reserves the right to terminate employment at any time and for any reason.

### Comment:

- (1) Employees are requested to give written notice of their intent to resign. Failure to give written notice may result in ineligibility for re-employment. The following guidelines are suggested:
  - a) Supervisory and managerial employees should give four weeks' notice;
  - b) Clerical and administrative employees should give at least three weeks' notice;
  - c) All other employees should give at least two weeks' notice.
    1. For policies and procedures leading up to discharge for disciplinary reasons, see Disciplinary Procedure, Section 807.
    2. For policies and procedures governing termination of an employment contract, see Employment Agreements, Section 202A.
    3. For policies and procedures governing a permanent reduction in force, see Layoff and Recall, Section 206
- (2) Supervisors should send notices of resignation or recommendations for termination to the Board of Trustees for review. These notices or recommendations should be accompanied by any needed supporting documents, such as performance appraisals or disciplinary reports. Typically, all terminations must be approved by the Board of Trustees before any final action is taken.
- (3) Notices of involuntary terminations should be handled carefully and discretely, preferably in a private meeting including the employee to be terminated, the immediate supervisor, and another member of management. At its discretion, management may give two weeks' notice of a termination decision.

The Board of Trustees may attempt to obtain a general release of any legal claims from terminating employees.

- (4) The Board of Trustees may conduct an exit interview.

- (5) Written reports of the termination notice meeting (when applicable) and exit interview shall be maintained and placed in the terminating employee's personnel file.
- (6) The Department Head is responsible for securing the return by terminated employees all Township property in their possession, such as Township identification cards, keys, tools, or Township vehicle. If the employee owes the Township any monies or is responsible for any lost or damaged property, such accounts are to be settled as originally agreed or by deduction from final pay, unless prohibited by law.
- (7) Terminated employees may be eligible for future employment if so recommended by their supervisor and approved by the Board of Trustees. Terminating employees who wish to be considered for future employment should make their interest known to the Department Head.
- (8) Request for employment references should be made in writing to the Fiscal Officer's office and should include an authorization by the employee for the release of the requested information. Generally, the Fiscal Officer's office will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location, and dates of employment with the Township.
- (9) Termination and discharge procedures are only guidelines and do not constitute a legal contract between the Township and its employees. The Township reserves the right to implement its policies and procedures as it sees fit. In addition, specified grounds for termination are not all-inclusive since the Township reserves the right to terminate employment for any reason.

TRANSITIONAL RETURN TO WORK POLICY

Policy: It is the policy of the Township to set forth a uniform procedure to return employees, who have temporary limitations due to a personal or work related injury or illness, to their original position performing the essential and/or modified duties or to another appropriate position as soon as possible. Upon request of the Township, employees must participate in the Transitional Work Program unless precluded from participation by their attending physician.

The purpose of this policy is to:

- (1) Reduce the economic and emotional impact on an employee due to a temporary period of disability; and,
- (2) Reduce the overall cost associated with Workers Compensation and Disability; and,
- (3) Improve the relations between the employer and the employee through the development of a cooperative approach to returning the employee to work; and,
- (4) Promote a greater awareness of safety and on-site work practices; and
- (5) Accomplish the employee's return to his/her original position and full duties.

Comment:

This policy is geared toward an employee who has incurred an illness or injury, which is expected to hinder the performance of one or more of his/her assigned job duties and who is receiving Worker's Compensation benefits, short term disability benefits or sick pay.

The Department Head will forward the employee's job description to the employee's attending physician in order to determine what duties the employee is able to perform and for what duration. Participation in the program shall be based upon the recommendation of the employee's attending physician

If the physician does not release the employee to return to work, the employee will continue to receive the applicable benefits paid by either the Bureau of Workers compensation or Copley Township or its third party administrator..

If the attending physician releases the employee with approved duties the Department Head will develop a Transitional Return to Work (TRW) Plan.

The coordination of the transitional return to work plan (work schedule, type of position, duties, progress to original job duties, etc.) should be for a 40-hour work week. If a less than 40-hour per week schedule is approved, those hours not worked below the 40-hour work week will count toward the employee's yearly entitlement of FMLA.

The employee and the Department Head will sign off on the individual TRW Plan to acknowledge receipt of the plan. In signing the participants agree to abide by the specific restrictions as outlined in the TRW Plan.

All participants in the Transitional Work Program will:

- (1) Comply with all personnel policies, procedures, and safe work practices;
- (2) Be paid at their current level of pay, except that they will receive any pay increases to which they are entitled;
- (3) Receive all fringe benefits to which they are entitled; and
- (4) Be allowed to attend physical therapy treatment according to the following criteria:
  - a) Physical therapy must be medically necessary and prescribed by the employee's attending physician;
  - b) A licensed practitioner must perform the physical therapy;
  - c) Physical therapy will be scheduled for the first or last two hours of the workday (whenever possible); and
  - d) Physical therapy appointments, when possible, should be scheduled for non-working hours.

The Department Head will review the employee's performance during the transitional work assignment. This will assist in determining whether the employee has progressed as outlined in the individual TRW plan. The evaluation will be conducted bi-weekly or more often as deemed appropriate.

During the time an employee is in a transitional work program, the employee will be assigned duties which the employee is capable of performing based upon the recommendation of the employee's attending physician. Under a TRW plan:

- (1) Non-bargaining unit employees will not be assigned to do bargaining unit work that is outside of their job description (e.g., as part of their regular duties, various non-bargaining unit employees perform work that is also performed by bargaining unit personnel so performing that work is permissible under a TRW plan; however, under a TRW plan, non-bargaining unit employees will not be assigned to perform bargaining unit work that is outside of their job description).
- (2) Bargaining unit employees will not be assigned to do bargaining unit work in another bargaining unit. (As an exception to the foregoing, Police Officers may be assigned to work in the Dispatch Center under a TRW plan.)

A transitional work assignment may be made in thirty-day increments for up to (90) calendar days. After 90 calendar days, the transitional work assignment may be reviewed and extended if progress is being made.

If the time limitation of the TRW plan has been exhausted and a physician's review determines the employee is unable to return to his/her original position, the transitional return to work program will end and the employee will return to the applicable benefit program, which the employee was previously receiving.

Transitional work programs may be terminated through the evaluation process due to a lack of medical necessity, lack of progress, or change in the employee's medical condition.

SALARY ADMINISTRATION

Policy: It is the policy of the Township to pay compensation which is nondiscriminatory. All compensation policy decisions must take into consideration the Township's overall economic condition.

Comment:

New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or on other competitive considerations. These recommendations should be reviewed and approved by the Board of Trustees before implementation by the appropriate department head and the Fiscal Officer's Office.

Employees who are not satisfied with the results of their compensation or who have questions about the Township's salary administration and benefits program should direct their concern to their supervisor, or department head. (See Grievance Procedure, Section 902.)

PAY PROCEDURES

Policy: It is the policy of the Township to pay employees by check on a regular basis and in a manner so that the amount, method, and timing of such payments comply with any applicable laws or regulations.

Comment:

- (1) Employees normally will be paid on a biweekly basis with the pay period ending on a Friday, and the payday on the following Friday.
- (2) Employees on each payday will receive, in addition to their check, a statement showing gross pay, deductions, and net pay. Local, state, federal, retirement and Social Security taxes, if applicable, will be deducted automatically. No other deduction will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deductions in writing to the Fiscal Officer's Office.
- (3) Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify the Fiscal Officer's Office immediately. In the case of a mistake, the error will be remedied promptly. In the case of loss or theft, the Fiscal Officer's Office will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss and the Township cannot be responsible for the loss or theft of a check if it cannot stop payment on the check.
- (4) For policies and procedures governing pay upon termination, see Termination of Employment, Section 207.
- (5) Employees who are eligible for vacation may receive an advance on their vacation pay so long as an approved request for it is submitted to the Fiscal Officer's Office at least one pay period prior to the commencement of the vacation.

TRAVEL EXPENSE AND MEAL REIMBURSEMENT

Policy: It is the policy of the Township that employee travel performed in the course of conducting Township business must be approved in advance and that such travel should be engaged in and reimbursed according to the guidelines below.

Comment:

- (1) Travel is only considered an incidental function of the employee's position, but may be required.
- (2) The Board of Trustees must approve any travel in advance. Under normal circumstances, employees' travel arrangements for transportation and lodging are made by their supervisor. In addition, all mileage or usage credits awarded by transportation, credit card, and other travel service companies are to be assigned to the Township.
- (3) The Township may issue periodic memorandums specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most expedient mode of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
- (4) Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
- (5) Employee expenses for approved travel will be reimbursed when properly documented by the employee and approved by the supervisor. Employees who know they will have a special request for travel expense reimbursement should seek approval for the expense from their supervisor before the expense is incurred. Any travel expenses deemed unreasonable relative to the circumstances will not be paid or reimbursed and are the employee's personal responsibility. Alcohol and entertainment expenses will not be reimbursed.
- (6) With proper documentation, employees are entitled to reimbursement for meal expenses incurred when an overnight stay is required. Meal expenses incurred for single day trainings/conferences/seminars/meetings are considered wages by the Internal Revenue Service, must be included on the employee's W-2 statement if reimbursed to the employee and will not, therefore, be reimbursed by the Township.
- (7) Time spent by nonexempt employees in traveling away from home on Township business during normal working hours is considered hours worked for pay purposes.
- (8) Employees traveling on Township business are representatives of the Township and are expected to maintain a high level of professionalism and follow all of the Township's policies and rules. (See Behavior of Employees, Section 801.)

VEHICLE USE

Policy: It is the policy of the Township from time-to-time to provide vehicles for business use, to allow employees to drive on Township business, and to reimburse employees for business use of personal vehicles according to the guidelines below.

Comment:

- (1) Employees may not drive vehicles for Township business without the prior approval of their supervisor. Department Heads shall annually check their employee's driving records, verify the existence of a valid driver's license and personal automobile liability insurance, and verify that such employees are eligible for coverage under any applicable Township fleet insurance. Employees approved to drive on Township business are required to inform their supervisor of any changes that may affect either their physical ability to drive and/or their legal eligibility to drive or qualify for insurance coverage under their personal automobile policy and /or the Township's fleet insurance policy, including when they commit any traffic offense which results in their accruing any traffic points, when their license has been revoked or suspended, or when they have failed to maintain financial responsibility (i.e., their own automobile insurance policy has lapsed or been terminated).
- (2) Employees holding jobs designated as requiring regular driving for business must, as a condition of employment, meet the driver approval standards of this policy at all times, including maintaining in good standing a valid Ohio operator's license or CDL, as required.
- (3) Township vehicles will be assigned to those departments which have demonstrated a continuing need for them. When no Township vehicles are available, employees may use their own vehicles for business purposes, but only with the prior approval of their supervisor.
- (4) Employees who drive a vehicle on Township business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees shall wear their safety belt/shoulder harness when driving or riding in a vehicle on Township business. Employees are also responsible for any driving infractions or fines as a result of their driving.
- (5) Employees are not permitted, under any circumstances, to operate a Township vehicle or a personal vehicle for Township business, when any impairment causes any such employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, fatigue, medication, substance abuse or intoxication.

