

**RESOLUTION NO. 24-32**

**A RESOLUTION OF THE LOWER MAKEFIELD TOWNSHIP BOARD OF SUPERVISORS  
ADOPTING A REVISED EMPLOYEE HANDBOOK**

WHEREAS, the Lower Makefield Township Board of Supervisors recognizes the importance of maintaining clear and comprehensive employment policies to support the effective and equitable administration of the Township;

WHEREAS, the Lower Makefield Township Employee Handbook provides essential guidance on policies, procedures, and expectations for Township employees;

WHEREAS, the Employee Handbook has been reviewed and updated to ensure compliance with applicable laws, reflect current practices, and support the Township's organizational goals;

WHEREAS, the updated Employee Handbook has been thoroughly reviewed by the Township Manager, Township Solicitor, and other relevant parties;

NOW, THEREFORE, BE IT RESOLVED, that the Lower Makefield Township Board of Supervisors hereby adopts the revised Lower Makefield Township Employee Handbook, attached hereto as Exhibit A, as the official employment policy manual for the Township;

BE IT FURTHER RESOLVED, that this new Handbook supersedes, completely replaces, and repeals any and all prior handbooks, manuals, policies, or guidelines that were previously in effect for Township employees, including but not limited to the Personnel Rules, Grievance Procedures, and Pay & Classification Plan of Lower Makefield Township adopted by Resolution 497 on September 15, 1982, as adopted and may have been amended from time to time;

BE IT FURTHER RESOLVED, that the Board of Supervisors reserves the right to amend, modify, or rescind the Handbook at any time as necessary to meet the Township's future needs;

BE IT FURTHER RESOLVED, that the revised Employee Handbook shall take effect immediately upon adoption of this Resolution.

RESOLVED AND ADOPTED, this 18th day of December 2024, by the Lower Makefield Township Board of Supervisors.

**BOARD OF SUPERVISORS OF  
LOWER MAKEFIELD TOWNSHIP**

  
\_\_\_\_\_  
(Vice) Chair

Attest:

  
\_\_\_\_\_  
Township Manager

EXHIBIT A

# LOWER MAKEFIELD TOWNSHIP



# EMPLOYEE HANDBOOK

December 2024



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## INTRODUCTION

Dear Employee:

We believe that our employees are an integral part of our team and that each is important in our collective attempts to fulfill our overriding organizational goal and purpose of providing the highest level of service to our residents, corporate citizenry, and visitors. This Employee Handbook (Handbook) describes many of our policies and outlines the programs and benefits available to eligible employees. Hopefully, this Handbook will answer many questions you may have about your employment at Lower Makefield Township (the Township). We suggest that you become familiar with this Handbook as soon as possible as such articulates several of the general expectations that are required of you as a member of our team. This Handbook is not intended to replace or conflict with the language of any collective bargaining agreement but serves to clarify areas of employment not covered by contract.

We hope and believe that your experience here will be challenging, enjoyable, and rewarding. On behalf of the Board of Supervisors and all the staff, I welcome you to Lower Makefield Township, Bucks County!

Respectfully submitted,

David W. Kratzer, Jr.  
Township Manager

### At-Will Employment

Unless otherwise covered by a collective bargaining agreement, ALL TOWNSHIP EMPLOYEES ARE EMPLOYED AT-WILL. This means both the Township and the employee have the right to discontinue the employment relationship at any time and for any reason, or for no reason, subject to the terms and conditions of any valid and applicable employment or collective bargaining agreement.

The policies in this Handbook are not intended to be a contract of employment or a promise for guaranteed employment with the Township, nor are they intended to create contractual rights of any kind, express or implied.

The policies and procedures contained in this Handbook supersede all existing handbooks, manuals, policies and practices (except those expressly provided in collective bargaining or negotiated employment agreement) and may not be amended or added to without the express written approval of the Board of Supervisors.

The Handbook refers to current benefits maintained by the Township. Refer to the actual plan documents if there are specific questions regarding a benefit as those documents are controlling.

### **Relation to Collective Bargaining Agreements**

This Handbook is not intended to supersede or supplant any collective bargaining agreement (CBA) or negotiated employment agreement with the Township. In the event a conflict exists between this Handbook and an employee's legal or contractual rights, the terms of an applicable CBA or employment agreement will govern.

### **Suggestions**

The Township is committed to providing the best possible climate for maximum development and achievement of goals for employees. Our practice is to treat each employee as an individual. The Township seeks to develop a spirit of teamwork with individuals working together to attain a common goal.

To maintain an atmosphere where these goals can be accomplished, a comfortable and progressive workplace is provided where communications are open, and problems can be discussed and resolved in a mutually respectful atmosphere. The Township encourages all employees to bring forward their suggestions and ideas about making it a better place to work and enhancing services to our residents. Any employee who sees an opportunity for improvement is encouraged to speak with the Township Manager. All suggestions are valued.

Equal Employment

## **EQUAL EMPLOYMENT**

### **Equal Employment Opportunity**

The Township is committed to providing equal employment opportunities to all qualified individuals without regard to race, color, ancestry, national origin, sex, pregnancy, gender identity or expression, sexual orientation, religion, age, disability, veteran status, genetic information, or other characteristics protected by law. This policy of equal opportunity covers all aspects of the employment relationship, including, but not limited to, recruitment, selection, placement, promotion, access to benefits and training, compensation, discipline and termination. All decisions regarding the employment relationship will be based upon the employee's overall qualifications and their ability to meet the requirements of the position without regard to protected characteristics.

Employees with questions or concerns about discrimination in the workplace should bring these issues to the attention of their supervisor or the Township Manager. Employees can raise legitimate concerns and make good faith reports without fear of reprisal. Any employee found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## Disability Accommodation

The Township complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, the Pennsylvania Human Relations Act, and all applicable local laws to ensure equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. The Township will provide reasonable accommodations to qualified applicants and employees with known disabilities to enable them to perform the essential job functions, unless the reasonable accommodation poses an undue hardship, or irrespective of the accommodation, the individual poses a direct threat to the health or safety of themselves or others.

### **Requesting a Reasonable Accommodation**

If you believe that you need an accommodation because of a disability, you are responsible for requesting a reasonable accommodation from the Township Manager. You are encouraged to make your request in writing; however, oral requests will also be accepted. Relevant information to provide includes:

- A description of the accommodation requested.
- The reason an accommodation is needed.
- How the accommodation will help you perform the essential functions of your job.

After receiving your oral or written request, you and the Township Manager will engage in an interactive dialogue to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations.

The Township encourages you to suggest specific reasonable accommodation that you believe will allow you to perform your job. The Township is not required to provide the specific accommodation you request but may provide an alternative, effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Township.

### **Medical Information**

The Township may ask you to provide supporting documents showing that you have a disability which necessitates a reasonable accommodation. If the information provided in response to this request is insufficient, the Township may require that you see a health care professional of the Township's choosing, at the Township's expense. In those cases, if the requested information is not provided or a visit with a designated health care professional is declined, the request for a reasonable accommodation may be denied.

The Township will keep any medical information obtained in connection with the request for a reasonable accommodation confidential.



## **Determinations**

The Township makes determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation. The Township strives to make these determinations quickly and will inform you once the determination has been made. Any questions about a reasonable accommodation request may be directed to the Township Manager.

## **No Retaliation**

No one shall be retaliated against for making a good faith request for an accommodation. The Township prohibits any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation in good faith.

The effectiveness of this anti-retaliation policy depends largely on your reporting inappropriate workplace conduct. If you feel that you or someone else may have been subjected to conduct that violates this policy, you should report it immediately to the Township Manager. If your concern is with respect to the Township Manager, please speak with a Township Board Supervisor.

## [Sexual Misconduct, Sexual Harassment and Other Unlawful Harassment](#)

This policy outlines the position the Township has taken on sexual misconduct, sexual harassment, and other unlawful harassment at the Township. This policy discusses how the Township will respond to allegations of sexual misconduct, sexual harassment, and other unlawful harassment. This policy applies to all Township employees (both union and non-union). In the event of any conflict between this policy and the terms of any applicable CBA, the terms of the CBA shall prevail.

## **Zero Tolerance**

The Township seeks to foster a safe and healthy environment based on trust and respect. The Township has a zero-tolerance policy concerning any and all forms of sexual misconduct, sexual harassment, and other unlawful harassment at the Township. The Township prohibits sexual misconduct, sexual harassment, and other unlawful harassment in any form, including, but not limited to, sexual assault, sexual violence, sexual abuse, stalking, intimate partner violence and any form of nonconsensual sexual conduct.

## **Definitions**

1. "Sexual Misconduct" is a comprehensive term used in this policy to include a sexually based offense described under Title 18 Pa C.S.A. (Crimes and Offenses), including but not limited to those offenses described in Chapter 31 (Sexual Offenses), Chapter 59 (Public



Indecency) and Chapter 63 (Minors). Below is a partial list of offenses that are described in these Chapters:

- 18 Pa. C.S.A. §3121 Rape
  - 3122.1 Statutory Sexual Assault
  - 3123 Involuntary Deviate Sexual Intercourse
  - 3124.1 Sexual Assault
  - 3124.2 Institutional Sexual Assault
  - 3124.3 Sexual Assault by Sports Official, Volunteer or Employee of Nonprofit Ass.
  - 3125 Aggravated Sexual Assault
  - 3126 Indecent Assault
  - 3127 Indecent Exposure
  - 3129 Sexual Intercourse with Animal
  - 3131 Unlawful Dissemination of Intimate Image
  - 5901 Open Lewdness
  - 5902 Prostitution and Related Offenses
  - 5903 Obscene and Other Sexual Materials and Performances
  - 6312 Sexual Abuse of Children
  - 6318 Unlawful Contact with a Minor
  - 6320 Sexual Exploitation of Children

2. "Sexual Harassment" consists of behavior that includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexually offensive nature when such conduct:

- is made explicitly or implicitly a term or condition of employment or
- is used as a basis for employment decisions; or
- has the purpose or effect of interfering with an individual's work performance or creating an otherwise intimidating, hostile, or offensive work environment.

The Township expressly prohibits the explicit or implicit linking of any term or condition of employment to sexual conduct, even if the conduct is consensual.

Sexual harassment can consist of a single intense or unusually severe act or multiple persistent or pervasive acts. Sexual harassment may include, but is not limited to:

- Sexually oriented jokes or humor;
- Sexually demeaning comments;
- Verbal suggestions of sexual involvement or sexual activity;
- Questions or comments about sexual behavior;
- Unwelcome or inappropriate physical contact;

- Graphic or degrading comments about an individual's physical appearance;
- Express or implied sexual advances or propositions;
- Display of sexually suggestive objects or pictures; or
- Repeated requests for social engagements after an individual refuses.

3. "Unlawful Harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment that is difficult or uncomfortable for another person to work in; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful Harassment includes, but is not limited to, epithets, slurs, jokes, pranks, innuendo, comments, written or graphic material, stereotyping, or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, sex, pregnancy, gender identity or expression, sexual orientation, religion, age, disability, veteran status, genetic information, or other characteristics protected by law.

### **Allegations of Sexual Misconduct**

An allegation of sexual misconduct is a serious criminal matter. Employees who believe sexual misconduct has occurred or are aware of allegations of sexual misconduct involving a Township employee, elected/appointed official, contractor, vendor, or volunteer are required to report this immediately to local law enforcement and the Township Manager. Employees who believe sexual misconduct has occurred or are aware of allegations of sexual misconduct involving the Township Manager or a member of the Township Board of Supervisors are required to report such misconduct to local law enforcement and to another member of the Township Board of Supervisors. Employees who believe sexual misconduct has occurred or are aware of allegations of sexual misconduct involving the Chair of the Township Board of Supervisors are required to report such misconduct to local law enforcement and the Township Solicitor.