- (6) Employees who use their personal vehicle for approved business purposes will be reimbursed for documented business mileage at the mileage rate then in effect and approved by the Internal Revenue Service. Employees driving on Township business will be reimbursed if they pay for gasoline or car repairs on a Township vehicle, or for parking fees and turnpike tolls incurred while driving on Township business, provided they furnish receipts documenting such expenses. Requests for reimbursement under this Policy must be approved by the employee's supervisor and submitted to the Fiscal Officer for payment, with appropriate documentation and receipts.
- (7) Employees must report any accident, theft, or damage involving a Township vehicle or a personal vehicle used on Township business to their supervisor, regardless of the extent of damage. Such reports must be made as soon as possible but no later than forty-eight (48) hours after the incident.
- (8) Time spent by nonexempt employees while driving or riding as a passenger on Township business during normal working hours is considered hours worked for pay purposes. (See Attendance and Work Week, Section 205.)
- (9) Any individual who is assigned a Township vehicle shall use such vehicle in the following manner:
  - a) For normal official business. Personal use of the Township vehicle is strictly prohibited except for limited and circumscribed usage, consistent with such individual's duties, and under other guidelines that the Trustees may from time-to-time establish. Mileage logs detailing the personal use of the vehicle must be maintained and will be used to determine the amount to be reimbursed by the employee through payroll deduction. Non-employees are not permitted to ride in the township vehicle except for township-related reasons.
  - b) For transportation to Township business while coming and going from such individual's private residence. Such individuals must, however, report such usage as a taxable benefit (wages) in accordance with Internal Revenue Service regulations. Those regulations do stipulate that Emergency Safety forces may be exempt from such reporting as long as their job duties and assignments fall under the guidelines established by the Internal Revenue Service.
  - c) Any tax liabilities or penalties resulting from the personal use of a Township vehicle will be the sole responsibility of the employee.
- (10) The purpose of providing such vehicles is to have such individuals readily available to respond to emergency or other exigent circumstances, in the best interests of the health, safety and welfare of Township residents.
- (11) The Trustees reserve the right to rescind the use of any Township vehicle at any time without any prior notice. The use of such vehicles is a privilege and not a right. Should such privilege be rescinded, no individual who was assigned a Township vehicle shall have any claim for the continued use of such vehicle, or for the decrease in such individual's level of income and/or standard of living as a result of the discontinuation of the use of said vehicle.

### USE OF PURCHASING CARDS

Policy: It is the policy of the Township to provide or contract with various vendors for purchasing cards in order to facilitate and streamline the acquisition process.

Comment:

- (1) Employees authorized to use one of the Township's purchasing cards may use it for Township expenses only. Personal items may not be purchased and then reimbursed for any reason. Violation will result in disciplinary action.
- (2) Use of the purchasing card must be authorized by the Department Head and must be preceded with the procurement of proper documentations, i.e. a Purchase Order/Blanket Certificate.
- (3) Authorized users must sign out the purchasing card from the Fiscal Office stating name, time the card is taken and the PPO/BC number. When returning the card, the user must state the amount of the purchase and the time the card was returned. The receipt should be taken to the Department for proper authorization and then returned to the Fiscal Office immediately to expedite payment of the account.
- (4) With proper documentation, purchases may be made through the Fiscal Office using the Township credit card for goods and services from vendors for whom credit accounts are not available. These costs may include but are not limited to internet purchases and some travel-related expenses such as hotel expenses, training enrollment costs, and meal plans. Other travel-related expenses will continue to be reimbursed per the Travel Policy (see Section discussing Travel and Meal Reimbursement). In no case, may the purchases exceed the credit limit established by the Board of Trustees.
- (5) Awards/incentives associated with use of the purchasing card are the property of the Township and must be relinquished to the Fiscal Office.
- (6) These policies and procedures cannot cover every issue, exception or contingency that may arise in the use of the purchasing card, therefore, users must use common sense and good judgment in the use of government resources.

DISCLOSURE OF BENEFITS

Policy: It is the policy of the Township to provide its full-time employees with life, health and disability benefits. Information and summary communications intended to explain these benefit plans are furnished to all plan participants and beneficiaries on a timely basis. The Township reserves the right to modify, amend, or terminate its benefit plans as they apply to all current full-time employees.

Comment:

- (1) All benefits provided by the Township are described in official documents which are kept on file in the Fiscal Officer’s Office. These documents are available for examination by any plan participant or beneficiary. In addition, they are the only official and binding documents concerning the Township’s benefits plans.
- (2) If the plan participants or beneficiaries make a written request for information concerning the Township’s benefit plans, the Fiscal Officer’s Office will provide them with complete copies of the latest updated summary plan description, and any bargaining agreement, contract, or other instrument under which the plan is established or operated.
- (3) Participant contributions to benefit plans normally will be deducted from the employee’s paycheck if the employee has authorized the deduction in writing. Contributions to benefit plans are not included in the employee’s gross wages for income tax purposes.
- (4) Employees, spouses, and dependents covered by the Township’s health benefits plan are to be notified, when appropriate, that they have the opportunity to acquire continuing health protection in certain specified situations including layoff, termination or reduction in hours of employment, and separation or divorce.
- (5) The Board of Trustees by adoption of Resolution 91-16 will pay the \$500.00 co-insurance for hospitalized events per individual per year. The hospitalized event may be for inpatient or outpatient stays. In order to qualify for such \$500.00 co-insurance payment, the employee must apply for such payment during the same year in which the hospitalized event occurs, or within ninety (90) days following the end of the year in which the hospitalized event occurred. In the event of an employee’s death, the employee's spouse (or, if none, the employee's executor or administrator) may apply for payment on the employee's behalf.
- (6) Health Reimbursement Arrangements. Effective March 1, 2005 or as soon thereafter as is possible, full-time employees who are eligible for the Township’s health insurance will be able to submit qualified unreimbursed health care expenses for reimbursement under a Health Reimbursement Arrangement (“HRA”) upon submission of appropriate receipts.

a)	Single coverage	\$250	maximum carry over	\$500
	Two-person coverage	\$375	maximum carry over	\$750
	Family coverage	\$500	maximum carry over	\$1000

- b) These HRA contributions are maximum annual amounts to reimburse eligible employees for any qualified unreimbursed health care expenditures that are authorized by the U.S. Internal Revenue Service.
  - c) HRA reimbursements will be available to all eligible employees, regardless of whether they accept the Township's health insurance coverage or opt out of the Township's health insurance coverage.
- (7) Section 125 Plan. Effective March 1, 2005 or as soon thereafter as is possible, a Section 125 plan will be adopted in order to provide the mechanism for employees to elect health care coverage under the various applicable coverage options for which they are eligible and/or to waive such coverage.
- (8) Married Employees. Effective March 1, 2005 or as soon thereafter as possible, Township employees who are married to each other and are each eligible for the Township's health insurance coverage will be eligible to receive, at their election, the following maximum health insurance benefit through the Township's coverage:
- a) If they do not have children who qualify as an eligible dependent, either:
    - 1. One single plan for each spouse; or
    - 2. One shared two-person (employee/spouse) plan.
  - b) If they have a child who qualifies as an eligible dependent, either:
    - 1. One single plan and one two-person (employee/child) plan; or
    - 2. One shared family plan.
  - c) If they have children who qualify as eligible dependents, one shared family plan.

The two-person coverage options set forth above are contingent upon their availability under the Township's health insurance coverage. If the two-person (employee/spouse) coverage is not available, then the option for 8(a)(2) will be one shared family plan. If the two-person (employee/child) coverage is not available, then the option for 8(b)(1) will be unavailable.

If the married employees fail for any reason to make the election when due, the default will be that they will receive the coverage for which they are eligible that is the least expensive to the Township.

Employees covered by this Section are eligible for the cash waiver benefit described in Section 9 for which they qualify.

- (9) Cash Waiver. To be eligible to participate in the Township's cash waiver program, employees who desire to opt out of the Township's health insurance coverage must submit verification to the Township Fiscal Officer that they are covered under a health insurance plan without any lapse in coverage as a result of their making the election to opt out of the Township's health insurance coverage. The cash waiver election may occur during open enrollment or when a "qualifying event" occurs (e.g., birth or adoption of a child, marriage, loss of coverage due to spouse's separation from employment, divorce, death, etc.), provided that no cash waiver election may be made on a retroactive basis. Cash waiver payments will be paid monthly and will be prorated, based upon the 12-month calendar year (January 1 – December 31).
- a) An employee who is eligible to receive two-person coverage through the Township's health insurance and:
    - 1. Elects to opt out of receiving the two-person coverage will receive 25% of the Township's premium cost for the two-person coverage.
    - 2. Waives two-person coverage while keeping single coverage will receive 25% of the Township's premium cost for the difference between the two-person and single coverage.
  - b) An employee who is eligible to receive family coverage through the Township's health insurance and:
    - 1. Elects to opt out of receiving family coverage will receive 25% of the Township's premium cost for family coverage.
    - 2. Waives family coverage while keeping two-person (employee/child) coverage will receive 25% of the Township's premium cost for the difference between the family and two-person coverage.
    - 3. Waives dependent coverage while keeping single coverage will receive 25% of the Township's premium cost for the difference between the family and single coverage.

The waivers set forth above are only for hospitalization insurance coverage. Employees opting out of all Township provided hospitalization coverage will no longer pay the required monthly contribution for hospitalization coverage. However, all Township employees shall receive dental, life and short-term disability coverages currently offered by the Township at no cost to them whether or not they waived hospitalization insurance coverage as provided above.

Cash waiver compensation shall not be paid more than once to the same employee for opting out of the Township's coverage (i.e., there shall be no pyramiding of this benefit).

Employees are solely responsible to know, fully investigate and understand the differences between the Township's coverage and the health care coverage which they have selected when opting out of the Township's coverage, and for determining that the coverage which they have selected when opting out of the Township's coverage is satisfactory to meet their needs.

VACATIONS

Policy: It is the policy of the Township to grant vacations to full-time employees in accordance with the following schedule:

Length of Service

One to five (1-5) years	80 hours
Six to ten (6-10) years	120 hours
Eleven to fifteen (11-15) years	160 hours
Sixteen to twenty (16-20) years	200 hours
Over twenty (20) years	240 hours

Comment:

- (1) Earned vacation shall be awarded on an employee's anniversary date in accordance with the above schedule, provided the employee is employed by the Township at the time.
- (2) Accrued but unused vacation time will be paid to an employee upon separation from employment.
- (3) All vacation must be taken in the year following its accrual unless the employee shall receive written permission from the Board of Trustees to carry over a portion thereof of the following year. In no case may an employee carry over more than eighty (80) hours and in no case may vacation be carried over for more than three (3) years.
- (4) Vacation pay shall be paid at the regular base rate of pay applicable at the time used for the employee's job classification.
- (5) Prior service as a township employee in the state of Ohio will be credited as years of service for vacation purposes only.
- (6) An employee may take one (2) week vacation each year in pay, providing the employee has a minimum of three (3) weeks vacation.
- (7) Full-time employees shall be given preference on vacation schedules consistent with their seniority. All employees shall notify in writing their respective department heads at least sixty (60) days in advance of their requested vacation time off. The department head may, for good cause or extenuating circumstance shown by the employee, waive the sixty (60) day requirement. Departments shall maintain a vacation schedule and calendar for all employees within their department.

- (8) Department heads will have the vacation schedule and calendar available for employees to review and assist them in planning their vacations. All department heads shall submit their vacation schedules to the Board of Trustees for approval thirty (30) days in advance of their respective date of vacation. The Trustees reserve the right and have the sole authority to make final approval of all vacation schedules of department heads and employees respectively, consistent with the needs of the Township and the respective departments. Vacation schedules are subordinate to the needs of the Township.
- (9) Department Heads will be granted four (4) weeks of vacation following one year of service as a Department Head.
- (10) An employee may request an advance of up to 80 hours of vacation provided it will be used within 60 days of the employee's anniversary date. The request should be made to their Department Head in writing. The Department Head will advise the Fiscal Officer of such approval. If the request is granted and the employee takes the advance of their vacation and resigns or is terminated prior to their anniversary date, the amount of vacation time will be subtracted from the employee's final paycheck.

Amended per Trustees

Date: 11-14-02

Date: 06-12-06

Date: 02-12-07

Section 503

## HOLIDAYS

Policy: It is the policy of the Township to provide the following paid holidays to its full-time non-bargaining unit employees:

NEW YEAR'S DAY, MARTIN LUTHER KING DAY, PRESIDENT'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, COLUMBUS DAY, VETERAN'S DAY, THANKSGIVING DAY, CHRISTMAS DAY, EMPLOYEE'S BIRTHDAY, and PERSONAL DAY.

Comment:

- (1) All full-time non-bargaining unit employees not working on a holiday are entitled to eight (8) hours of pay at their regular base rate for each of the above holidays, provided they have worked their last regularly scheduled day prior to and their first regularly scheduled day following the holiday unless excused in writing by their department head or Trustees.
- (2) Employees may be required to work on a holiday in order to preserve necessary public services. When full-time non-bargaining unit employees (excluding department heads) are required to work on MARTIN LUTHER KING DAY, PRESIDENT'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, COLUMBUS DAY or VETERAN'S DAY, those employees will, at their option, either be paid at their regular rate of pay for all hours worked in addition to their holiday pay, or be allowed to "bank" the holiday to be used within the year. When full-time non-bargaining unit employees (excluding department heads) are required to work on THANKSGIVING, CHRISTMAS DAY or NEW YEAR'S DAY, those employees will be paid holiday pay at time and one-half rate for all hours worked in addition to their holiday pay, or be allowed to "bank" the holiday to be used within the year.
- (3) Additionally part-paid firefighters who work NEW YEAR'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, THANKSGIVING or CHRISTMAS DAY are entitled to holiday pay at time and one-half rate of their base rate for those hours worked during the holiday.
- (4) If an employee is not able to take the holiday within the year following the date it is earned, the employee will either receive eight hours compensation or be allowed to carry the holiday over into the next calendar year, with the approval of the Township Trustees.
- (5) When a holiday falls on Saturday, the Friday immediately preceding shall be observed as the holiday. When a holiday falls on Sunday, the Monday immediately following the holiday shall be observed as the holiday.
- (6) Holidays specified by O.R.C. 325.19 should not be charged against vacation time when a holiday falls during an authorized vacation.

SICK LEAVE

Policy: It is the policy of the Township to provide sick leave to all full-time employees.

Comment:

- (1) Each full-time employee working a forty (40) hour work week shall accrue sick leave at 4.6 hours per pay period; fifteen (15) days per year, to a maximum of 1,600 hours.
- (2) Sick leave may be used for absence due to personal illness, injury or medical disability, exposure to contagious disease which could be communicated to other employees, or due to illness or injury in the immediate family of the employee when the employee's presence is reasonably necessary. When the use of sick leave is due to illness or injury in the immediate family, "immediate family" shall be defined to only include the employee's spouse, children, stepchildren or parents.
- (3) An employee who is to be absent on sick leave shall notify his/her supervisor of such absence, the reason for such absence, and the expected length of such absence at least three (3) hours before the start of his/her work shift each day he/she is to be absent, except in case of an emergency. If sick leave continues past the first day, the employee shall notify his/her supervisor every day unless the supervisor agrees notification is not necessary.
- (4) Sick leave may be used in segments of not less than one (1) hour.
- (5) Sick leave pay must be approved in writing by the Department Head who shall require each employee to furnish a satisfactory written and signed statement justifying the absence. Absences of more than three (3) days may require a certificate from a licensed physician (MD or DO) stating the cause of absence including the nature of the illness.
- (6) In cases of chronic or long-term absence due to recurring illness or injury, the Trustees or a Department Head may require an employee to submit to an examination by a physician designated by the Trustees. Such examination will be at the expense of the Township. The Trustees may act upon the recommendation of such designated physician regardless of any conflict with previous findings by the employee's physician.
- (7) The Trustees or a Department Head may require an employee who has been absent due to personal illness or injury, prior to and as a condition of his/her return to duty, to be examined by a physician designated and paid for by the Township, to establish that he/she is not disabled from the performance of his/her normal duties and that his/her return to duty will not jeopardize the health and safety of other employees.

- (8) No accumulated sick leave shall be credited to an employee hired by the Township Trustees from any other prior employment with any other public agency. The only exceptions to this Policy shall be in the case of:
  - a) The return to full-time employment with the Township of a Township employee who had been granted a one-year leave of absence, and who returns within the confines of the time-limit of the approved leave; and
  - b) At the discretion of the Trustees, the reinstatement of a former employee of the Township.
- (9) Any employee of the Township who is injured in a job-related accident during the course and scope of his/her employment with the Township, shall not be charged sick days against his/her sick leave. This Policy shall not apply if the employee is injured through his/her own gross negligence.
- (10) If the Department Head questions an employee's use of sick leave of three (3) days or less and, with good cause, i.e., frequent use of less than three (3) days' time, then the Department Head may require a sick slip or other proof of illness for every day off.
- (11) Sick leave will not be approved for any day during which an employee engages in outside employment, and any such absence will be recorded as unpaid leave, and may subject the employee to discipline.
- (12) Sick Leave may be used to extend Funeral Leave as provided in Policy 505.
- (13) Any abuse of sick leave, including but not limited to, the patterned use of sick leave, shall be just cause for discipline.
- (14) Falsification of any statement or physician's certificate shall be grounds for discipline up to and including discharge.
- (15) At the time of retirement from active service with the Township, providing that the employee has completed ten (10) or more years of continuous Copley Township service, the employee may elect, by filing written notice to the Township Fiscal Officer within thirty (30) days prior to the effective date of retirement, to be paid in cash the value of his/her accrued but unused sick leave credit, at the employee's current rate of pay, not to exceed the maximum such benefit provided for conversion of sick leave to cash at retirement in a collective bargaining agreement between the Copley Township Trustees and a bargaining unit which is in effect as of the date of such election. Such payment shall eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to an employee during his/her lifetime. In the event of the death of an employee who has completed ten (10) or more years of continuous Copley Township service, the deceased employee's sick leave will be converted to cash the same as if the deceased employee retired effective as of his/her date of death, and payment therefore will be made to the estate of the deceased employee.

FUNERAL LEAVE

Policy: It is the policy of the Township to provide funeral leave to all full-time employees.

Comment:

- (1) In the event of death in the immediate family of the employee, the employee shall be granted four (4) days of excused absence in the form of paid funeral leave. Sick leave may be used after the fourth (4<sup>th</sup>) day of funeral leave with the approval of the Department Head and one (1) Trustee.
- (2) For purposes of funeral leave, “immediate family” shall be defined to include the employee's mother, father, stepmother, stepfather, spouse, child, stepchild, sibling, spouse's mother, spouse's father, spouse's brother, spouse's sister, son-in-law, daughter-in-law, grandparents, and grandchild.
- (3) Funeral leave must be continuous and shall include the date of the funeral, unless the funeral occurs on the employee's day off, in which case the funeral leave shall include the employee's work day closest to the date of the funeral.
- (4) Funeral leave will not be approved for any day during which an employee engages in outside employment, and any such absence will be recorded as unpaid leave, and may subject the employee to discipline.

BENEFIT EQUALIZATION

**Policy:** It is the policy of the Township that full-time non-bargaining unit employees shall be afforded the same benefits as bargaining unit employees with regard to the benefits set forth in this policy.

**Comment:**

- (1) TUITION REIMBURSEMENT: A tuition reimbursement program has been established for the purpose of encouraging regular full-time non-bargaining unit employees to upgrade their competence in job-related functions in order to increase the effectiveness and efficiency of Township services. Courses eligible under the tuition reimbursement program shall be limited to those offered by an accredited institution and related to the employee's job with the Township unless otherwise authorized by the Board of Trustees. One hundred percent (100%) of the cost of tuition, books, and other educational materials necessary for the completion of the course shall be reimbursed by the Township upon successful completion of any such approved course with a grade of C or better. The decision of the Board of Trustees shall be final as to reimbursement hereunder.
- (2) EDUCATIONAL INCENTIVE: Full-time non-bargaining unit employees having a job-related 2-year, 4-year or masters degree from an accredited college or university shall be eligible to receive the maximum stipend for having such degree that is provided in a collective bargaining agreement between the Copley Township Trustees and a bargaining unit. The decision of the Board of Trustees shall be final as to receipt of such educational incentives.
- (3) UNIFORMS: Non-bargaining unit employees in the Police, Fire and Service Departments, including part-time Fire/Medics and part-time Dispatchers, shall be entitled to participate in the uniform program provided for full-time bargaining unit employees in their respective Department.
- (7) LIFE INSURANCE: Full-time non-bargaining unit employees, including Township elected officials to the extent permitted by law, shall be eligible to receive the maximum life insurance benefit which is provided in a collective bargaining agreement between the Copley Township Trustees and a bargaining unit.

## BENEFIT EQUALIZATION – PART-TIME FIRE DEPARTMENT EMPLOYEES

Generally part-time employees receive no benefits afforded full-time employees, except herein stated:

- (1) Beginning in December 2007, part-time fire department employees will earn incentive pay in accordance with the most current salary resolution for the various professional certifications provided they work a minimum of 200 hours, including training hours, per year.
- (2) In order to receive this compensation, the employee must be employed for the twelve months preceding the payment.
- (3) This incentive compensation for part-time fire fighters shall be certified by the Fire Chief and paid by the Township Fiscal Officer on the first pay period in December. Part-time employees who are eligible for incentive compensation must provide the Fiscal Officer with a copy of all current certificates for which they are requesting compensation.