**\*\*IF SEXUAL MISCONDUCT INVOLVES SOMEONE UNDER EIGHTEEN (18) YEARS OF AGE, PLEASE REFER TO THE TOWNSHIP'S PA CHILD PROTECTIVE SERVICES LAW: CHILD ABUSE REPORTING POLICY BECAUSE ADDITIONAL REPORTING REQUIREMENTS MAY APPLY. \*\***

An employee found to have engaged in sexual misconduct will be subject to discipline, up to and including, termination of employment and criminal prosecution.

Non-employees found to have engaged in sexual misconduct will be subject to appropriate action, up to and including, removal from the Township and criminal prosecution.

## **Allegations of Sexual Harassment or Other Unlawful Harassment**

Employees are required to report any sexual harassment or other unlawful harassment that they have been subjected to, witnessed, or of which they have become aware promptly to their supervisor. If the employee prefers not to discuss the matter with their supervisor, they may contact the Township Manager. If the Township Manager is the subject of the report, the employee may contact a member of the Township Board of Supervisors.

If the Township receives an allegation of sexual harassment or other unlawful harassment, or has reason to believe sexual harassment or other unlawful harassment is occurring, the Township Manager will take the necessary steps to ensure that the matter is promptly and thoroughly investigated. If the allegation is determined to be credible, the Township will take immediate and effective measures to end the unwelcome behavior. The Township is committed to take action if it learns of possible sexual harassment or other unlawful harassment, even if the target of such harassment does not wish to file a formal complaint. The Township will take effective measures to ensure no further apparent or alleged harassment occurs pending completion of an investigation.

The confidentiality of any such report or complaint shall be maintained to the maximum extent possible in investigating such matter.

The Township recognizes that every investigation requires a determination based on all the facts in the matter. Each employee should be sensitive to the serious impact a false accusation can have. The Township trusts that all employees will act responsibly in reporting harassment under this policy.

An employee who has been found to have engaged in unwelcome conduct of a sexual nature, whether such behavior meets the definition of sexual harassment or not, or other unlawful harassment will be subject to discipline or other appropriate management action. Discipline will be based on the totality of the circumstances and will be up to and including termination of employment. A non-employee found to have engaged in unwelcome conduct of a sexual nature, whether such behavior meets the definition of sexual harassment or not, or other unlawful harassment will be subject to appropriate action, up to and including removal from the Township.

## **Retaliation Prohibited**

Retaliation in any form against an employee who exercises their right to make a good faith complaint under this policy or who cooperates in the investigation of any such complaint is strictly prohibited, and will itself be cause for disciplinary action, up to and including, termination of employment or appropriate action, up to and including, removal from the Township.



## PA Child Protective Services Law: Child Abuse Reporting

Pennsylvania has a Child Protective Services Law (CPSL)<sup>1</sup> that is designed to protect children in the Commonwealth from abuse and neglect. This policy outlines in general terms what a “mandated reporter” (as that term is defined below) must do to be in compliance with the CPSL. Please note that the reporting requirements for mandated reporters are statutory obligations under Pennsylvania law. The Township requires employees to satisfy these reporting requirements to the extent they are applicable. Failure to satisfy the reporting obligations under the CPSL may subject an employee to discipline, which may include termination of employment, and criminal prosecution.

### **Mandatory Reporting of Reasonable Suspicion of Child Abuse**

A mandated reporter **must** make a report of suspected child abuse if they have a reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service;
- The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child;
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse; or
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

Please note that it is not required that a child come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. Please also note that it is not required that a mandated reporter be able to identify the person responsible for the child abuse to make a report of suspected child abuse.

### **Child Abuse Reporting Procedures**

If a mandated reporter believes a child is being subjected to child abuse, they must immediately make an oral report of suspected child abuse to the Pennsylvania Department of Human Services (“DHS”) via the Statewide toll-free telephone number (1-800-932-0313) or a written report via <https://www.compass.state.pa.us/CWIS/Public/ReferralsLearnMore>. If a mandated reporter makes an oral report of suspected child abuse, they shall also make a written report, which may be submitted electronically at

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<sup>1</sup> The CPSL can be found at 23 Pa. C.S.A. § 6301 *et. seq.*



<https://www.compass.state.pa.us/CWIS/Public/ReferralsLearnMore>, within 48 hours to DHS or the county agency assigned to the case in a manner and format prescribed by DHS.

If an employee is a mandated reporter and becomes aware of suspected child abuse through their relationship with the Township and reports such abuse to DHS, the employee shall promptly notify the Township Manager. If the Township Manager is the individual who is suspected of abuse, the employee shall promptly notify a member of the Township Board of Supervisors. Upon notification, the Township Manager or a member of the Township Board of Supervisors (as applicable) shall facilitate the cooperation of the Township with the investigation of the report.

### **Contents of a Child Abuse Report**

A written report of suspected child abuse, which may be submitted electronically, shall include the following information, to the extent known:

- Names and addresses of the child, the child's parents and any other person responsible for the child's welfare;
- Where the suspected abuse occurred;
- Age and sex of each subject of the report;
- Nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child;
- Name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual;
- Family composition;
- Source of the report;
- Name, telephone number and e-mail address of the person making the report;
- Actions taken by the person making the report, including those actions taken under 18 Pa. C.S.A. § 6314 (relating to photographs, medical tests and X-rays of child subject to report), 18 Pa. C.S.A. §6315 (relating to taking child into protective custody), 18 Pa. C.S.A. §6316 (relating to admission to private and public hospitals) or 18 Pa. C.S.A. §6317 (relating to mandatory reporting and postmortem investigation of deaths);
- Any other information required by Federal law or regulation; and
- Any other information that the department requires by regulation.

### **Definitions**

3. A "mandated reporter" is an adult listed in 23 Pa. C.S.A. §6311(a) (<https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/23/00.063.011.000.HTM>) who is

required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of such abuse. For illustrative purposes, mandated reporters include, *but are not limited to*, the following individuals:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State;
- An employee of a child-care service who has **direct contact with children** in the course of employment;
- An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child;
- An employee of a social services agency who has **direct contact with children** in the course of employment;
- Law enforcement;
- An emergency medical services provider certified by the Department of Health;
- An employee of a public library who has **direct contact with children** in the course of employment; and
- An individual supervised or managed by a person listed under any of the preceding bullet points who has **direct contact with children** in the course of employment.

If you are unsure whether you are considered to be a mandated reporter, please reach out to the Township Manager as soon as possible for clarification.

4. A "child" means an individual under 18 years of age.
5. The term "child abuse" means intentionally, knowingly or recklessly doing any of the following:
  - Causing bodily injury to a child through any recent act or failure to act;
  - Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act;
  - Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act;
  - Causing sexual abuse or exploitation of a child through any act or failure to act;
  - Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act;
  - Creating a likelihood of **sexual abuse or exploitation** of a child through any recent act or failure to act.

- Causing serious physical neglect of a child;
  - Causing the death of a child through any act or failure to act; or
  - Engaging in any of the following recent acts:
    - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child;
    - Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement;
    - Forcefully shaking a child under one year of age;
    - Forcefully slapping or otherwise striking a child under one year of age;
    - Interfering with the breathing of a child;
    - Causing a child to be present at a location while a violation of 18 Pa. C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement; or
    - Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
      - Is required to register as a Tier II or Tier III sexual offender under 42 Pa. C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed;
      - Has been determined to be a sexually violent predator under 42 Pa. C.S. § 9799.24 (relating to assessments) or any of its predecessors; or
      - Has been determined to be a sexually violent delinquent child as defined in 42 Pa. C.S. § 9799.12 (relating to definitions).
6. The term “direct contact with children” means the care, supervision, guidance or control of children or routine interaction with children.
7. The term “sexual abuse or exploitation” means any of the following:
- The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
  - Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual;
  - Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual;



- Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual; or
- Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

The preceding list does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age.

- Any of the following offenses committed against a child:
  - Rape as defined in 18 Pa. C.S.A. § 3121;
  - Statutory sexual assault as defined in 18 Pa. C.S.A. § 3122.1;
  - Involuntary deviate sexual intercourse as defined in 18 Pa. C.S.A. § 3123;
  - Sexual assault as defined in 18 Pa. C.S.A. § 3124.1;
  - Institutional sexual assault as defined in 18 Pa. C.S.A. § 3124.2;
  - Aggravated indecent assault as defined in 18 Pa. C.S.A. § 3125;
  - Indecent assault as defined in 18 Pa. C.S.A. § 3126;
  - Indecent exposure as defined in 18 Pa. C.S.A. § 3127;
  - Incest as defined in 18 Pa. C.S.A. § 4302;
  - Prostitution as defined in 18 Pa. C.S.A. § 5902;
  - Sexual abuse as defined in 18 Pa. C.S.A. § 6312;
  - Unlawful contact with a minor as defined in 18 Pa. C.S.A. § 6318; or
  - Sexual exploitation as defined in 18 Pa. C.S.A. § 6320.

### **Failure to Fulfill Reporting Responsibilities**

If you are an employee who is a mandated reporter and you fail to report child abuse, you may be subject to discipline from the Township (which may include termination of employment) and criminal prosecution.

### **Retaliation Prohibited**

Retaliation in any form against an employee who makes a good faith report under this policy or participates in the investigation of suspected child abuse is strictly prohibited, and will be cause for disciplinary action, up to and including, termination of employment.



## Whistleblower Policy

### Policy

#### 1. Reporting Wrongdoing and Waste

Employees are encouraged to make good faith reports of any wrongdoing or waste to the Township Manager. If the Township Manager is the subject of the report, employees may make a good faith report to a Township Board Supervisor.

#### 2. Employee Protections

The Township will not discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because:

- the employee (or a person acting on behalf of the employee) makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste; or
- the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

An appropriate authority to which wrongdoing or waste is reported may not disclose the identity of a whistleblower without the whistleblower's consent unless disclosure is unavoidable in the investigation of the alleged violation.

### Definitions

1. **Appropriate Authority** - A Federal, State or local government body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, representative or supervisory employee of the body, agency or organization.
2. **Good Faith Report** - A report of conduct defined as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.
3. **Waste** - An employer's conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from the Commonwealth or political subdivision sources.
4. **Whistleblower** - A person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, an agent of the employer or an appropriate authority.

5. Wrongdoing - A violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the employer.

This policy is intended to comply with the Pennsylvania Whistleblower Law and any other applicable laws.

### Diversity, Equity, & Inclusion

The Township recognizes that as a governmental entity, it is responsible for fostering a community where all are welcome, respected, heard, and valued regardless of actual or perceived differences in race, ethnicity, religion, disability, age, national origin, gender identity, sexual orientation, socio-economic status, and any other classification recognized by law. The Township strives to provide an inclusive environment not only for its employees, but the public which it serves. As such, all employees should familiarize themselves with the Township's Diversity, Equity, and Inclusion, below:

Lower Makefield Township is proud to serve a diverse community and is committed to fostering an inclusive environment in all public spaces, facilities, and programs. Diversity covers a broad range of individual differences, which include, but are not limited to race, ethnicity, religion, disability, age, national origin, gender identity, sexual orientation, and socio-economic status. Appreciating and respecting these differences through inclusion simply means that all people are welcome, and that they will be valued, heard, and free to engage or participate in the Township's governmental process, public spaces, and programs.