EMPLOYEE SAFETY

Policy: It is the policy of the Township to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state, or local law.

Comment:

- (1) Each Department Head should:
  - a) Monitor compliance with any Township safety rules and regulations and the applicable safety and health standards established as a result of the Occupational Safety and Health Act of 1970 and any other applicable federal, state, or local employee safety laws or regulations;
  - b) Investigate, correct, and eliminate recognized unsafe and unhealthful working conditions or potential hazards;
  - c) Conduct periodic informal safety and health inspections of all work areas, machinery, equipment, and any other recognized potentially hazardous Township facilities;
  - d) Represent the Department during investigations conducted by the Occupational Safety and Health Administration (“OSHA”) or by any other federal, state, or local safety and health or insurance carrier personnel;
  - e) Organize the training and retraining of employees as required by law;
  - f) Monitor compliance with the various requirements established by any law or the organization’s insurance carrier relating to record keeping and the retention of records;
  - g) Post notices and keep records as may be required by law or the Township’s insurance carrier;
  - h) Comply with fire prevention and fire fighting programs, drills, and enforce no smoking policies where appropriate;
  - i) Comply with contingency disaster preparedness plans; and
  - j) Investigate all accidents, hazardous incidents, and fires involving department employees, or which occur on their respective department premises, and prepare the required reports.

- (2) Supervisors' safety responsibilities include:
  - a) Familiarizing themselves with all safety and health procedures relevant to the operations under their supervision;
  - b) Inspecting their work areas periodically;
  - c) Training their employees in safety matters or arranging for such training where appropriate;
  - d) Identifying conditions that are recognized in the Township's facility as being unsafe; and
  - e) Reporting accidents and injuries to the Department Head immediately.
- (3) Employees should report to the Department Head or their supervisor all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or residents.
- (4) Employees are encouraged to submit suggestions to the Department Head concerning safety and health matters.
- (5) Employees who are exposed to known toxic substances and recognized harmful physical agents should be given the following information at the time they are first hired and at least annually after that:
  - a) The existence, location, and availability of any employee exposure or medical records pertaining to employees exposed to toxic substances or harmful physical agents which are maintained or caused to be maintained by the Township;
  - b) The identity of the person responsible for maintaining and providing access to such records; and
  - c) The right of each employee or the employee's designated representative to examine and copy such records. These employees may be required to submit to medical examinations and tests at intervals determined by their time on the job and whenever there is reason to believe that they were unduly exposed to toxic substances or harmful physical agents. (See Medical Procedures, Section 203.)

MAINTENANCE OF WORK AREAS

Policy: It is the policy of the Township that work areas must be kept clean and orderly at all times.

Comment:

- (1) All employees are responsible for maintaining their work areas in a clean and orderly fashion at all times. To fulfill this responsibility, each employee should, at a minimum, do the following:
  - a) Place coats, boots, umbrellas, and other items of clothing in designated areas so that work stations are not unnecessarily cluttered (see Personal Property, Section 603.)
  - b) Prior to the end of the workday, clean and store all tools and equipment and properly secure any items, papers, or information of value (see Confidential Information, Section 806).
- (2) Supervisors are responsible for making sure that their employees maintain their work areas in accordance with the requirements of this policy. Each supervisor should:
  - a) Make sure that aisles, floors, and walls are free of debris and other unnecessary items;
  - b) Monitor the facilities and equipment and issue maintenance requests where appropriate;
  - c) Arrange for the removal of any items from the work place that are not needed for the flow of business or the comfort and enhancement of employees;
  - d) Report any existing or potential work place hazards and safety violations to the Department Head (see Employee Safety, Section 601); and
- (3) The Township will attempt to maintain the temperature, lighting, and noise level of its facilities at a level that is comfortable for employees yet appropriate for the nature of its operations. Employees should inform their supervisor of any concerns about working conditions.
- (4) Smoking in the Township's facilities is not permitted and is prohibited inside all Township vehicles.

PERSONAL PROPERTY

**Policy:** It is the policy of the Township to assist its employees in safeguarding their personal property while at work.

**Comment:**

- (1) Employees are expected to exercise reasonable care to safeguard personal items of value brought to work. Such items should never be left unattended or in plain view. The Township does not assume responsibility for the loss or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
- (2) Articles of personal property found on the premises should be returned to the owner, if known, or turned in to the Department Head. Inquiries regarding lost property should be directed to the Department Head.
- (3) The Township will reimburse employees for damage to their personal property resulting from an accident on the job, provided the accident is not caused by the negligence of the employee. Personal property is defined as the personal belongings of an employee such as work clothing and glasses. Clothing and personal items such as watches, jewelry, and similar articles which are not appropriate for the performance of work are not covered under this policy. The accident must be reported immediately, and the employee's supervisor must verify the circumstances and the damage.

PARKING

**Policy:** It is the policy of the Township to provide parking facilities, when practical, for the benefit and convenience of its employees and visitors.

**Comment:**

- (1) The Township will provide parking for as many employees as is practical. Special spaces will be designated for certain employees. Spaces closest to the building's main entrance should be left for visitors. Federal, state, and local laws applicable to handicap parking shall apply to the township's parking lot.
- (2) The parking lot is considered part of the Township premises; therefore, all Township policies and rules apply to employees and their vehicles while on the lot. (See Behavior of Employees, Section 801.)
- (3) Employees who use the Township parking lot do so at their own risk. The Township assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lot.

Amended per Trustees

Date: 06-01-93

Date: 06-12-06

Date: 12-28-06

Section 605

## SMOKING

Policy: It is the policy of the Township to comply with all applicable federal, state, and local regulations regarding smoking in the work place and to provide a work environment that promotes productivity and the well being of its employees.

- (1) On November 7, 2006, voters in Ohio passed Issue #5, creating Ohio's indoor smoking ban. The Copley Township policy will follow Ohio Revised Code Section 3794.
- (2) The Trustees of Copley Township hereby designate all buildings, vehicles and other enclosed areas owned by the township as non-smoking.
- (3) Smoking is prohibited in all Copley Township buildings, vehicles and all other areas owned or operated by the Township including areas adjacent to locations of ingress or egress of each building.
- (4) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be conspicuously posted at every entrance to all buildings owned by the Township.
- (5) All ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited by the Township.

LEAVES OF ABSENCE

Policy: It is the policy of the Township to grant employees extended leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence.

Comment:

- (1) Employees are eligible for leaves of absence if they have completed at least one year of service, or a lesser amount if specified by law. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined in conjunction with applicable federal and state law. The following types of leaves may be granted:
  - a) Personal Leave of Absence: Employees may be granted an unpaid leave of absence to attend to personal matters in cases in which the Township determines that an extended period of time away from the job will be in the best interests of the employee and the Township.
  - b) Disability Leave of Absence: If an employee requests a leave because of his/her own serious health condition or disability, and the employee has exhausted all paid leave and FMLA leave for the year, that employee may be granted an unpaid disability leave of absence, in the Township Trustees' discretion. The Township may require certification, on a periodic basis, of an employee's continuing need for disability leave by the employee's physician and/or a physician selected by the Township. (See Medical Procedures, Section 203.)
    1. All requests for disability leave shall be in writing and shall state the anticipated expiration date for the leave. Prior to returning to work from any such authorized leave, the employee may be required to pass a medical examination by a physician designated by the Township demonstrating that the employee is able to perform the essential functions of the position.
    2. Disability leaves are without pay or benefits, except that the employee may extend his/her health benefits, subject to the rules of the Township's insurance carrier(s), by paying all premium costs as provided under the Federal COBRA Law.

- c) Family and Medical Leave: Eligible employees may be granted leave under the Family and Medical Leave Act (“FMLA”), as set forth below.

1. Definitions:

- a. *Eligible Employee:* A person who has been employed for at least 12 months by the Township, and performed at least 1,250 hours of service for the Township during the 12-month period preceding the commencement of the leave.
- b. *Twelve Month Period:* The 12-month period measured forward from the date any employee's first Family & Medical Leave Act (“FMLA”) leave begins (i.e., the "leave year" is specific to each individual employee). The employee is entitled to a maximum of 12 weeks of leave during the leave year beginning on the first date FMLA leave is taken. The next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period.
- c. *Serious Health Condition:* An illness, injury, impairment, or physical or mental condition of a serious nature, involving inpatient care and/or continuing treatment by a health care provider. A *Serious Health Condition* does not include a regimen of continuing treatment involving the taking of over-the-counter medications such as aspirin, antihistamines or salves; bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider; routine physical examinations, eye examinations or dental examinations; conditions for which cosmetic treatment are administered (e.g., acne or plastic surgery); the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches (other than migraine headaches), routine dental or orthodontia problems, periodontal disease, etc.; unless inpatient hospital care is required or complications develop as a result of any of the above conditions.

2. Reasons for FMLA Leave: Eligible employees are entitled to take up to 12 weeks of unpaid leave in any 12-month period for the following reasons:

- a. The birth of their child, and the care of their newborn child within one year of the child's birth (“Reason 1”);
- b. The placement of a child with the employee by way of adoption or foster care, and the care of an adopted child or foster child within one year of the child's arrival (“Reason 2”);
- c. The employee is needed to care for an immediate family member (son, daughter, spouse or parent) with a serious health condition (“Reason 3”);
- d. The employee's own serious health condition prevents that employee from performing the functions of his/her job (“Reason 4”).

3. Intermittent Leave/Reduced Leave Schedule:

- a. Leave for either Reason 1 or Reason 2 is not eligible to be taken intermittently or on a reduced leave schedule.
- b. Leave for either Reason 3 or Reason 4 may be taken intermittently or on a reduced leave schedule when medically necessary.
  - 1) The employee has the responsibility of informing his/her supervisor of the reasons why the intermittent/reduced leave schedule is medically necessary and of the schedule for treatment, if applicable.
  - 2) The supervisor and the employee shall attempt to work out a schedule which meets the employee's needs without unduly disrupting the Township's operations.
- c. If the employee requests intermittent leave or a reduced leave schedule, and the leave is foreseeable based on planned medical treatment, the Township reserves the right to transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's normal position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties.

4. Employee's Responsibilities and Duties:

a. Notice

- 1) When planning medical treatment, the employee must consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the Township's operations.
- 2) During an employee's FMLA leave, the Township may require said employee to report periodically to the Township regarding his/her status and when that employee intends to return to work.

b. Certification

- 1) When FMLA leave is taken for Reason 3 or Reason 4, the employee must provide certification, issued by the appropriate health care provider, of the need for the leave.
- 2) When the leave is foreseeable and at least thirty (30) days' notice has been provided, the employee should provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the appropriate supervisor within 15 days after the employee requests FMLA leave, unless it is not possible under the particular circumstances to do so despite the employee's diligent, good faith efforts.