All leaders, managers, and employees play a role in making the Township a diverse and inclusive place to live, and the Township recognizes that the commitment to these values is an ongoing journey. The Township is committed to evaluating existing programs and adapting or introducing new initiatives as its diversity and inclusion goals evolve.

The Township always welcomes suggestions about how to increase inclusivity and how to address and improve diversity issues. Comments, concerns, and suggestions can be directed to the Township Manager.

### Violence in the Workplace

The Township is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Township has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees should always be treated with courtesy and respect. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

Employee conduct that threatens, intimidates, or coerces another employee, elected/appointed official, contractor, vendor, volunteer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on any Unlawful Discriminatory Characteristics.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by elected/appointed officials, contractors, vendors, volunteers, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

All employees should treat others and expect to be treated with respect and courtesy. The Township does not tolerate any type of workplace violence committed or threatened by or against employees.

The following behaviors are prohibited and will lead to discipline up to and including termination: causing physical injury to another person; engaging in any physical altercation; threatening violence in any way, threatening to, or intentionally damaging Township property or the property of another employee or non-employee who you come into contact with as part of Township duties; acting in an aggressive or hostile manner such to create a reasonable fear of injury or subjecting another to emotional distress. This list is not exclusive and alleged acts of workplace violence will be reviewed and evaluated individually.

Weapons are not permitted on Township property, premises or vehicles and should not be handled by an employee while on duty. Exceptions will be made where an employee's job duties require the use of a weapon.

All threats and acts of workplace violence should be immediately reported to a Department Head or the Township Manger.

The Township will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. To maintain workplace safety and the integrity of its investigation, the Township may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment.



The Township encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Township Manager before the situation escalates into violence. The Township is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns in good faith.

## STANDARDS OF CONDUCT

### Conflict of Interest

An employee is expected to perform all duties in an environment free of arrangements, relationships, and situations, which may place the employee of the Township in an embarrassing or ethically questionable position.

To comply with this expectation, an employee should make full and prompt disclosure, in writing, to the Township Manager and the Board of Supervisors, of any arrangement, relationship, or situation which may involve a conflict of interest, including but not limited to:

- 1) Any outside interest that materially encroaches on the time or attention which the employee is expected to devote to their duties with the Township.
- 2) Any employment or other business relationship, whether for compensation, of an employee, a member of the employee's immediate family or any person residing in the employee's household, in any capacity, with a vendor doing or seeking to do business with the Township.
- 3) Ownership by the employee, a member of the employee's immediate family, or any person residing in the employee's household of any financial interest in a vendor doing or seeking to do business with the Township; and
- 4) Any other arrangement, relationship, or situation, including family or personal relationships which may inhibit the employee's impartiality in the discharge of the their duties.

For the purpose of this section, any question about whether a conflict exists should be resolved on the basis that a conflict exists.

The Township will comply with all applicable laws and regulations, including the guidelines of the Pennsylvania Ethics Commission and expects its employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. The successful operation and reputation of the Township is built upon the principles of fair dealing and ethical conduct of our employees.

The Township is dependent upon our residents' trust, and we are dedicated to preserving that trust. Employees owe a duty to the Township, its residents, and stakeholders to act in a way that will merit the continued trust and confidence of the public. If a situation arises where it is

difficult to determine the proper course of action, then the matter should be discussed openly with a supervisor or with the Township Manager or designee for advice and consultation.

Employees are prohibited from engaging in conduct that creates actual or potential conflicts of interest. An actual or potential conflict occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or relative, as a result of the Township's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Township Manager as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Township does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Township, thus a conflict of interest is evident.

Compliance with this policy is the responsibility of every Township employee. Disregarding or failing to comply with this standard of business ethic and conduct may lead to disciplinary action, up to and including termination of employment.

During their employment with the Township, employees may not take an outside job, either for pay or as a donation of their personal time that in any way presents a conflict of interest or competes with the Township.

### Outside Employment

Employees may hold an outside job that does not conflict or compete with the Township upon approval and authorization by the Township Manager. Approval will not be unreasonably withheld from outside employment that does not present a conflict of interest or otherwise present operational, ethical, or other concerns, as identified by the Township Manager. An employee who is approved to engage in outside employment remains obligated to satisfactorily perform their job responsibilities with the Township and comply with all Township scheduling demands, regardless of any existing outside work requirements. If the Township determines that an employee's outside work interferes with performance or the ability to meet the requirements of a Township employee, the employee may be asked to terminate the outside employment if they wish to remain employed.



## Confidentiality

All employees, as a condition of their employment with the Township, are prohibited from disclosing, using, sharing or otherwise communicating, directly or indirectly, any of the Township's trade secrets, confidential information or other proprietary information (Confidential Information), either during or after their employment that employees have obtained, acquired, created or had access to while employment with the Township. The Township sincerely hopes that its relationship with its employees will be long-term and mutually rewarding. However, employment assumes an obligation to maintain confidentiality, even after an employee ceases to be employed. Confidential Information includes but is not limited to financial information and data, technical information and data, personnel and compensation information, information relating to the Township's board of supervisors, their immediate family members, elected/appointed officials, directors, managers, representatives, agents, employees, residents and volunteers and any other information that is not publicly available.

Employees should direct members of the public seeking Township information to submit a Right to Know Law Request with the Township and all requested information may be disclosed pursuant to that process and consistent with the law. The Township Manager is the Right to Know Law Officer. All requests for information related to the police department should be directed to the Chief of Police.

Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not personally benefit from the disclosed information.

## Ethics

Township employees must maintain the highest ethical standards in the course of their duties. To meet and reinforce this commitment, the Township hereby operates under this Code of Ethical Standards with respect to entertainment, travel, accommodations, meals, conflict of interest, and confidential information to which all employees are accountable. This Code applies to all Township employees, as that term is herein defined.

**Doing or seeking to do Business** – matters pending before any Township office, board or commission.

**Financial Interest** – An interest of an employee, immediate family member of an employee or any person residing in the employee's household which exceeds 5% of the total assets or gross income of such employee, family member or person residing in the officer's or employee's household.

**Immediate Family** – Spouse, father, mother, brother, sister, son or daughter of an employee, or any other person residing in the employee's household.

**Employee** – All employees who are involved in contracting or procurement, administering or monitoring of grants or subsidies, planning or zoning, inspections, licensing, regulating



or auditing or other activity where the official action has economic impact of greater than a de minimis nature on the interest of any person. Statement of Financial Interest (State Ethics) forms will be completed before the May 1<sup>st</sup> deadline.

**Vendor** – Any entity having a financial relationship with the Township as well as any entity with operations or activities regulated by the Township. Compare to conflicts of interest above.

## Gifts

An employee may not solicit, accept or receive any gift that might reasonably be expected to influence the employee's official duties, for any person, firm, corporation or professional organization.

In determining whether a gift might reasonably be expected to influence an employee's duties, all the following criteria must be met:

1. The value of the gift must not be construed as bribe or payoff.
2. The gift must be consistent with customary business practices.
3. The gift must not contravene applicable law or ethical standards; and
4. Public disclosure of the receipt of the gift would not embarrass the Township, or the employee.

Notwithstanding the foregoing:

1. Gifts of cash or its equivalent (i.e. stocks, etc.) regardless of the amount are not permissible.
2. Loans other than conventional loans at market rates from lending institutions are not permissible.

## Entertainment / Travel / Accommodations / Meals

Generally, entertainment, travel, accommodations and meals offered and paid for by a vendor doing or seeking to do business with the Township are not to be accepted, except under the following conditions:

1. Meals furnished during or ancillary to working meetings (i.e. meetings serving a legitimate business purpose) may be accepted.
2. Provided advanced arrangements are made with the Township Manager or Designee, transportation expenses incurred in connection with travel authorized by the Township, as well as reasonable accommodation and meal expenses in connection therewith, may be reimbursed by a vendor to the Township. However, notwithstanding the foregoing, no employee may directly bill or receive reimbursement from a vendor.
3. Group business entertainment provided by a vendor at annual affairs or events or in connection with regional or functional meeting are permitted provided the amount of such entertainment accepted by an employee is reasonable; and

4. Where the interests of the Township are to be served, the Township may authorize other occasions when any officer or employee may accept entertainment or meals from a vendor.

## EMPLOYMENT

### Employee Classifications

Every Township employee is classified as either EXEMPT or NON-EXEMPT from federal and state wage and hour laws.

- **EXEMPT** employees are paid a fixed salary and expected to complete the duties of their position regardless of the hours worked. Exempt employees are not entitled to minimum wage or overtime pay.
- **NON-EXEMPT** employees are entitled to overtime pay at a rate of 1.5 times their rate of regular pay for hours worked more than forty (40) hours per workweek (or as otherwise required by any applicable CBA).

The Township also assigns each employee to one of the following categories:

- **REGULAR FULL-TIME** employees are regularly scheduled to work a minimum of thirty-seven and ½ (37.5) hours in a working week. Generally, they are eligible for Township's benefits package, subject to the terms, conditions, and limitations of each benefit program.
- **REGULAR PART-TIME** employees are regularly scheduled to work less of thirty-seven and ½ (37.5) hours per week. While they do receive all legally mandated employment benefits (such as Social Security and workers' compensation insurance), they are generally ineligible for all other Township benefit programs. They may be eligible for Health benefits if they meet the criteria in the Affordable Care Act.
- **TEMPORARY OR SEASONAL** employees are hired on a project-specific basis or a temporary basis. They are not eligible for employee benefits except those legally mandated.

Where applicable, CBAs or employment agreements may further delineate or describe categories of employment.

### Internships

Internships are paid or unpaid positions to allow students or recent graduates to gain practical, hands-on experience in public administration or other professional areas on a project-specific or temporary basis. Interns are not eligible for any Township benefits except those legally mandated.

## Access to Personnel Files

The Township maintains a personnel file for each employee. Personnel files are confidential and maintained by the Township Manager. The Township strives to maintain accurate and complete personnel records. Employees must promptly notify the Township Manager or their Department Head, who must then promptly notify the Township Manager, of any changes to their personal information, such as changes in home address, home telephone number, legal name, marital status, number of dependents, named beneficiaries, and so on.

All current employees may request to access their personnel file by filling out and submitting the Personnel Record Access Request Form to their Department Head or the Township Manager.

Within a reasonable time after receiving an employee's written request, the Township will provide the employee with access to the personnel file. The Township will notify the employee of the time and place for inspection of the personnel file, which will be during regular business hours and in [the finance department]. The personnel file must be viewed during the employee's free time unless otherwise given permission by the Township Manager or Department Head. The employee may not remove any documents from the file or copy any item in their personnel file but may take handwritten notes.

## Scope of Access and Limitations

Personnel files will generally include some or all the following documents: application, resume, records of training, documentation of performance appraisals and salary increases, disciplinary records, benefits information, background checks, and other related employment records. The Township Manager or designee is responsible for handling personnel records and related administration functions. Personnel files are the property of the Township and access to the information they contain is restricted and, on a need-to-know basis only. Personnel files will be always kept confidential. All medical records, records pertaining to investigation of a possible criminal offense, letters of reference, and documents which are being developed or prepared for use in civil, criminal or grievance procedures, if any, materials used by the Township to plan future operations, and information available to the employee under the Fair Credit Reporting Act will be kept in a separate confidential file and not considered part of the employee's personnel file for purposes of inspection.

Any change in an employee's name, address, telephone number, marital status, dependents, or insurance beneficiaries, or a change in the number of tax withholding exemptions should be reported in writing without delay to the Township Manager or Department Head, who must then immediately communicate this information to the Township Manager.



## Applications/Résumés/Background Checks

A job application is required for all new candidates and employees. This document will become a part of the official employment record of the employee. Any falsification of data on the résumé and/or uncovered falsifications on a résumé used for employment, promotion or transfer may be grounds for disciplinary action, up to and including termination.

The Township reserves the right to conduct a job-related background check as a condition of employment. The Township will consider the employee's job duties, among other factors, in determining what constitutes satisfactory completion of the background check. All information obtained as a result of a background check will be used solely for employment purposes. A comprehensive background check may consist of prior employment verification, professional reference checks, education confirmation, and/or a criminal record check. Additional clearances may be requested from time to time where required by law or Township policy.

Any Township employee who will have direct contact with minors will be subject to additional background checks, including a PA Child Abuse History Clearance. Such employees must obtain new background clearances once every sixty (60) months and must report any arrest or conviction of an offense that would constitute Grounds for Denying Employment set forth below. Such notice must be no later than seventy-two (72) hours after arrest, conviction, or notification that they have been listed as a perpetrator in a Statement database.

### **Grounds for Denying Employment**

The Township will rescind a conditional offer of employment or terminate employment if:

1. the individual is named in the Statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification;
2. the individual's criminal history record information indicates the individual has been convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses) or an equivalent crime under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth:
  - a. Chapter 25 (relating to criminal homicide);
  - b. Section 2702 (relating to aggravated assault);
  - c. Section 2709.1 (relating to stalking);
  - d. Section 2901 (relating to kidnapping);
  - e. Section 2902 (relating to unlawful restraint);
  - f. Section 3121 (relating to rape);

- g. Section 3122.1 (relating to statutory sexual assault);
  - h. Section 3123 (relating to involuntary deviate sexual intercourse);
  - i. Section 3124.1 (relating to sexual assault);
  - j. Section 3125 (relating to aggravated indecent assault);
  - k. Section 3126 (relating to indecent assault);
  - l. Section 3127 (relating to indecent exposure);
  - m. Section 4302 (relating to incest);
  - n. Section 4303 (relating to concealing death of child);
  - o. Section 4304 (relating to endangering welfare of children);
  - p. Section 4305 (relating to dealing in infant children);
  - q. Section 5902(b) (relating to prostitution and related offenses);
  - r. Section 5903(c) or (d) (relating to obscene and other sexual materials and performances);
  - s. Section 6301 (relating to corruption of minors);
  - t. Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state; or
3. the individual's criminal history record information indicates the individual has been convicted of a felony offense under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding verification under this section.

When a background check is required, the authorization form must be completed. Failure to timely complete an authorization may result in termination of consideration of candidacy for employment or other discipline. Falsification or omission of information may result in denial of employment or discipline, up to and including termination.

All actions will be performed based on legitimate business needs, in accordance with applicable state and federal laws and without regard to an employee or applicant's race, color, ancestry, national origin, sex, pregnancy, gender identity or expression, sexual orientation, religion, age, disability, veteran status, genetic information, or other characteristics protected by law.

#### Documentation of Employment Eligibility

In compliance with the Immigration Reform and Control Act of 1986 (IRCA) and any other applicable federal, state, or local laws, the Township is committed to:

- Employing only those who are authorized to work in the US.
- Not discriminate on the basis of national origin or citizenship in hiring, recruiting, or terminating employees.

Every employee of the Township must adhere to all aspects of this policy. Failure to comply with IRCA may subject the Township and any responsible individuals to civil monetary or criminal penalties. Violations of this policy may be grounds for employee discipline, up to and including termination of employment.

### Employment Eligibility Verification on Form I-9

All employees must complete Section 1 of the Form I-9 no later than the first day of employment and must present acceptable documents authorized by USCIS proving identity and employment authorization no later than the third day after starting employment with the Township. Employees who will be employed for fewer than three days must complete the entire process by their first day of employment. The I-9 employment eligibility verification process must be completed for each new employee within the required time frame. There are no exceptions to this requirement. Employees who do not complete the process within the required time frame will be terminated immediately.

Verification on the Form I-9 Section 2 is conducted by the Finance Department.

The Township will accept any document or combination of documents that satisfy IRCA's requirements. The documents must be original and unexpired. The document(s) will be reviewed to determine if they appear to be genuine and related to the person who has presented them. If sufficient acceptable documents are presented by the employee, the Township will not request more additional documents. The Township will photocopy the document(s) presented by every employee and retain the copy with the completed Form I-9/securely in a separate location from other personnel material.

### Performance Evaluations

The performance of each non-union employee will be reviewed regularly by the Department Head and/or the Township Manager.

**Users of Performance Evaluation Reports** - Performance evaluation reports will become part of the official employee records (personnel folder) and may be used in connection with pay increase, promotion, layoff, demotion or suspension.

**Confidentiality** - Performance evaluations will be confidential. Employee salary increases may be judged on performance evaluations and not necessarily on across-the-board increases.

## EMPLOYEE BENEFITS

### Employee/Township Contributions/Right to Change

The Township provides eligible employees many benefits. The Handbook describes current benefit plans maintained by the Township. Employees should refer to the actual plan documents and summary plan descriptions if there are specific questions regarding a benefit



plan. Those documents are controlling. The Township reserves the right to modify, add and/or eliminate its benefits as it deems appropriate at any time subject to applicable CBAs. The Township will keep employees informed of any changes.

Some benefits are required by law and cover all employees. The legally required benefits include Social Security, workers' compensation insurance, , and unemployment compensation insurance.

There are several factors that determine whether you are eligible for a benefit. One important factor is your employment classification. See your supervisor or the Township Manager to find out which benefit programs you are eligible for.

The following benefit programs are available to eligible employees:

#### Health/Vision/Dental

All Regular Full-Time employees are eligible for medical benefits on the first day of hire. Employees may also have the opportunity to elect benefits for their spouse and all other eligible dependents.

If you provide documented proof that you participate in coverage with another employer or are covered under someone else's coverage, the Township will provide a monthly payment to you in lieu of providing Health/Dental/Vision Plan coverage.

Enrollment in insurance is held on an annual basis. You will receive appropriate documentation at each renewal showing the details of your plan coverage.

#### Short-Term and Long-Term Disability Insurance

The Township provides income protection for eligible employees who must be absent from work for a serious illness or injury. There is no cost to the employee for this protection. If needed, the insurance plan pays a certain percentage of the employee's regular pay on a weekly or monthly basis until they are able to return to work. You will receive appropriate documentation explaining the details of this insurance plan at time of enrollment and annually. You should refer to the actual plan documents if you have specific questions regarding these plans and those documents are controlling.

#### Retirement Plans

Regular Full-Time employees are provided with either a Defined Benefit Pension Plan or Defined Contribution Retirement Plan based on their date of hire. Additionally, the Township does sponsor multiple IRS Section 457(b) Plans that offer limited employer match benefits. You should refer to the actual plan documents if you have specific questions regarding these plans as those documents are controlling.

## Supplemental Benefits

*Life Insurance* – All Regular Full-Time employees are covered by life insurance/accidental death policy in the amount equal to \$100,000.

*Other Supplemental Benefits* – Cancer and Disability Insurance may also be available for purchase and paid by the employee via payroll deduction. Pre-tax payment will be available if appropriate for the type of coverage selected.

## COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives eligible employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Township's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Township's group rates plus an administration fee. The Township provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Township's health insurance plan. The notice contains important information about the employees' rights and obligations.

## Educational Assistance

Regular Full-Time employees can apply for Educational Assistance to continue their education, to increase the employee's skill proficiency in their current position, and/or acquire new knowledge and skill related to their position. Eligible education includes individual courses, certification programs, or full degree programs that are offered by schools, colleges or universities that have been approved and/or accredited by the state, regional or national agencies.

If approved, reimbursement will be provided as follows:

- 80% reimbursement of the cost of each course for receiving a grade of "A" or "B".
- 60% reimbursement of the cost of each course for receiving a grade of "C" or a Passing grade for "Pass/Fail" courses.
- No reimbursement for a grade below "C" or a "fail" grade for "Pass/Fail" courses.
- Maximum Township reimbursement will be \$4,000 per calendar year.

In the event any employee voluntarily terminates employment with the Township less than one (1) year after completion of a course for which reimbursement was obtained, the employee

must reimburse the Township for financial assistance provided by the Township to the employee. Before any reimbursement of tuition is made, the employee must sign an agreement consenting to this payback requirement.

### Workers' Compensation Benefits

If hurt in the scope of your work duties, The Township has worker's compensation insurance, which provides benefits consistent with applicable law.

1. The Township provides comprehensive Workers' Compensation Insurance at no cost to employees. The insurance covers injuries and illnesses sustained in the course of employment that require medical, surgical or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. Neither the Township nor the insurance carrier will be liable for the payment of workers' compensation benefits that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties. If an employee has a question about whether an activity is work related or not, they should contact their Department Head.
  - A. An employee may use accrued sick leave for accidents caused by a compensable injury for work days for the period from the date of the injury through the seventh day of the injury. On the eighth day after the injury, workers' compensation payments may begin, and the employee may no longer use it and will not be charged for sick leave.
  - B. Employees who qualify for workers' compensation benefits will not be entitled or required to use sick, vacation, personal or any other paid leave after the claim has been approved.
2. *Work Injuries*
  - A. *Incident Reports.* Employees are required to report to their immediate supervisor or Department Head all instances where injury has occurred. This is to be done immediately following the incident or accident, except in cases requiring emergency treatment, no matter how minor the injury may be.
  - B. *Discipline.* The Township Manager reviews these incidents and may discipline employees if negligence or misconduct is found. Employees involved in accidents resulting in injury or damage to a vehicle or equipment may be required to submit to drug and alcohol testing.
  - C. *Duty to Report Injury.* When it is necessary for an employee to obtain medical treatment due to a work-related injury, the employee must report the injury to their Department



Head immediately. Failure to do so can delay benefits or cause an employee to lose rights to benefits under the Township's workers' compensation insurance policy.

- D. *Expenses Paid for by the Township.* The Township will pay for all reasonable medical supplies and treatment related to a work injury so long as treatment is obtained from one (1) of the designated panel of physicians during the initial ninety (90) day treatment period **and** the claim has been approved by the Township's workers' compensation insurer.
- E. *Changing Physicians.* During this ninety (90) day period, employees have the right to switch from one physician on the list of designated physicians to another on the list, and the Township will pay for the treatment.
- F. *Emergency Treatment.* If an emergency arises due to an employee's work-related injury, the employee has the right to seek medical treatment from any provider, but subsequent non-emergency treatment shall be performed by one of the designated panel of physicians for the remainder of the ninety (90) day period.
- G. *Treatment by Non-Designated Physicians.* Employees have the right to seek treatment or medical consultation from a non-designated physician during the ninety (90) day period, but these services will be at the employee's expense.
- H. *Continuing Treatment.* After the ninety (90) day period has ended, employees may seek treatment from any health care provider and workers' compensation insurance will pay for the treatment if it is deemed reasonable and necessary.
- I. Employees seeking treatment by a non-designated provider must notify the Township Manager in writing within five (5) days of the first visit to the provider. The Township will not be required to pay for treatment rendered by a non-designated provider prior to receiving this notification.