3) Consequences of failing to provide medical certification:

- ◆ If the employee fails to provide the medical certification in a timely manner, after being requested to do so by the Township, the Township may deny the employee unpaid FMLA leave, or the continuation thereof if the FMLA leave has already commenced, until the required certification is provided.
- ◆ If the employee fails to provide the requested medical certification within a reasonable period of time, the leave of absence shall be deemed an unapproved leave of absence and it shall not be considered FMLA leave.
- ◆ If the Township determines an employee's medical certification is incomplete, it shall provide the employee with a reasonable opportunity to cure such deficiency.

c. "Fitness-For-Duty" Certification

- 1) If an employee takes leave under Reason 4, prior to returning to work, the employee must present to the Township, upon request, certification from the employee's health care provider stating that the employee is able to resume work.
- 2) Reinstatement to active status may be denied until the requested "Fitness-For-Duty" certification has been supplied to the Township.

5. Township's Responsibilities and Duties

a. Maintenance of Health Benefits

The Township will maintain the employee's coverage under its "group health plan" for the duration of the unpaid FMLA leave under the same conditions as would have been provided had the employee been in active pay status during the entire leave period.

The Township's obligation (except as per COBRA) to maintain health benefits ceases if and when:

- 1) The employment relationship would have terminated if the employee had not taken FMLA leave (e.g., if the employee's position is eliminated as part of a layoff and the employee would not have bumped into another position);
- 2) The employee gives notice to the Township of his/her intent not to return from leave; or
- 3) The employee fails to return from FMLA leave or continues on leave after exhausting his/her FMLA leave entitlement in the 12-month period.

b. Husband and Wife Employees

If both spouses are eligible for FMLA leave and are eligible employees of the Township, their total leave in any 12-month period will be limited to 12 weeks, if the leave is taken:

- 1) For either Reason 1 or Reason 2; or
- 2) To care for the employee's parent pursuant to Reason 3.

Where the Husband and Wife both use a portion of their total 12-week FMLA leave entitlement for one of the purposes listed above, the Husband and Wife are still each entitled to the difference between the amount which that employee has taken individually, and the 12 weeks which that employee is entitled to under this FMLA Policy, for a purpose other than those listed above (i.e., serious personal illness or care for a seriously ill child or spouse).

6. Use of Paid Leave in Conjunction with FMLA Leave

- a. When the leave is FMLA-qualifying and the reason for the leave is well baby care under Reason 1 or Reason 2, the employee shall substitute his/her paid leave other than sick leave (e.g., vacation leave) for unpaid FMLA leave.
- b. When the leave is FMLA-qualifying and the reason for the leave is Reason 3 or Reason 4, the employee shall substitute his/her paid vacation, personal leave and sick leave for unpaid FMLA leave.
- c. Whenever an employee uses paid leave for a FMLA-qualifying event/condition, such paid leave shall be counted as FMLA leave and toward the 12-week maximum leave allowed per year under this FMLA Policy.
- d. If the employee has not earned or accrued adequate paid leave to encompass the entire 12-week period of leave taken under this Policy, the additional weeks of leave necessary to attain the 12-weeks of FMLA leave shall be without compensation.
- e. Military Leave of Absence: The Township shall follow all applicable laws, including state and federal regarding military leave. Employees in the military service shall be entitled to reinstatement and reemployment rights as provided in the "Uniformed Services Employment and Reemployment Rights Act of 1994," 38 U.S.C. 4301, et. seq.

- (2) When possible, requests for a personal, disability or FMLA leave of absence or any extension of such a leave should be submitted in writing to the employee's Department Head at least thirty (30) days prior to commencement of the leave period, or as soon as is foreseeable. If thirty (30) days' notice is not possible, notice must be given as soon as possible under the facts and circumstances of the particular case. The Department Head will forward such request to the Board of Trustees recommending approval or denial. The final decision concerning such a request will be made by the Board of Trustees. All employees on such an approved leave are expected to report any change in status in their need for a leave or their intention to return to work to their department head.
- (3) The Township will provide health insurance and other benefits to eligible employees on leave to the extent the Township is required by law to do so. Benefits that accrue according to length of service, such as paid vacation, holiday, personal, and sick days, do not accrue during periods of unpaid leave, except as may be required by law.
- (4) Provided that they are able to perform the essential functions of their position, employees returning from a leave of absence will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. Employees returning from a disability leave or FMLA leave for Reason 4, must provide a fitness for duty certification from their health care provider, certifying their ability to perform the essential functions of their job. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he were not on leave at the time of the reduction in force. (See Layoff, Section 210.)
- (5) Employees who are unable to report for work because of arrest and incarceration will be placed on special administrative leave of absence. If the employee is unable to secure bail, the leave of absence will continue until final disposition of the charges. If the employee is freed on bail, a decision whether to allow the resumption of active employment pending disposition of the charges will be made by the employee's department head and the Board of Trustees. They will determine whether reinstatement would be consistent with the Township's needs and requirements.
- (6) If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of such leave, the employee will be considered to have voluntarily terminated employment.

REST BREAKS

Policy: It is the policy of the Township to provide rest breaks during the course of each workday.

Comment:

- (1) Whenever practical, employees are to receive a rest break of fifteen minutes at approximately the middle of every four hours of work not broken by a meal period.
- (2) The time for employee rest breaks will be scheduled by each supervisor with appropriate regard for the work load. Time spent on rest breaks will be compensated as working time. However, employees are expected to be punctual in starting and ending their breaks and will be subject to disciplinary action for tardiness.
- (3) Employees who choose to remain at work during rest breaks are not entitled to leave before the normal quitting time and will not receive extra pay for the time worked.
- (4) Employees on rest breaks should not interfere with fellow employees who are continuing to work.

MEAL BREAKS

Policy: It is the policy of the Township to provide meal breaks during the course of each workday.

Comment:

- (1) While on duty, full-time employees shall be entitled to reasonable time, up to one-half (1/2) hour per eight (8) hour shift, for a meal break. Employees shall remain readily available to answer calls during meal breaks, and shall return to work if required by their Department Head or his/her designee.
- (2) Part-time non-bargaining unit employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department. Such employees will not be compensated for their meal breaks unless they are required to work during their breaks.
- (3) Employees who leave the Township's premises during their meal break must check out when leaving and check in when returning. Employees may choose to work through their meal break if they need to leave prior to their appointed time. However, this may only be done with the approval of their Department Head or supervisor.
- (4) Supervisors and Department Heads are responsible for balancing work loads and scheduling meal breaks. Whenever necessary, the duration and time of meal periods may be changed.

BEHAVIOR OF EMPLOYEES

Policy: It is the policy of the Township that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the Township and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the Township, or is offensive to residents or fellow employees will not be tolerated.

Comment:

- (1) Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interest of the Township. Such conduct includes:
  - a) Reporting to work punctually as scheduled and ready for work, at the assigned starting time.
  - b) Giving proper advance notice whenever unable to work or report on time.
  - c) Complying with all Township safety and security regulations.
  - d) Wearing clothing appropriate for the work being performed (see Personal Appearance of Employees, Section 802).
  - e) Maintaining work place and work area cleanliness and orderliness (see Maintenance of Work Areas, Section 602).
  - f) Treating all residents, visitors, and fellow employees in a courteous manner.
  - g) Refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the Township's best interests.
  - h) Performing assigned tasks efficiently and in accord with established quality standards.
- (2) The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination (see Disciplinary Procedure, Section 807):
  - a) Absence without leave, excessive absenteeism or excessive tardiness.
  - b) Incompetency, inefficiency, or failure to meet reasonable expectations or objectives for satisfactory work performance.
  - c) The use of profanity or abusive language.

- d) Discourteous treatment of the public.
- e) Insubordination or the refusal by an employee to obey any lawful and reasonable rule, regulation or policy or to follow management's directions or instructions concerning a job-related matter.
- f) Threatening or intimidating management, supervisors, or fellow workers.
- g) Fighting or assault on a fellow employee.
- h) Dishonesty in the workplace, including but not limited to, giving false statements or providing false information in connection with an internal investigation or other disciplinary matter.
- i) Falsifying or altering any Township record or report, such as an application for employment, a medical report, a time record, an employee reimbursement request, a leave request, a worker's compensation form, an unemployment compensation form, etc.
- j) Misfeasance, malfeasance or nonfeasance in the work place.
- k) Neglect of duty or failure by an employee to devote his/her full time and attention to his/her job responsibilities.
- l) Theft, destruction, defacement, misuse, abuse, alteration, or unauthorized use of Township property, including but not limited to, Township credit cards, vehicles, computer systems (work stations, networks, emails, programs, files, hardware, printers, etc.), communications systems (voice mail, phones, facsimile machines, pagers, etc.), photocopy equipment, supplies, etc., for other than Township business.
- m) Unauthorized sleeping on the job.
- n) Failure to wear assigned safety equipment or failure to abide by safety rules and policies.
- o) Engaging in any form of sexual harassment.
- p) Improper disclosure of confidential information.
- q) The reporting to work under the influence of alcoholic beverages and /or legal drugs and narcotics or the use, sale, dispensing, or possession of alcoholic beverages and /or illegal drugs and narcotics on Township premises.
- r) The possession of firearms or other weapons on Township property unless the employee is a sworn police officer.
- s) Conduct unbecoming an employee of the Township.

- t) Conviction of any misdemeanor involving moral turpitude, or of any felony.
- (3) The examples in Comment (2), above, are illustrative of the type of behavior that will not be permitted, but are not intended to be an all-inclusive listing. Any questions in connection with this policy should be directed to the Department Head.

PERSONAL APPEARANCE OF EMPLOYEES

**Policy:** It is the policy of the Township that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

**Comment:**

- (1) Employees are expected at all times to present a professional, business-like image to the public. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.
- (2) Certain employees may be required to meet special dress, grooming, and/or hygiene standards depending on the nature of their job.
- (3) Unless a uniform is required by the department, casual business wear and footwear is acceptable for Township employees, subject to compliance with safety requirements. When necessary, more traditional business attire may be worn.
- (4) Casual business wear includes casual slacks, polo type shirts (with collars and sleeves), blouses, sweaters, skorts, colored jeans (other than denim), stretch pants in conjunction with appropriate casual business attire, blazers and non-athletic shoes.
- (5) On Fridays and on designated "dress down days", jeans and athletic shoes may be worn.
- (6) When traveling or attending training on behalf of Township business, employees are expected to dress in appropriate business attire. However, if notice is given in advance of specific dress code for an event, employees may dress accordingly.
- (7) Shorts, hats (unless outside), ripped jeans, blue jeans, distressed clothes, halter/tank tops, shoulderless blouses, spandex, clothing with offensive words or pictures, flip flop shoes, and workout attire are inappropriate for all employees.