## TIME OFF

### Vacation

Regular Full-Time and Regular Part-Time employees are eligible for paid vacation as follows:

- In year of hire.
  - Hire date – January 1 – March 31, ten(10) vacation days
  - Hire date—April 1 – June 30, seven and a half (7.5) vacation days
  - Hire date – July 1 – September 30, five (5) vacation days
  - Hire date – October 1 – December 31, two and a half (2.5) vacation days

- Ten (10) vacation days granted Jan. 1<sup>st</sup> in the 2<sup>nd</sup> calendar year of service
- Fifteen (15) vacation days granted Jan. 1<sup>st</sup> in the 5<sup>th</sup> calendar year of service.
- Twenty (20) vacation days granted Jan. 1<sup>st</sup> in the 10<sup>th</sup> calendar year of service.
- Twenty-five (25) vacation days granted Jan. 1<sup>st</sup> in the 18<sup>th</sup> calendar year of service.

In the event that an employee transitions from tier to tier based on their anniversary date (date of hire), they shall receive a pro-rated additional allocation based on the percentage of the year remaining and then receive the full applicable allotment on the subsequent January 1<sup>st</sup>.

Nothing in this section shall prohibit the Township from negotiating with a candidate during the hiring process based on the employee's past professional experience, educational background, etc. or overall hiring market. In the event that an employee is granted paid vacation time at a tier above the normal starting tier noted above based on years of service, he or she shall move to the next tier when he or she achieves the required number of years of service based on his or her date of hire (e.g., Employee A is granted 15 vacation days at time of hire. In his or her 5<sup>th</sup> and 10<sup>th</sup> calendar years of service, Employee A shall be granted an additional 5 vacation days at each service milestone). The maximum number of vacation days that any employee may be granted annually is 25 days.

Generally, vacation time shall be used in year granted. However, an employee may be permitted to carryover up to five vacation days into the subsequent calendar year with the written permission of the Township Manager. Vacation schedules shall be determined by each Department Head in accordance with departmental requirements. The Township reserves the right to limit the number of employees on vacation at any one time.

Upon death, retirement, or voluntary separation, an employee or their beneficiary will receive their accumulated unused vacation time.

### **Requests for vacation**

All employees are encouraged to take their allotted vacation each calendar year. Employees must request vacation from their Department Head or Township Manager as far in advance as possible as all employees are expected to provide reasonable notice of their intent to take time off. Although the Township may grant requests to the greatest extent possible, the Township's operational needs must be taken into consideration. When multiple employees request the same time off, their date of notification, seniority (length of employment), or an applicable CBA may determine priority in scheduling vacation times.

### **Sick Pay**

The Township shall provide one and one-half (1-1/2) days of sick leave per month for Regular Full-time with the unused balance cumulative to one hundred twenty (120) days. Sick leave days are earned on a pro-rated monthly basis.



Sick leave shall be allowed only in case of actual illness or injury of any Regular Full-Time employee. No more than 80 hours of accrued but unused sick leave may be used by an employee per calendar year for the care of an ill or injured spouse, parent, child, or dependent living in their household unless otherwise approved by the Township. Any other use of sick leave will be considered an abuse of the sick leave benefit. Abuse of sick leave will be considered grounds for automatic termination of employment. Each scheduled workday during the period of the employee's illness or injury shall constitute the use of one sick day. Scheduled days off and holidays shall not be considered sick days. Sick leave will continue to accumulate while an employee is on approved vacation leave, sick leave, military leave, or official duty leave. However, employees on leave without pay shall not accumulate sick leave.

An employee who cannot report to work because of illness or injury must notify their Department Head of the intention to be absent within one-half (1/2) hours of the normal reporting time. An employee may be required to produce a statement from a physician certifying their illness, if requested by the Department Head or Township Manager. A statement will not be requested for one day missed, due to sickness, unless there is a history of repeated one day illness by said employee.

An employee who is injured while performing work for another employer other than the Township, shall forfeit his or her rights to Township injury and illness benefits. This leave of absence, if given, shall be granted consistent with the applicable provisions of the Family Medical Leave Act of 1993 ("FMLA"), as amended, and is not intended to confer any additional or supplemental benefits.

Retiring employees can cash out up to ten (10) sick days upon retirement.

Only employees who have reached the normal retirement age and who are not involuntarily terminated can receive this benefit. When an employee cashes out any sick time at retirement those dollars associated with that cash-out do not count towards the retiring employees' pension calculation.

### **Sick Leave Donation**

An employee may donate sick leave days, up to a maximum of 5 days per calendar year, to another eligible employee if donee has less than 15 days of available sick leave and in circumstances where the donee is not receiving short-term, long-term, or worker's compensation benefits. Donations are voluntary and must be in writing and furnished to the Finance Department prior to the donated sick leave being taken by the donee.

### **Light and or Limited Duty**

The Township may permit an employee to return from injury leave in either a limited duty capacity or light duty capacity so long as the treating physician(s) authorized such limited or light duty and such a position is available for which the employee is qualified. Nothing in this policy shall obligate the Township to create and/or maintain a light or limited duty position for any



period or duration of time. The Township retains sole discretion in determining whether light or limited duty is available to an employee.

## Holidays

Regular Full-Time and Regular Part-Time employees shall receive pay for the following holidays:

New Year's Day	Columbus Day/Indigenous People Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Eve (Half Day)
Independence Day	Christmas Day
Labor Day	New Year's Eve (Half Day)

Holidays are observed under the following conditions:

1. If an employee is required to work a holiday, they will be compensated at one and ½ times their hourly rate of pay for all hours worked. In addition, they will receive compensation for said paid holiday. Exempt employees are not eligible for overtime.
2. Where a holiday falls during an employee's regularly scheduled two days off, the holiday will be observed on the nearest scheduled workday, (i.e. if an employee's regular days off are Saturday and Sunday and the holiday falls on Saturday, it will be celebrated on Friday, if it falls on Sunday, it will be celebrated on Monday).
3. If a holiday is observed while an employee is on any other type of paid leave status, the employee will receive holiday pay and a day will not be charged against any other type of paid leave.
4. All paid leave granted under this policy will be compensated in accordance with the regular work schedule as outlined.
5. Paid leave for the purpose of compensation will be the following approved leaves: (a) paid holidays; (b) paid personal leave; (c) paid sick leave; (d) paid vacation; (e) paid bereavement leave; and (f) paid military leave.
6. Employees will not be paid for holidays unless they work the last scheduled workday prior to the holiday and the first scheduled workday after the holiday. The forgoing sentence will not apply to paid leave.

## Personal Days

The Township provides three (3) paid personal days to all Regular Full-Time and Regular Part-Time employees.

Unused personal days will not be paid to employees while they are employed or upon termination of employment and shall not roll over from year to year.

### Bereavement Leave

Regular Full-Time and Regular Part-Time employees are entitled to up to four (4) days of paid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, mother- or father-in-law or other family member residing in the employee's household. The Township reserves the right to request reasonable documentation of any such leave.

In the event of the death of the employee's aunt, uncle, brother-in-law, sister-in-law, or fellow employee, a Regular Full-Time and Regular Part-Time employee may be granted one (1) day paid bereavement leave to attend the funeral. A copy of the obituary will be required when attending the funeral of a fellow employee.

Bereavement leave is paid in accordance with the employee's regular rate of pay for the employee's regularly scheduled hours.

### Military Leave/USERRA

The Township will grant a military leave of absence if you are absent from work because you are serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). You must give your supervisor advance notice of upcoming military service, unless military necessity prevents advance notice, or it is otherwise impossible or unreasonable. Employees will be paid for military deployment and/or training up to a maximum of fifteen (15) days at your base or regular rate of pay.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which you are otherwise eligible. Your benefits, such as vacation, sick leave, or holiday benefits, will not accrue during a military leave. When you return from leave, the benefits will start accruing again.

If you are on military leave for up to 30 days, you must return to work on the first regularly scheduled work period after your service ends (allowing for reasonable travel time). If you are on military leave for more than 30 days, you must apply for reinstatement in accordance with USERRA and applicable state laws.

When you return from military leave (depending on the length of your military service in accordance with USERRA), you will be placed either in the position you would have attained if you had stayed continuously employed or in a comparable position. For the purpose of determining benefits that are based on length of service, you will be treated as if you had been continuously employed. If you have questions about military leave, contact the Township Manager for more information.

## Jury Duty

Regular Full-Time and Regular Part-Time employees who are called for jury duty shall receive their regular pay as set forth hereinafter; however, such employees must remit their jurors' fees to the Township. All other employees will be permitted time off for jury duty without pay.

## FMLA

The Township provides leave pursuant to the Family and Medical Leave Act of 1993 (FMLA), which provides for unpaid, job-protected leave to covered employees in certain circumstances.

### Eligibility

To qualify for FMLA leave, you must: (1) have worked for the Township for at least 12 months, although it need not be consecutive and (2) have worked at least 1,250 hours in the last 12 months. If you have any questions about your eligibility for FMLA leave, please contact the Township Manager or Chief Financial Officer.

### Leave Policy

If eligible, you may take up to twelve (12) or twenty-six (26) weeks of family or medical leave, whichever is applicable (as explained below), within the relevant 12-month period (defined below). While you are on FMLA leave, the Township will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working, as explained more fully under the section titled, *Medical and Other Benefits*. Upon returning from approved FMLA leave, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations and exceptions provided by law.

### Leave Entitlement

You may take **up to 12 weeks** of unpaid FMLA leave in a 12-month period, which defined as a rolling 12-month period measured backward from the date FMLA is used for any of the following reasons:

- the birth of a child and to care for that child (leave to be completed within one year of the child's birth).
- the placement of a child with you for adoption or foster care and to care for the newly placed child (leave to be completed within one year of the child's placement);
- to care for a spouse, child, or parent with a serious health condition.
- to care for your own serious health condition, which renders you unable to perform any of the essential functions of your position; or
- a qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active-duty status (or has been notified of an impending call or order to covered active duty).



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

### **Both Spouses Employed by the Township**

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

- Combined total of 12 weeks of leave during the 12-month period if leave is requested:
  - for the birth of a child and to care for that child.
  - for the placement of a child with the employee for adoption or foster care and to care for the newly placed child; or
  - to care for an employee's parent with a serious health condition.
  
- Combined total of 26 weeks in a single 12-month period if the leave is either for:
  - military caregiver leave; or
  - a combination of military caregiver leave and leave for other FMLA-qualifying reasons.

### **Notice of Leave**

If your need for FMLA leave is foreseeable, you must give the Township at least 30 days' prior written notice. If this is not possible, you must at least give notice as soon as practicable (within one to two business days of learning of your need for leave). Failure to provide this notice may be grounds for delaying FMLA-protected leave.

Additionally, if you are planning a medical treatment or a series of treatments or taking military caregiver leave, you must consult with the Township first regarding the dates of this treatment to work out a schedule that best suits the needs of you (or the covered military member) and the Township.

When the need for leave is not foreseeable, you must notify the Township within one to two business days of learning of your need for leave, except in extraordinary circumstances.

You may provide notice to the Township by emailing the Township Manager. Any employee, supervisor or Department Head who becomes aware of an employee's need for FMLA leave shall immediately notify the Township Manager or Chief Financial Officer.

### **Certification of Need for Leave**

If you are requesting leave because of your own or a covered relative's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from the Finance Department. When you request leave, the Township will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to

provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

The Township, at its expense, may require an examination by a second health care provider designated by the Township. If the second health care provider's opinion conflicts with the original medical certification, the Township, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

The Township may require subsequent medical recertification. Failure to provide requested certification in a timely manner may result in a delay of further leave until it is provided.

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

### **Reporting While on Leave**

If you take leave because of your own serious health condition or to care for a covered relative, you must contact the Township Manager or designee on a bi-weekly basis regarding the status of the condition and your intention to return to work.

If the dates of your leave change, are extended, or were initially unknown, you must give notice as soon as practicable (within two business days if feasible).

### **Leave Is Unpaid**

FMLA leave is unpaid. You may be required to substitute any accrued and unused vacation/sick days/personal days for unpaid FMLA leave as described below:

If you request leave because of a birth, adoption, or foster care placement of a child, any accrued and unused paid leave may first be substituted for unpaid family/medical leave and run concurrently with your FMLA leave.

If you request leave because of your own serious health condition, or to care for a covered relative with a serious health condition, any accrued paid vacation/personal/family or medical/sick leave may be substituted for any unpaid family/medical leave and run concurrently with your FMLA leave.

The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. In no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary. Your FMLA leave runs concurrently with other types of leave, for example, accrued vacation, sick, personal, short-term disability, long-term disability, worker's compensation, etc.

## **Medical and Other Benefits**

During approved FMLA leave, the Township will maintain your health benefits as if you continued to be actively employed.

## **Intermittent and Reduced Schedule Leave**

If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced schedule leave (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced schedule leave for a qualifying exigency relating to covered military service.

If leave is unpaid, the Township will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the Township may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

## **Returning from Leave**

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. Otherwise, you will not be permitted to resume work until it is provided.

## **Employees Covered Under a Collective Bargaining Agreement**

The employment terms set out in this policy work in conjunction with, and do not replace or amend any terms or conditions of employment stated in any CBA that a union has with the Township. Employees should consult the terms of their CBA. Wherever employment terms in this policy differ from the terms expressed in the applicable CBA with the Township, employees should refer to the specific terms of the CBA, which will control.

## **Falsification or Misrepresentation**

Any employee who falsifies or misrepresents information in order to obtain FMLA leave will be subject to disciplinary action, up to and including discharge. The Township, consistent with federal requirements, may ask for updated information from employees during leave. Any employee who falsifies or misrepresents information when updates are requested is also subject to disciplinary action up to and including termination of employment.

## **Personal Leave of Absence**

The Township recognizes that an employee may have a need to be excused from work to attend to personal situations beyond their control. All employees, regardless of the length of Township service or classification may be eligible for personal leave. Such approved periods of



leave will be unpaid unless the employee has vacation or other paid leave time to cover all or a portion of that leave.

Any request for personal leave must be made in writing to the Township Manager or Chief Financial Officer. Leave requests will not exceed thirty (30) days with a one-time thirty (30) day extension. Extension requests must also be in writing prior to the start of the extended time.

When personal leave requires sustained periods of absence, the Township may permit health care continuation during such periods of personal leave as is permissible with the Insurance Carrier. The employee must establish a contribution payment schedule with the Township Manager. Other benefits such as accruals, and 401A or pension contributions will be suspended during periods of unpaid leave and reinstated upon return to active status.

## TIMEKEEPING/PAYROLL

### Timekeeping

All employees are required to maintain accurate timesheets of the hours worked. Timesheets by non-exempt employees will determine the number of hours to be paid during a pay period. Timesheets by exempt employees records the use of any paid time off.

The Township will provide each employee with timesheets. Timesheets shall be provided to employees Department Head in the time and manner prescribed by Management. Department Heads will submit their timesheet to the Township Manager for approval.

Employees are expected to maintain accurate and complete time sheets daily. If an employee realizes that an error was made on a time sheet, the employee should address the error with the immediate supervisor, Department Head, or Township Manager. Employees are prohibited from recording time on another employee's time record or on behalf of another employee. Falsifying or altering time records, including by working "off the clock" are strictly prohibited and will result in discipline up to and include termination.

### Workweek and Business Hours

The Township's normal business hours are Monday through Friday, 8:00 A.M. to 4:30 P.M. or, as may be directed by the Board of Supervisors.

You will receive your specific work schedule from your direct supervisors, Department Head, or the Township Manager. Your work schedule may be changed by your Department Head or the Township Manager to accommodate special events or when otherwise determined to be necessary. You are expected to report and be ready to work at the beginning of your assigned start time and to reasonably complete your projects by the end of assigned work hours.

The Township is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise. It is your responsibility to contact your supervisor well in advance of your normal report time or as soon as practical if you will be absent or late.

Absence from work for three (3) consecutive days without notification will be considered a voluntary resignation. Excessive absenteeism or tardiness will be documented and may result in discipline, including, but not limited to, termination.

### Breaks

Breaks are intended to provide employees with an opportunity away from work. Employees are not permitted to perform any work during breaks. Employees are encouraged to take their breaks away from their work area. Supervisors are prohibited from requiring or encouraging employees to perform work during unpaid breaks.

**Meal Breaks** – Each Department Head is responsible for scheduling meal breaks for the employees working in their department.

**Work Breaks** – A fifteen (15) minute break will be allotted in the first half and the second half of the workday.

**Breaks for Minor Employees** - Any employee who is a minor who works for more than five continuous hours shall take a rest break of at least thirty (30) minutes.

**Lactation Breaks** –An employee nursing a child may take a reasonable amount of break time to express breastmilk. You should notify your direct supervisor or Department Head of the frequency, timing, and duration of the needed lactation breaks. Lactation breaks are paid.

### Payday

The Township pays its employees on Fridays every other week. Paychecks reflect the hours worked for the prior full pay period. All employees hired after the date this Employee Handbook is adopted must sign up for Direct deposit.

If you do not receive your paycheck, notify the Township Manager or Chief Financial Officer immediately.

You should review your paycheck and paystub for errors. If you find a possible error, please bring it to the attention of the Township Manager or Chief Financial Officer immediately.

### Overtime

Exempt employees are not eligible for overtime pay under the Fair Labor Standards Act (FLSA).

Non-exempt employees are prohibited from performing work outside of the regular workday, except upon advanced written approval from the Township Manager or the appropriate Department Head. Non-exempt employees will be paid overtime compensation in accordance with federal and applicable state and local law at a rate of 1.5 times their regular rate

of pay for all hours worked over forty hours in any workweek. Overtime pay is based on hours actually worked.

Non-exempt employees must obtain approval from their supervisors in advance of working overtime. Failure to obtain approval for working overtime may result in discipline, up to and including termination of employment.

Exempt employees do not receive overtime pay and instead are paid a salary that is intended to compensate them for all hours worked, including any hours worked over eight hours in any workday or forty hours in any workweek.

If any employee believes they have not been compensated for all hours worked, including overtime pay believed to be owed, the employee should immediately report their concerns to their Department Head.

### Deductions from Pay

The law requires that the Township make certain deductions from your pay each pay period. Among these are employees' federal, state and local income taxes and their contribution to Social Security and Medicare. Depending on the benefits employees choose, there may be additional deductions. The amount of the deductions will depend on employees' earnings and on the information employees furnish on their W-4 form regarding the number of exemptions they claim.

Exempt employees' pay will not be "docked," or subject to deductions, in violation of applicable federal and state salary pay rules. However, the Township may make deductions from employees' salaries in a way that is permitted under federal and state wage and hour rules. Employees will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law.

Employees who believe they have been subjected to improper deductions must immediately report the matter to the Township Manager or Chief Financial Officer.

## WORK CONDITIONS AND HOURS

### Appearance

Township Employees are expected to present a clean and professional appearance while conducting business, in or outside of Township offices. All employees should dress appropriately and safely for the tasks that they are performing, including wearing uniforms and protective gear, where required. Dressing in a fashion that is clearly unprofessional, that is deemed unsafe, or that negatively affects the Township's image is not acceptable. Inappropriate clothing includes but is not limited to cutoff shirts/shorts, sweatpants, jogging suits, clothing that shows



undergarments, mesh shirts, baseball caps, ripped clothing, bare feet, clothing containing political statements, sexually suggestive slogans, or other similar wording of pictures.

When a supervisor observes an employee who is improperly dressed or groomed, the employee may be instructed to return home to change clothes and to return to work properly groomed or dressed. Repeated failure to come to work properly groomed or dressed may result in discipline up to and including termination of employment.

Requests for exceptions from the dress code for legitimately held religious beliefs should be directed to the Township Manager.

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the image the Township presents to residents and visitors.

During business hours or when representing the Township, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with our residents or visitors in person.

Your supervisor or Department Head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstances, if you are a non-exempt employee, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be provided for an employee with a disability.

### [Safety, including Accidents and Emergencies](#)

To assist in providing a safe and healthful work environment for employees, residents, and visitors, the Township has established a workplace safety program. This program is a top priority for the Township.

The Township provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their supervisor. Such reports are necessary to

comply with laws and initiate insurance and workers' compensation benefits procedures. Supervisors should notify the Township Manager or Chief Financial Officer of said accident.

### Use of Township Equipment and Computer Systems

Equipment and vehicles essential in accomplishing your job duties are expensive and may be difficult to replace. When you use Township property, you should be careful, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Due to safety and insurance regulations, the Township has adopted the following vehicle use guidelines. Failure to follow the guidelines may result in disciplinary action, up to and including termination of employment.

- Seat belts must be worn at all times
- Under NO circumstances should an employee email/text or otherwise be distracted by technology devices while operating a vehicle
- Unauthorized individuals may not be transported in Township vehicles
- You must be in possession of a valid drivers' license
- You must notify the Township Manager immediately if your drivers' license status changes or you receive any moving violation whether in a Township vehicle or not
- Pets should not be transported in Township vehicles unless it is in the execution of your duties (service dogs, transport to the pound)

Tell your supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. When you promptly report damage, defects, and the need for repairs, you can prevent deterioration of equipment and possible injury to employees or other people.

See your supervisor if you have questions about your responsibility for maintenance and care of equipment or vehicles you use on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

From time-to-time employees may be asked to use their personal vehicle or township-owned vehicles (including, but not limited to tractors, lawn mowers, etc.) for official business. The Township is committed to ensuring the safety of its employees and others on the road. An employee using their vehicle for business must have a valid driver's license and have current automobile insurance on the vehicle being used. The Township Manager has the right to confirm the status of these documents at any time. Employees shall promptly report any changes in the status of their license or insurance to the Township Manager or designee.

Seat belts must be worn by all occupants of the vehicle when driving on Township business. Employees are prohibited from using a hand-held cell phone or device while operating a vehicle



for business, whether the vehicle is in motion or is stopped at a traffic light. This prohibition includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages, and text messages. If employees need to use their phones while driving, they must pull over safely to the side of the road or another safe location.

Township-owned vehicles shall be used only for authorized business and may be driven only by authorized employees. An employee who is charged with a moving violation while operating a Township-owned vehicle, or while driving on Township business must notify the Township Manager, supervisor, or Department Head as soon as safe and practical, but in no event shall such notification take longer than twenty-four hours. All accidents occurring while driving on Township business must be reported to the Township Manager immediately or as soon as practical.

Employees taking prescription medication or non-prescription drugs or substances that could impair their ability to drive must notify their supervisor or the Township Manager and disclose same. An employee will be asked to provide a physician's note confirming their ability to safely drive a vehicle while taking the prescription medication before being authorized to operate a Township vehicle or otherwise drive on Township business.

The Township recognizes that seatbelts are an important and effective item of personal protective equipment that reduce the injury to motor vehicle operators and occupants and that reducing injuries can strengthen our effectiveness.

**SEATBELTS WILL BE USED FOR ALL OCCUPANTS OF TOWNSHIP VEHICLES OR OTHER VEHICLES USED ON TOWNSHIP BUSINESS.**

**ALL** occupants will use seatbelts in Township owned, leased, or rented vehicles whenever such vehicles are in use and in personal vehicles when used for official Township business.