Amended per Trustees

Date: 11-14-02

Date: 06-12-06

Section 803

PERSONAL FINANCES OF EMPLOYEES

**Policy:** It is the policy of the Township to comply with all applicable legal requirements pertaining to the Township's obligations as an employer with respect to employee finances.

**Comment:**

- (1) The Township will not disclose an employee's personal financial information to outside parties without the express written permission from the employee, unless the Township is required by law to disclose such information.
- (2) The Department Head should submit, immediately upon receipt, to the Fiscal Officer, any writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Fiscal Officer is to notify the affected employee immediately and then deduct the required amount from the employee's earnings. The amount deducted, however, should not exceed that permitted by law.

USE OF COMMUNICATION SYSTEMS, CELLULAR TELEPHONES, PAGERS

Policy: It is the policy of the Township to provide or contract for the communication services and equipment necessary for the conduct of its business. The purpose of this policy is to establish procedures to contain costs, ensure accountability and prevent improper use.

Comment:

- (1) Employees should familiarize themselves with the numerous types of communication services and equipment used by the Township. Those types of communications systems include but are not limited to the following: postage machine, telephones, facsimile machine, long distance service, cellular phones, pagers, electronic mail, and priority mail. Most of these services and equipment have usage charges or other related expenses. Employees should be aware of these charges and expenses and should exercise care in choosing the proper vehicle for each business communication. Employees should consult their supervisor if there is a question about the proper vehicle. If sufficient funding exists, Department Heads will determine which employees have an official need for or access to a cellular phone or pager. Annually, an inventory of users will be reviewed by each Department Head to ensure designated employees continue to demonstrate a need for the cellular phone and/or pager.
- (2) Employees should not use Township communication services and equipment for personal purposes except in emergencies or when extenuating circumstances warrant it. Such usage is restricted because it can impede the normal flow of business, incur unnecessary Township expense, and reduce productivity. When personal usage is unavoidable, employees must properly log any user charges and reimburse the Township for them. The employee may also choose to pay a percentage of monthly charges for a cellular phone through payroll deduction allowing them the option to use the cellular phone for personal use as well. The Township reserves the right to audit/review cellular bills to ensure the percentage of personal use is either reimbursed or commensurate with the percentage withheld. Employees who do not wish to use the phone for personal use may sign an affidavit stating so.
- (3) Employees who do not have direct access to a Township telephone should make provisions to have emergency or other necessary incoming calls routed to their supervisor. The Township cannot and does not accept responsibility for the prompt or accurate relay of personal messages.
- (4) Employees shall exercise extreme caution when driving and talking on a cellular telephone. Unless utilizing a “hand-free” speakerphone option, employees should stop their vehicle as soon as safely possible.

- (5) When an employee no longer has a demonstrated need for the cellular phone and/or pager, or when employment is terminated, the employee shall return the equipment to the Township.
- (6) Employees are not to use the Township's address for receiving personal mail and may not use Township stationery or postage for personal letters. Personalized stationery and business cards may only be issued by the Township. Employees should exercise care so that no personal correspondence appears to be official communication of the Township.

CONFLICTS OF INTEREST

Policy: It is the policy of the Township to prohibit its employees from engaging in any activity, practice, or act which conflicts with, or appears to conflict with, the interests of the Township.

Comment:

- (1) Employees are expected to represent the Township in a positive and ethical manner and have an obligation both to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.
- (2) Employees are not to engage in, directly or indirectly, either on or off the job, any conduct, which is illegal, disruptive in the workplace, or discredits the reputation of the Township.
- (3) Employees are not to accept or solicit anything of value from any person or firm doing, or seeking to do, business with the Township that is of such character as to manifest a substantial and improper influence upon the employee with respect to his/her duties.
- (4) Employees are not to authorize or influence the authorization of any public contract in which the employee, a member of his/her family, or any of his/her business associates has an interest.
- (5) Employees are not to have other employment which conflicts with the policies, objectives and operations of Copley Township.
  - a) Full-time employment by the Township shall be considered the employee's primary full-time occupation.
  - b) Part-time employment by the Township shall be considered the employee's primary part-time occupation.
  - c) No employee shall engage in any other employment that impairs the employee's ability to perform the duties of his/her position.
  - d) No employee shall engage in any other employment that provides any services, supplies or goods to Copley Township, and which association can be considered a conflict of interest.
  - e) No employee shall engage in any other employment if the function or business involves illegal activity, or where the activities engaged in are of such a nature that they may bring embarrassment, disrespect, or discredit to the reputation of the Township.

(6) No employee shall make or recommend any employment decision (e.g., hiring, assignment, discipline, promotion, change in work hours, scheduling, etc.) concerning a job applicant or Township employee who is a relative, domestic partner or significant other of that employee. Nor shall any employee be in a supervisor/subordinate relationship with any relative, domestic partner or significant other of that employee. For purposes of this Section, the following definitions apply:

- a) *Relatives*: A spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, or step-relation.
- b) *Domestic partners*: Individuals who reside in the same household and are involved in a relationship, often holding themselves out to the public as marital partners, but who are not legally married.
- c) *Significant others*: Individuals who are dating or engaged to be married but may or may not reside together.

Exception: Employees hired prior to the effective date of this policy, are “grandfathered,” with regard to the applicability of Section (6) to their current positions with the Township.

Except as provided in Section (6), violations of this Policy will result in disciplinary action up to and including termination.

CONFIDENTIAL INFORMATION

**Policy:** It is the policy of the Township that each employee who has privilege to confidential information has a continuing obligation to protect said information.

**Comment:**

- (1) Information designated as confidential is any discussion held in executive session with the Board of Trustees under Ohio Revised Code Section 121.22 G. (1-5), any record that is exempted under Ohio Revised Code Section 149.43, or any record or discussion deemed confidential by federal or state law. This responsibility is not intended to impede normal township communications and relationships, but is intended to alert employees to their obligation to use discretion in discussing Township affairs.
- (2) All media inquiries and other inquiries of a general nature should be referred to the affected department head, or trustees, and all press releases, publications, speeches, or other official declarations must be approved in advance by the affected department head or trustees.

Inquiries seeking information concerning current or former employees should be referred to the Fiscal Officer's Office.

- (3) Employees authorized to have access to confidential information must treat the information as proprietary Township property for which they are personally responsible. Employees are prohibited from attempting to obtain confidential information for which they have not received access authorization. Employees violating this policy will be subject to discipline, up to and including termination and may be subject to legal action.

## DISCIPLINARY ACTION

**Policy:** It is the policy of the Township that all employees are expected to comply with the standards of behavior and performance established by the Board of Trustees and/or their Department Head, and that noncompliance with these standards will be addressed by disciplinary action.

Comment:

### (1) Forms of Discipline

- a) Verbal Warning. Department Heads and supervisors have the authority to give verbal warnings to employees in their Department. Verbal warnings should be reduced to writing and placed in the employee's personnel file. Verbal warnings are subject to removal from the employee's personnel file two (2) years after the date of issuance, providing there is no intervening discipline in that time period.
- b) Written reprimand. Department Heads and supervisors have the authority to give written reprimands to employees in their Department. A signed copy should be placed in the employee's personnel file. Written reprimands are subject to removal from the employee's personnel file two (2) years after the date of issuance, providing there is no intervening discipline in that time period.
- c) Suspension.
  1. Department Heads have the authority to suspend employees in their Department for up to, but not exceeding, fifteen (15) calendar days.
  2. The Board of Trustees reserves the independent right and authority to suspend an employee, for any amount of time, regardless of any recommendation (or lack of a recommendation) for suspension by the Department Head, provided that the Board of Trustees may not increase the length of a suspension that has already been given by a Department Head.
  3. Records of suspensions are subject to removal from the employee's personnel file five (5) years after the date of issuance, providing there is no intervening discipline in that time period.
- d) Demotion. Department Heads are encouraged to offer their recommendation to the Trustees with regard to the demotion of an employee in their Department. However, only the Board of Trustees has the authority to demote employees, and the Board of Trustees reserves the right to demote an employee, regardless of any recommendation (or lack of a recommendation) for demotion by the Department Head.

- e) Termination. Department Heads are encouraged to offer their recommendation to the Trustees with regard to the termination of an employee in their Department. However, only the Board of Trustees has the authority to terminate employees, and the Board of Trustees reserves the right to terminate an employee, regardless of any recommendation (or lack of a recommendation) for termination by the Department Head. Terminated employees shall return all Township property in their possession to their Department Head prior to issuance of their final severance pay.
- (2) Pre-Disciplinary Conference
- a) Verbal Warnings and Written Reprimands. Pre-disciplinary conferences are not applicable to, or required for, verbal warnings and written reprimands.
  - b) Suspension by Department Head. Except as provided in 2(d) below, prior to the imposition of a suspension without pay by a Department Head, the employee shall be given written notice of the alleged violation(s) and an opportunity to be heard and respond by way of explanation or defense in an informal meeting with his/her Department Head or such other person as may be designated by the Department Head. Prior to the imposition of such suspension, the employee may be placed on paid administrative leave by his/her Department Head. The employee has the right to be represented by his/her union representative or attorney at such pre-disciplinary conference.
  - c) Suspension, Demotion or Termination by Trustees. Except as provided in 2(d) below, prior to the imposition of a suspension without pay, demotion or termination by the Board of Trustees, the employee shall be given written notice of the alleged violation(s) and an opportunity to be heard and respond by way of explanation or defense in an informal meeting with his/her Department Head, the Board of Trustees, or such other person as may be designated by the Department Head or Trustees (as determined in each particular case by the Department Head or Trustees). Prior to the imposition of such discipline, the employee may be placed on paid administrative leave by his/her Department Head or the Board of Trustees. The employee has the right to be represented by his/her union representative or attorney at such pre-disciplinary conference.
  - d) No part-time employee, unless he/she is covered by a collective bargaining agreement, no employee at-will, and no probationary employee shall have the right to a pre-disciplinary conference.
- (3) Grounds for Disciplinary Action
- a) Grounds for disciplinary action up to and including termination, include but are not necessarily be limited to, violation of any written or published Trustees' rule, policy, resolution or motion applicable to a given employee. (See Behavior of Employees, Section 801, and other applicable Township Policies.)
  - b) The Chief of Police, Fire Chief, and Service Director/Township Highway Superintendent may publish additional rules and regulations for employees in their Department, to supplement the grounds for discipline.

(4) Progressive Discipline

- a) Discipline should generally be of a progressive nature, if the employee's conduct and circumstances so warrant.
- b) However, progressive discipline may not be warranted, and a more severe disciplinary action may be imposed, up to including termination for a first offense, depending upon the severity of the employee's conduct and circumstances.

(5) Appeals of Disciplinary Action

- a) Except as provided in 5(b) below, any employee who is aggrieved by imposition of discipline imposed by his/her supervisor or Department Head may, within seven (7) calendar days of the start of such suspension, appeal in writing to the Board of Trustees. The Board of Trustees should then, within thirty (30) calendar days, review the action taken by the Department Head and either:

1. Affirm the action taken;
2. Set aside the action taken; or
3. Amend or modify the action.

However, no increase in the severity of the discipline shall be imposed by the Board of Trustees over the discipline initially given the employee.