Seatbelt systems in all vehicles are to be maintained so that they are clean, easily accessible, and in good working order. The lack of a properly functioning seatbelt or restraining system in Township vehicles will result in the vehicle being placed out of service. Non-Township owned vehicles that are conducting Township business will not be utilized as stated above.

Seatbelt use will be enforced in the same manner, and with the same enforcement tools, as any other work rule. The driver of the vehicle is responsible for enforcing seatbelt use by all occupants. The ranking occupant, if other than the driver, shares this responsibility. Peer pressure is a powerful enforcement aid and should be fostered. Failure to comply will result in progressive disciplinary actions.

**Computer and Email Usage**

The Township will provide its employees with the equipment and technology needed to do their jobs, including, but not limited to safety clothing and equipment, computers, phones,



internet, email, voicemail, software, hardware and other technology and property. Employees are expected to exercise care in the use of the Township's property and to use such property only for authorized business purposes.

All activities, information and messages stored on Township property or in Township systems will be treated no differently from other business-related information and messages and are subject to monitoring and retrieval by the Township with or without notice to the employee. There should be no expectation of privacy in using Township property or systems. Negligence in the care and use of Township property or the unauthorized removal of such property from authorized locations, or its unauthorized conversion to personal use will be considered cause for discipline up to and including termination. An employee will be required to reimburse the Township for lost or damaged property due to negligence.

At all times ethical standards and common sense are expected to be applied when using and storing information on Township computers, phones or other equipment or systems. Township equipment and systems may not be used to commit infractions of law or of Township policies. This includes, but is not limited to, any act that violates the Township's equal employment opportunity policies, acts of fraud, misappropriation or theft of intellectual property, prohibited political activity, or misuse of the Township's assets or resources. No employee may use the Township's equipment and systems to transmit, view, send, display, download, print or store offensive materials. Offensive material includes e-mail, voice calls, voice mail, messages, documents, text, or images that are obscene, defamatory, slanderous, libelous, fraudulent, pornographic or sexually explicit, profane, or are used to threaten or harass, sexually or otherwise. Employees in violation of this policy will be subject to discipline, up to and including termination.

The Township does not condone the illegal duplication of software or other media and employees are prohibited from making or distributing unauthorized copies of the Township's software or other media and technology, or any copyrighted materials.

Some of the messages sent, received or stored in e-mail or in other Township systems may be privileged communications between the Township and its attorneys, or other entities. Upon receipt of any such message, do not forward it or its contents to others inside the Township without the authorization of all parties. Never forward such messages or contents to any outsiders.

Property issued to an employee must be returned at the time that the employee terminates employment or at any time that their supervisor or the Township Manager or designee requests its return.

To help you do your job, the Township may give you access to computers, computer files, the email system, and software. You should not use a password, access a file, or retrieve any stored communication without authorization. To make sure that all employees follow this policy, we may monitor computer and email usage.

The Township buys and licenses computer software for business purposes. We do not own the copyright to this software or its documentation. Unless the software developer authorizes us, we do not have the right to use the software on more than one computer.

You may only use software on local area networks or on multiple machines according to the software license agreement. The Township prohibits the illegal duplication of software and its documentation.

If you know about any violations to this policy, notify your supervisor, the Township Manager or any member of management. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

### Internet Usage

The Township may provide you with Internet access to help you do your job. This policy explains our guidelines for using the Internet. Internet usage is intended for job-related activities, but short, occasional personal use is allowed if you keep it within reasonable limits.

All Internet data that is written, sent, or received through our computer systems is part of official Township records. That means that we can be legally required to show that information to law enforcement or other parties. Therefore, you should always make sure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and legal.

The equipment, services, and technology that you use to access the Internet are the property of the Township. Therefore, we reserve the right to monitor how you use the Internet. We also reserve the right to find and read any data that you write, send, or receive through our online connections or is stored in our computer systems.

You may not write, send, read, or receive data through the Internet that contains content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person.

Examples of unacceptable content include (but are not limited to) sexual comments or images, racial slurs, gender-specific comments, or other comments or images that could reasonably offend someone based on any Unlawful Discriminatory Characteristic.

The Township does not allow the unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet. As a general rule, if you did not create the material, do not own the rights to it, or have not received authorization for its use, you may not put the material on the Internet. You are also responsible for making sure that anyone who sends you material over the Internet has the appropriate distribution rights.

Before you download or copy a file from the Internet, it must be checked for viruses. All compressed files must be checked for viruses both before and after decompression.



If you use the Internet in a way that violates the law or Township policies, you will be subject to disciplinary action, up to and including termination of employment. You may also be held personally liable for violating this policy.

The following are some examples of prohibited activities that violate this Internet policy:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using Township's time and resources for personal gain
- Sending or posting confidential material, trade secrets, or proprietary information outside of the Township
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the Township or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the Township's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the Township's electronic communications systems
- Sending or posting messages that disparage another organization's products or services
- Engaging in any other illegal activities

### Workplace Monitoring

The Township may conduct workplace monitoring to help ensure quality control, employee safety, security, and resident satisfaction.

All computer equipment, services, or technology that we furnish are the property of the Township. We reserve the right to monitor computer activities and data that is stored in our computer systems. We also reserve the right to find and read any data that you write, send, or receive by computer.

### Township Information/Property

To help you do your job, the Township may give you access to computers, computer files, the email system, and software. You should not use a password, access a file, or retrieve any stored communication without authorization. To make sure that all employees follow this policy, we may monitor computer and email usage.

We try hard to have a workplace that is free of harassment and sensitive to the diversity of our employees. Therefore, we do not allow employees to use computers and email in ways that are disruptive, offensive to others, or harmful to morale.



At the Township you may not display, download, or email sexually explicit images, messages, and cartoons. You also may not use computers and email for ethnic slurs, racial comments, off-color jokes, or anything that another person might take as harassment or disrespect.

You may not use email to ask other people to contribute to or to tell them about businesses outside of the Township, religious or political causes, outside organizations, or any other non-business matters.

The Township buys and licenses computer software for business purposes. We do not own the copyright to this software or its documentation. Unless the software developer authorizes us, we do not have the right to use the software on more than one computer.

You may only use software on local area networks or on multiple machines according to the software license agreement. The Township prohibits the illegal duplication of software and its documentation.

If you know about any violations to this policy, notify your supervisor, the Township Manager or any member of management. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

#### Phone/Mail Systems

The telephone system is owned by the Township of Lower Makefield and is to be used for Township purposes only. In the event of a personal emergency, personal calls should be made only during breaks and kept to a minimum.

#### Cell phones/Smart Phones

We provide cell phones to some employees for Township use. Employees with cell phones are allowed to use them for short personal calls within reasonable limits. Sometimes we may check cell phone bills to make sure this policy is being followed.

The Township prohibits employees using cell phones for business while they are driving. If you are driving and need to use a cell phone, you should pull off the road and stop before you place a call or talk on the phone. Under NO circumstances should you “text” and or e-mail while operating a vehicle on Township business.

Additionally, employees are not permitted to use headphones or earbuds except when making/receiving a Township call while on work time due to safety precautions.

And when using a cell phone, please remember to keep your conversations private and quiet.

## Smoking

In observance of PA law, the Township prohibits smoking on Township owned or leased premises, buildings, vehicles, equipment, and while working.

## Expenses

An employee engaged in official business authorized by the Township will be reimbursed for all necessarily incurred expenses. Receipts must be presented with the request for reimbursement. Allowable reimbursable expenses will include meals, hotels, travel expenses (mileage, tolls, etc.) and pre-approved training sessions. Mileage will be paid out at the current IRS rate.

Employees will not be reimbursed for alcohol.

Under ordinary circumstances, it is the policy of the Township to reimburse travel expenses in accordance with the adopted travel policy. Mileage reimbursement shall be made in accordance with the IRS standard rate. All requests for expense reimbursement must contain receipts and backup documentation for expenses. Employees who improperly seek reimbursement for expenses may be disciplined, up to and including termination.

Expenses for anything other than mileage, where such mileage is a routine part of the employee's job duties, must receive written or verbal approval from a Department Head or Township Manager. All requests for reimbursement must be supported by an original receipt or, if unavailable, another form of documentation to verify the expense.

Requests for reimbursement must be submitted within thirty days of the incurrence of the expense or the actual event for which reimbursement is sought, whichever is later. Requests must include:

- The amount paid.
- The date the expense was incurred and paid.
- The vendor or provider name and location.
- The nature of the expense.

An employee seeking reimbursement for an event must attend the event to be eligible for reimbursement. Upon submission of the request for reimbursement and the supporting documentation, the employee shall receive reimbursement within thirty days. All requests for reimbursement should be presented directly to the Finance Department.

## Emergency Closings

The Township operates seven days a week on a twenty-four-hour basis. During a state of emergency, a declared national emergency specific to the Township, or when the Township

Manager declares that Township buildings are closed and employees should not report to work (except Public Safety and Public Works), employees will be paid for the scheduled hours missed related to the above declarations. In the event of snow or other related weather event, the Township Building shall be closed or opening delayed on all days when similar action is taken by the Pennsbury School District.

If a state of federal emergency for the Township is not in affect, and the non-essential employee feels it is unsafe for them to travel to work, they may use liberal leave. This allows the employee to use unscheduled vacation or personal time. The employee must notify their manager or supervisor as soon as they have reached their decision and should follow up in writing upon their return to work. If an employee chooses to report off work, but does not have vacation or personal time, they will not be paid for the time away from work. Non-essential employees may also work remotely if their job positions allow them to do so.

All essential employees are required to report to work.

#### All Ideas Matter

Employees are urged to make any suggestions with regards to streamlining or improving any task, process, procedure or equipment resources that are used in the daily performance of Township duties. We truly believe that innovation is a key to success, the Township pledges to review and respond to each submitted idea. Suggestions can be emailed or dropped off to the Township Manager.

## CONDUCT

### Disciplinary Action

Each employee has an obligation to observe and follow the Township's policies and procedures and to maintain proper standards of conduct at all times. If an employee's behavior interferes with the orderly and efficient operation of the Township, corrective disciplinary measures, including immediate termination of employment, will be taken.

Disciplinary action may include a verbal warning, written warning, suspension with or without pay, and/or termination of employment. The appropriate disciplinary action imposed will be determined by the Township. One form of disciplinary action will not necessarily precede another.

The following may result in disciplinary action, up to and including termination of employment: violation of the Township's policies or safety rules; insubordination; unauthorized or illegal possession, use or sale of alcohol or controlled substances on work premises or during working hours, while engaged in Township activities or in Township vehicles; possession, use or sale of weapons, firearms or explosives on work premises unless part of work duties, during working hours, while engaged in Township activities or in Township vehicles; theft or dishonesty; harassment; discrimination or disrespect toward fellow employees, visitors or other members of



the public; performing outside work or use of Township property without authorization, equipment or facilities in connection with outside work while on Township time; poor attendance; poor job performance; theft or dishonesty; falsification of records; or job-related convictions. These examples are not all inclusive. The Township emphasizes that disciplinary decisions will be based on an assessment of all relevant factors.

Nothing in this policy is designed to modify the Township's employment at-will policy nor does it create a contract of employment.

### Drug and Alcohol Abuse

The Township is committed to being a drug-free, healthful, and safe workplace. You are required to come to work in a mental and physical condition that will allow you to perform your job satisfactorily.