- b) The right to file a grievance against, appeal, or otherwise challenge a disciplinary suspension, demotion, or termination applies to permanent, full-time employees who have successfully completed their probationary period, and who are not employees at-will.
  1. No part-time employee, unless he/she is covered by a collective bargaining agreement, no employee at-will, and no probationary employee shall have the right to file a grievance against, appeal, or otherwise challenge any disciplinary action against him/her, including the termination of his/her services.
  2. The grievance and arbitration procedures in the various Township collective bargaining agreements replace, supersede and render null and void the appeal procedures set forth in 5(a) above, with regard to Township bargaining unit employees.

DRUG AND ALCOHOL TESTING

Policy: It is the policy of the Township to maintain a workplace that is free from the effects of drug and alcohol abuse. Employees in the Service Department are required as a condition of their employment to have a valid commercial driver's license. Federal requirements mandate certain drug and alcohol testing requirements applicable to employees with CDLs, which are in addition to the requirements contained in this Policy. To the extent that the Service Agreement contains different requirements, the Service Agreement shall prevail with regard to Service Department employees.

Comment:

- (1) Copley Township has a strong commitment to the health, safety, and welfare of its employees, their families, and its residents. Widely available statistics and information establish that the incidence of drug and alcohol abuse is increasing and the effect is devastating to lives, business, and the community at large.
  - a) Copley Township is concerned that, in the event of substance abuse among our employees, the safety of our employees and the general public could be endangered. Our commitment to maintaining a safe and secure workplace requires a clear policy and supportive programs relating to the detection, treatment and prevention of substance abuse by employees.
  - b) It is the goal of Copley Township to provide a safe workplace by eliminating the hazards to health and job safety created by alcohol and other drug abuse. We believe this goal to be in the best interest of our employees and the general public.
- (2) The Department Heads are responsible for implementing and communicating these policies. Any questions regarding these policies or procedures should be directed to the Department Heads.
- (3) Employees are encouraged to voluntarily admit problems with drugs and alcohol prior to violating this Policy. Employees who voluntarily admit problems with drugs or alcohol prior to violating this Policy will not have their job security or promotional opportunities jeopardized by a first request for treatment. Employees should not read this to mean that a first request for treatment will automatically excuse them from discipline or discharge where the Township initiates corrective action for violation of this Policy and/or for manufacturing, distributing, acquiring, dispensing, possessing, or using drugs. Rather, an employee who seeks a first referral for treatment on his or her own initiative is in a better position than one who brings up a drinking or drug problem for the first time in response to an investigation on the Township's initiation of corrective action. An employee shall not be disciplined for first time admission of drug or alcohol dependency, if the employee immediately enrolls in a rehabilitation program certified by a substance abuse professional and satisfactorily completes such program.

- a) It will be the responsibility of the employee to comply with the Township's referral for diagnosis, and it is also the employee's responsibility to cooperate with the prescribed treatment.
  - b) When an employee is referred for a drug or alcohol test, he or she shall be allowed to leave work with no loss of pay for the shift.
  - c) An employee who participates in a rehabilitation program may use his or her accrued sick leave, vacation leave and/or compensatory time for the period of the program. Apart from such use of paid leave, the employee will be relieved from duty and placed in unpaid status.
  - d) Rehabilitation programs are designed primarily for those employees who appear to have a treatable condition, not to protect those who manufacture, distribute, acquire, or dispense drugs.
- (4) This Policy applies to all employees of the Township while on the job and to situations in which an employee's off-the-job or off-premises conduct impairs work performance or undermines public confidence in, or harms the reputation of, Copley Township.
- a) Although the Township respects the private life of its employees, the Township recognizes that involvement with alcohol and other drugs off the job eventually takes its toll on job performance. The Township wants to be assured that employees will report to work in condition to perform their duties safely and efficiently in the interest of their fellow workers, the public as well as themselves.
- (5) Employees are prohibited from engaging in the following:
- a) Reporting to duty or remaining on duty while having an alcohol concentration of 0.04 level or greater utilizing blood testing or 0.04 BAT Level Concentration or greater utilizing BAT breath testing.
  - b) Reporting to duty or remaining on duty while using a controlled substance (including prescription drugs that impair the employee's ability to perform the assigned duties, unless the prescribing doctor has approved the employee's use of the prescribed drug while working);
  - c) Testing positive for illegal controlled substances;
  - d) Possessing alcohol or illegal controlled substances while on duty;
  - e) Using alcohol or illegal controlled substances while on duty;
  - f) Refusing to submit to a reasonable suspicion, return-to-duty, or follow up alcohol or controlled substance test. Such refusals include, but are not limited to, failing to provide adequate breath for alcohol testing or adequate urine for drug testing, substituting or attempting to substitute and/or adulterate the specimen, altering or attempting to alter the test results, and/or engaging in other conduct that obstructs the testing procedure;

- g) Failing to satisfactorily complete a drug or alcohol rehabilitation program, including aftercare, in which the employee has enrolled pursuant to this Policy;
  - h) Testing positive at any time within twelve (12) months following return to work; or
  - i) Failing to execute a medical release and/or to authorize disclosure to the Township of the employee's positive substance abuse test results and/or progress reports with regard to the employee's participation in a rehabilitation program.
- (6) If an employee violates any of the prohibitions listed in Section (5) of this Policy, the following consequences will result:
- a) The employee may be disciplined up to and including dismissal.
  - b) The employee may be reassigned.
  - c) The employee will be provided with information regarding the services available for alcohol and substance abuse.
  - d) The employee will be referred for an evaluation by a substance abuse professional, if it is the employee's first violation.
  - e) If the employee is not terminated, he or she will be subject to reevaluation, return-to-duty testing, and unannounced follow-up testing of a minimum of three (3) times in addition to the return-to-duty test during the twelve (12)-month period of return to work and is required to report the use of any prescription or nonprescription medicines containing alcohol or controlled substances to his or her supervisor.
- (7) An employee will be referred to testing for alcohol and/or controlled substances under the following circumstances:
- a) Pre-employment testing: Prior to the first time an employee performs official duties for the Township, the employee will be tested for alcohol and controlled substances. The employee will not be hired unless the alcohol and controlled substance test results are negative.
  - b) Reasonable suspicion testing: A trained supervisor may refer an employee to undergo testing for alcohol or controlled substances based upon specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. Such facts and inferences may be based on, but are not limited to, any of the following:
    - 1. Observable phenomena, such as direct observation of drug or alcohol use, possession, or distribution, or the physical symptoms of being under the influence of drugs or alcohol, such as, but not limited to, slurred, rambling or incoherent speech, odor of alcohol or marijuana, dilated pupils or bloodshot eyes, unexplained lack of coordination, impaired reaction time, sweaty or flushed skin, staggering or unsteady walk, uncharacteristic personality changes, dynamic mood swings, etc.;

2. A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance (e.g., frequent absenteeism, excessive tardiness, recurrent accidents, etc.) which appears to be related to substance abuse and does not appear to be attributable to other factors;
  3. The identification of an employee as the focus of a criminal investigation into unauthorized drug possession, use, or trafficking;
  4. A report of alcohol or other drug use provided by a reliable, credible and identified source;
  5. Repeated or flagrant violations of the Township's safety or work rules, which are determined by a supervisor to pose a substantial risk of physical injury or property damage, which appear to be related to substance use and do not appear attributable to other factors; or
  6. A traffic accident occurring while the employee is operating a vehicle on duty or coming to work, resulting in physical harm to persons or property, in which the circumstances raise a question as to the existence of substance abuse by the employee involved.
- c) Return-to-duty testing: Before an employee who has been found to be in violation of conduct prohibited in Section (5) of this Policy may return to duty, the employee must undergo testing for alcohol and controlled substances. The results of the alcohol test must show less than 0.04 level utilizing blood testing or 0.04 BAT Level Concentration utilizing BAT breath testing if the offense involved alcohol, and the controlled substance test must be negative if the offense involved controlled substances.
- d) Follow-up testing: When an employee has been found to be in violation of conduct prohibited in Section (5) of this Policy and the employee is not terminated, the employee may be subject to a minimum of three (3) unannounced follow-up tests, in addition to the return-to-duty test, within the first twelve (12) months following the employee's return to duty.
- (8) All drug screening and confirmation tests shall be conducted by a laboratory certified under the DHHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs." The Township and the laboratory shall have a clear and well documented procedure for collection, shipment, and accessing of urine specimens. The procedures utilized by the Township and the laboratory shall include an evidentiary chain of custody and control and split sample collection and testing. The collection site person is responsible for maintaining the integrity of the specimen collection and transfer process. All procedures shall be outlined in writing and provided to the employees.

Each urine specimen may be tested for the following controlled substances:

Substance	Initial Screening Level	Confirmation Level
Amphetamines	1,000 ng/ml	500 ng/ml
Barbiturates	300 ng/ml	200 ng/ml
Benzodiazepines	300 ng/ml	300 ng/ml
Cannabinoids	50 ng/ml	15 ng/ml
Cocaine Metabolite	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Opiate Metabolites	2000 ng/ml	2000 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml

Should the Substance Abuse & Mental Health Services Administration (SAMHSA) add to or delete from the current panel of controlled substances or alter the initial screening or confirmation levels, this program will be modified to conform to SAMHSA standards. Employees will be notified, in writing, of such changes.

- (9) The Township shall designate one (1) or more health clinics, emergency medical care centers or hospitals for collection of alcohol and drug testing specimens, and all alcohol and drug testing specimens shall be collected by personnel of such health clinics, emergency medical care centers or hospitals. All alcohol testing utilizing BAT breath testing shall be administered by a trained breath alcohol technician (BAT) certified to conduct such tests.
- (10) Each employee shall execute medical releases when requested to do so by the Township and/or substance abuse testing agency. Except as otherwise provided by state or federal law or with the permission of the employee, such releases shall only authorize the disclosure to the Township of the employee's drug and alcohol test results and the employee's progress reports with regard to the employee's participation in a rehabilitation treatment program. However, in a grievance or other legal proceeding initiated by or on behalf of an employee involving the positive results of a substance abuse test, the Township may disclose information obtained by it pursuant to this Policy to the decision-maker(s) without a release from the employee.
- (11) This Policy is not to be utilized for criminal law enforcement purposes. However, nothing in this Policy shall prevent criminal law enforcement investigation of illegal activity. For example, an employee charged with operating a motor vehicle under the influence of alcohol and/or drugs of abuse (OMVI) may be required to submit to testing as part of the criminal investigation and the procedures of this Policy would not be applicable to that investigation. Furthermore, evidence derived in a criminal investigation, including drug and alcohol testing, may be used as evidence in a disciplinary proceeding.

- (12) All employees shall receive at least two (2) hours of annual training covering alcohol and drug testing under this Policy and the dangers of, and signs and symptoms associated with, substance abuse. Each employee shall receive and sign an acknowledgment of receipt of such information and the required training, annually.
- (13) All supervisors shall receive at least two (2) hours of initial training upon implementation of this Policy and two (2) hours of refresher training annually, thereafter, on the supervisor's role and responsibility in administering this program. The training shall include the signs and symptoms of substance abuse, documentation, confrontation and intervention methods, referral, and follow-up.
- (14) Information regarding the effects of alcohol and controlled substance use on an individual's health, work and personal life, and information about drug and alcohol counseling, rehabilitation, and employee assistance programs will be periodically provided to employees.
- (15) All employees subject to this Policy remain subject to all other policies, procedures, rules and regulations established by the Township under its independent authority which are not inconsistent with the requirements herein. All employees also remain subject to all other relevant federal, state and local laws and regulations.

COMPUTER NETWORK SECURITY

**Policy:** It is the policy of the Copley Township Board of Trustees to provide and maintain a computer network to aid and assist personnel in the performance of their duties. In order to protect the network's security, programs and data from misuse through unauthorized access, distribution, transfer, retransmission, etc., the following policy has been developed to govern the use and management of the network.

Comment:

The following procedure will be utilized by all employees to maintain security:

(1) NETWORK ACCESS SECURITY:

- a) Only authorized users may access the network.
- b) Authorized users are issued personal, non-exclusive, non-assignable and non-transferrable rights to the network.
- c) Persons without access rights, including those persons whose rights have been temporarily or permanently revoked, may not attempt to log into the network.
- d) Users may not acquire or attempt to acquire any rights not assigned to them by the System Administrator or his designee.
- e) Users may not allow non-users access rights into the network.
- f) Only one user at a time may use a specific terminal. Only the logged-in user at a terminal may use that terminal until he/she logs out.
- g) All persons are prohibited from bypassing network security.
- h) All persons are prohibited from using the network for personal gain or for reasons not related to Township business.
- i) Users must log off when leaving a terminal unattended.
- j) Only disks approved by the System Administrator or his designee may be used in any terminal.
- k) No person may access another person's files, directories, programs, utilities or applications.

(2) SOFTWARE SECURITY:

- a) Only software approved by the System Administrator or his designee is allowed on the network or any terminals.
- b) Persons may not reproduce, redistribute, retransmit, publish or otherwise transfer or commercially exploit any information, software or other content which is received through the network without proper authority.
- c) If a boot disk goes bad or is missing, immediately notify the System Administrator or his designee for replacement.
- d) Only department-related data will be stored on the file server.
- e) Files or directories may only be copied or printed for official business.
- f) All alarms and notification features of the hardware and software shall remain enabled. If circumstances require the user be uninterrupted in his work, these features may be temporarily disabled. Upon the conclusion of that session, these features will be enabled once again.

(3) PASSWORD SECURITY:

- a) Exclusive network access passwords and also e-mail passwords will be established by each individual user.
  - 1. Each password must be a minimum of five (5) characters in length.
  - 2. Each password must be unique and not obvious.
  - 3. Each password may contain any combination of letters and/or numbers. No spaces or special characters will be accepted.
- b) Passwords are to be kept private and not disclosed to others. If you feel someone has somehow obtained your password, request to establish a new one immediately.
- c) Passwords may not be posted, left in plain view or left anywhere others may find them. If you must write it down, keep it on your person and out of sight at all times.
- d) If you forget your passwords, contact the System Administrator or his designee immediately to establish new ones.

(4) HARDWARE SECURITY:

- a) Only hardware approved by the System Administrator or his designee shall be attached to the network.
- b) File server operations will be performed only by the System Administrator or his designee.

- c) No persons other than the System Administrator or designee shall have physical contact with any server, hub or cabling.
  - d) Printer operation parameters shall be set by the System Administrator or designee and may not be permanently changed or modified by any other person.
  - e) Smoking is not permitted in any room containing a terminal.
  - f) Food and drink are prohibited in close proximity of a terminal.
  - g) No hardware will be moved or interchanged without the consent of the System Administrator or his designee.
- (5) PROPER NETWORK USE:
- a) If a user encounters a problem in the operation, care, or maintenance of any terminal, he/she must notify the System Administrator immediately. Do not attempt to correct the problems yourself without the approval of the System Administrator.
  - b) Users should remain logged in only as long as it takes to perform the network functions and should immediately log out when finished. Do NOT walk away with terminal logged on!
  - c) Users must check their email at least twice each day: 1.) At the beginning of their shift; 2.) At the end of their shift.
  - d) Under no circumstances should a terminal be turned off while there are open files on it or a user is logged in.
- (6) E-MAIL:
- a) Information sent to another user or group of users shall not slander or libel anyone.
  - b) Profanity and sexual comments shall not be used on the network.
  - c) All messages are not to be saved. Users must review their messages that have been saved and delete those which are not relevant to current business.
- (7) VIRUSES:
- a) No one may knowingly place or allow to be placed on the network a logic bomb, Trojan horse, virus, worm or other destructive file R program.
  - b) No one will attach or allow to be attached to any terminal or server, a disk containing a logic bomb, Trojan horse, virus, worm or other destructive file or program.

- c) If a person finds or observes a condition which may indicate a logic bomb, Trojan horse, virus, worm or other destructive file or program may be in the network, he/she shall immediately cease work without logging out and bring this information to the attention of the System Administrator or his designee.
- d) All network boot disks shall always remain write protected. If such a disk is discovered not write protected, it shall be removed from the terminal and given to the System Administrator immediately.

PERSONNEL RECORDS

Policy: It is the policy of the Township to maintain personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government recordkeeping and reporting requirements.

## Comments:

- (1) The Township strives to balance its need to obtain, use, and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary for the conduct of its business or which is required by federal, state, or local law.
- (2) The Fiscal Officer's Office is responsible for overseeing the recordkeeping for all personnel information and will specify what information should be collected and how it should be stored and secured. (For the need to maintain separate medical files, see Medical Procedures, Section 203.)
- (3) Employees have a responsibility to make sure their personnel records are up to date and should notify the Fiscal Officer's Office in writing of any changes in at least the following:
  - a) Name;
  - b) Address;
  - c) Telephone number;
  - d) Marital status (for benefits and tax withholding purposes only);
  - e) Number of dependents;
  - f) Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
  - g) Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status must complete a new Form W-4 for income tax withholding purposes within ten days of the change, if the change results in a decrease in the number of dependents.

- (4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Such an inspection must be requested to the Fiscal Officer's Office and will be scheduled at a mutually convenient time. A reasonable charge, not to exceed the actual cost to the Township, will be made for any copies of records made by the employee.

- (5) Employees who feel that any file material is incomplete, inaccurate, or irrelevant may submit a written request to their Department Head that the files be revised accordingly. If such a request is not granted, the employee may place a written statement of disagreement in the file and pursue the matter further using the regular grievance procedure. (See Grievance Procedure, Section 902.)
- (6) Employees are to refer all requests from outside the Township for personnel information concerning applicants, employees, and past employees to the Fiscal Officer's Office. The Fiscal Officer's Office normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who have a need to know specific employee information. In addition, exceptions may be made to release limited general information, such as employment dates and position held.

GRIEVANCE PROCEDURE

Policy: It is the policy of the Township to treat all employees equitably and fairly in matters affecting their employment.

Comment:

- (1) It is recognized that in any organization, conditions conducive to employee dissatisfaction and resentment may arise. The provisions outlined in this procedure are designed to allow an employee, or group of employees acting individually, to seek personal relief in a matter of concern or dissatisfaction which is subject to the control of management. Each employee will be provided ample opportunity to understand and resolve matters affecting his employment which the employee believes are unjust.
- (2) Definition of a Grievance – A grievance is a complaint regarding:
  - a) Basic terms and conditions of employment;
  - b) Working conditions;
  - c) The application, interpretation, or violation of the rules and regulations of the Township and/or Department for which the employee works.
- (3) Discussion of Problem with Supervisor – Any employee having a problem regarding his or her employment shall first discuss the problem with the immediate supervisor. If the problem is not settled to the employee's satisfaction, the employee, if the problem is a grievance, has the right to present the grievance in accordance with the procedure outlined below.
- (4) Grievance Procedure – Any grievance of an employee shall be handled in accordance with the following procedure:
  - a) The employee shall, within ten (10) working days of the date of the grievance or within ten (10) working days of the date he could reasonably be expected to have knowledge of the grievance, present the grievance in writing to his immediate supervisor. The supervisor shall, within three (3) working days, meet and discuss the grievance with the employee and then reply in writing within three (3) working days.
  - b) In the event that the immediate supervisor's decision is not satisfactory to the employee, the employee may, within five (5) working days, present his grievance in writing to the Department Head. The Department Head shall, within five (5) working days, meet and discuss the grievance with the employee and then reply in writing within five (5) working days.

- c) In the event that the Department Head's decision does not satisfy the employee's grievance, the employee may within five (5) working days, present the grievance in writing to the Trustees.
  - d) The Trustees may affirm, in writing, the decision of the Department Head and so notify the employee, within five (5) working days following their regular Board of Trustees meeting, or the Trustees may agree to review the decision of the Department Head. Should the Trustees decide to review the decision, they shall notify the employee and his superiors to appear at the next regular meeting of the Board of Trustees to present the facts surrounding the dispute. The Trustees may sustain or dismiss the employee's appeal, or may sustain or amend the Department Head's decision. The decision of the Trustees shall be final and binding.
  - e) Failure of the employee to attend or notify the Trustees of his inability to attend will constitute just cause for dismissal of the appeal.
- (1) The Grievance Procedure is not applicable to disciplinary actions. A separate appeal is provided for disciplinary action. The grievance procedure is not to be used as a part of the "disciplinary rules" as considered a part of any disciplinary appeal.
  - (2) The grievance procedure is for all employees of the Township.

# COPLEY TOWNSHIP GRIEVANCE FORM

Aggrieved employee's name and job classification:

\_\_\_\_\_

Date and location grievance occurred:

\_\_\_\_\_

Date grievance was first discussed with immediate supervisor: \_\_\_\_\_

Name of Supervisor with whom grievance was discussed: \_\_\_\_\_

Statement of grievance: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested: \_\_\_\_\_

\_\_\_\_\_

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*

Supervisor's disposition of grievance: \_\_\_\_\_

\_\_\_\_\_

Supervisor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's signature

Supervisor's answer is: Accepted \_\_\_\_\_ Rejected \_\_\_\_\_ (please check one)

Department Head's disposition of grievance: \_\_\_\_\_

\_\_\_\_\_

Department Head's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's signature

Department Head's answer is: Accepted \_\_\_\_\_ Rejected \_\_\_\_\_ (please check one)

Submitted to Board of Trustees on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.