The Township employees may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs while on Township premises or while conducting any business-related activity away from Township premises. You may use legally prescribed drugs on the job only if they do not impair your ability to perform the essential functions of your job effectively and safely without endangering yourself or others. Notwithstanding the foregoing, employees are prohibited from reporting to work or working while under the influence of marijuana or any cannabidiol products, even if the employee has a legal right to use such products. Employees also may not use or possess marijuana or any cannabidiol products on Township premises, during working hours, or while otherwise engaged in Township business, even if the marijuana or cannabidiol product was obtained legally.

If you violate this policy, it may lead to disciplinary action, up to and including termination of your employment. We may also require that you participate in a substance abuse rehabilitation or treatment program. If you violate this policy, there could also be legal consequences.

If you have questions or concerns about substance dependency or abuse, you are encouraged to discuss these matters with your supervisor or the Township Manager to get help and referrals to community resources.

If you have a drug or alcohol problem, you may request unpaid time off to participate in a rehabilitation or treatment program through the Township's health insurance coverage, if your substance abuse problem has not already resulted in disciplinary action and you are not currently subject to immediate disciplinary action. We may approve the time off if you agree to stop using the problem substance; follow all Township policies and rules relating to conduct at work; and if giving the time off will not cause the Township an undue hardship.

Under the Drug-Free Workplace Act, if you perform work for a government contract or grant, you must notify the Township if you have a criminal conviction for drug-related activity that happened at work. You must make the report within five days of the conviction.

If you have questions about this policy or issues related to drug or alcohol use at work, you can raise your concerns with your supervisor or the Township Manager without fear of reprisal.

### Drug & Alcohol Testing- General

The Township is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, employees, may be required to submit to drug and alcohol testing. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

Applicants may be tested post-offer and pre-employment. The Township reserves the right to test current employees for Probable Cause and Post-Accident. Should the Township develop a Random Drug Testing Program for non-CDL personnel, sufficient notice will be provided for prior to full implementation of the program.

### Drug & Alcohol Testing- CDL Specific

#### **I. PURPOSE**

- A. To comply with the state and federal laws and regulations concerning commercial driver's licensed (CDL) employees .
- B. To conform the employment policies of the Township with the requirements of said laws and regulations.

#### **II. APPLICATION**

This Policy shall apply only to the category of employees and applicants for employment who are required to have a CDL license to operate Township-owned, leased or borrowed vehicles or equipment requiring CDL licensure.

#### **III. FEDERAL REGULATIONS**

The regulations of the U.S. Federal Motor Carrier Safety Administration (FMCSA) and the Pennsylvania Department of Transportation are hereby adopted by reference insofar as they apply to the Township and this Policy.

#### **IV. POLICY ESTABLISHED**

Employees covered by this policy are prohibited from engaging in the following conduct:

- 1. Reporting for or remaining on duty to perform safety-sensitive functions while having a breath alcohol level of 0.04 or greater;
- 2. Using alcohol while performing safety-sensitive functions;

3. Performing safety-sensitive functions within four hours after using alcohol;
4. Using alcohol any time during the eight hours after an accident until a post-accident test is performed;
5. Refusing to submit to an alcohol or drug test when required to do so;
6. Reporting for or remaining on duty requiring the performance of safety-sensitive functions when the driver uses any drug or substance identified in in federal regulations at 21 CFR 1308.11 Schedule I; and,
7. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Safety-sensitive functions are any of the broad activities related to operating, loading, servicing, or maintaining commercial motor vehicles.

Violation of these rules will subject the employee to discipline and/or dismissal pursuant to the provisions of Section VII of this policy, subject to any applicable provisions and procedures of the CBA in effect, if any.

*Performing a safety-sensitive function* means a driver is performing a safety-sensitive function during any period in which they are performing, ready to perform, or immediately available to perform any safety-sensitive functions.

*Safety-sensitive function*, as specifically defined by 49 CFR Part 382.107, means all time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- A. All time at Township or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Township;
- B. All time inspecting equipment as required by 49 CFR 392.7 and 49 CFR 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- C. All time spent at the driving controls of a commercial motor vehicle in operation;
- D. All time, other than driving time, in or upon any commercial motor vehicle;
- E. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and,



- F. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

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

No driver shall refuse to submit to a pre-employment controlled substance test required under 49 CFR 382.301, a post-accident alcohol or controlled substance test required under 49 CFR 382.303, a random alcohol or controlled substances test required under 49 CFR 382.305, a reasonable suspicion alcohol or controlled substance test required under 49 CFR 382.307, a return-to-duty alcohol or controlled substances test required under 49 CFR 382.309, or a follow-up alcohol or controlled substance test required under 49 CFR 382.311. The Township shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

## V. TESTS ESTABLISHED

The following drug and alcohol test procedures shall be applicable to all employees and applicants for employment to whom this Policy applies. Modern and confidential testing procedures shall be used which will protect the rights of the driver and the integrity of the testing process, safeguard the validity of the test results, and ensure that results are attributed to the correct driver.

- 1) **Pre-Employment:** All applicants for employment shall be tested for drugs prior to acceptance for employment by the Township. Any applicant testing positive shall not be considered for employment. The Township will reimburse the applicant for the cost of this test if the test is negative and if employment is offered to the applicant. Otherwise, it will be the responsibility of the applicant to pay applicable testing costs.
- 2) **Random:** The Township will implement a random testing procedure through the PSATS CDL Program meeting the requirements of the federal regulations. The procedure shall include Township-paid tests of affected employees on a random basis and shall be conducted without any advance notice. The federal regulations currently mandate that the number of covered employees selected shall be at least 25% of the employees for drug testing and 10% of the employees for alcohol testing annually; provided, however, that the requirements of this

Policy shall be satisfied if the above percentages are selected from a pool of employees which includes the employer's employees.

- 3) **Probable Cause:** Any employee giving probable cause to believe that they are in violation of the Policy established in Section IV above shall be subjected to Township-paid testing immediately upon confirmation of such probable cause by any of the employer's personnel who have successfully completed the federally required probable cause training. Probable cause shall be limited to behavior or conduct observed at the workplace or en-route to a workplace during working hours. Observation and confirmation shall be done by personnel who have received the required training as mandated by federal regulations at 49 CFR 382.603. Trained personnel making probable cause observations shall make and file with the Township a written report on a form provided by the Township of the attendant circumstances. Such reports shall be kept confidential, and a copy permanently retained in the employee's driver qualification file.
  
- 4) **Post-accident:** Any employee involved in an accident as defined herein shall be tested at the Township's expense for drugs as soon after an accident occurs as is possible, but not later than thirty-two (32) hours, and for alcohol as soon after an accident as possible, but not later than eight (8) hours. In accordance with 49 CFR 382.303(d)(1), if an alcohol test is not administered within two (2) hours following an accident, the Township shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Provided:
  - i) Testing should not take precedence over needed medical treatment or other needed emergency measures.
  - ii) If for any reason the tests cannot be obtained within the times provided, the tests shall not be administered. However, refusal to submit to a test or interfering with the successful completion of such a test shall be deemed a positive test result in accordance with Section VI below.
  - iii) No employee shall consume alcohol or illegal drugs between the time of the accident and the test administration.
    - i. ALCOHOL TEST- As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, the Township shall perform an alcohol test on its drivers:
      1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
      2. Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
        - a. Bodily injury to any person who, because of the injury, immediately receives medical treatment away from the scene of the accident; or
        - b. One or more motor vehicles incurring disabling damage because of the accident, requiring the motor vehicle to be



transported away from the scene by a tow truck or other motor vehicle.

- ii. DRUG TEST- As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, the Township shall perform a drug test on surviving drivers:
  - 1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
  - 2. Who receives a citation within 32 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
    - a. Bodily injury to any person who, because of the injury, immediately receives medical treatment away from the scene of the accident; or
    - c. One or more motor vehicles incurring disabling damage because of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

## VI. TEST STANDARDS

Any refusal or failure by the CDL Employee or Applicant to submit to any test required by this Policy or the applicable law and regulations, shall be deemed to be a positive result. Applicants will not be hired, and employees will be subject to the disciplinary provisions of this policy because of a positive test. Refusal to submit to a test under this Policy shall include any act or omission which prevents, thwarts, or frustrates the objectives of this Policy, including without limitation the following: (1) refusal to submit in a timely fashion to testing; (2) refusal or failure by the employee or applicant to complete, sign, or initial the required testing forms; (3) refusal or failure without good cause to provide any sample or provide an adequate sample for testing; and/or (4) failure or refusal to otherwise cooperate with the testing process in a way that prevents the completion of any required test.

All required tests shall be completed using federal forms that are designed to protect the driver and the integrity of the testing process and safeguard the validity of the test results.

- A. **Alcohol Testing.** Alcohol testing shall be conducted using a federally approved breathalyzer operated by a trained technician. Any employee receiving an alcohol test result of greater than or equal to 0.02% breath alcohol level, but less than 0.04% breath alcohol level, shall be immediately removed from safety-sensitive duties for 24 hours. Any test result equal to or greater than 0.04% breath alcohol level shall be considered a positive test and cause the employee to be removed from safety-sensitive functions and subject to the disciplinary provisions of Section VII.



- B. **Drug Testing.** Drug testing shall be conducted by urine sample that shall be analyzed at a federally approved testing facility. Any test result confirming the presence of illegal drugs shall be considered a positive test and cause the employee to be removed from safety-sensitive functions and subject to the disciplinary provisions of Section VII. Any employee testing positive for illegal drugs may request that the split sample of the same specimen be retested, at the employee's expense. Employees must speak with the Medical Review Officer about such a request.
  
- C. **Test Transportation.** By its own authority, the Township will provide or arrange transportation to and/or from the testing site, job site or the Township's offices, as appropriate, under the following circumstances:
  - ii. All probable cause tests.
  
  - iii. All alcohol tests with results of greater than or equal to 0.02% breath alcohol level; or,
  
  - iv. If the Township has reason to believe that the employee has engaged in prohibited conduct regardless of whether the employee would be required to submit to a probable cause test.

## VII. POSITIVE TESTS & RETURN-TO-CDL DUTY

The consequence for any employee who has engaged in prohibited conduct is identified below:

An employee who tests positive for a drug and/or alcohol test must immediately be removed from safety-sensitive functions. This employee will be allowed to return-to-duty if this is the employee's first positive test and the employee, prior to returning to CDL duty:

1. Consults with a drug and alcohol abuse professional at the employee's expense within 1 week of notification of a positive test; and
2. Completes all recommended treatment at the employee's expense; and
3. Completes all necessary drug and/or alcohol tests at the employee's expense and obtain negative results.

Any subsequent positive result to a drug and/or alcohol test by this same employee will subject that employee to immediate dismissal.

## **VIII. FOLLOW-UP TESTING**

If an employee who tests positive for a drug and/or alcohol test is offered the chance to return-to-duty, that employee (1) shall be on probation until termination of any required counseling and (2) shall be subject to and pay for any and all required counseling, the return-to-duty test, and unannounced follow-up tests as required by a Substance Abuse Professional following return to CDL duty.

Regarding follow-up testing, the employee shall, at a minimum, be subject to at least six unannounced follow-up tests in the first twelve months after the employee's negative return-to-duty test and can be kept under required counseling for up to five years. A positive result on any test administered during this probation period, including any random tests, or failure to abide by any required counseling, automatically subjects the employee to immediate dismissal.

## **IX. TEST RESULTS**

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

"Negative but Dilute" Drug Test Results: An employee who receives a "negative but dilute" test result may be subject to an immediate re-test when directed by the Program's Medical Review Officer.

## **X. CONFIDENTIALITY OF DOCUMENTS**

All files, documents, and records of the Township related to the application of this Policy to individual employees shall be deemed and kept confidential by the Township.

## **XI. RECORDKEEPING**

Records relating to the administration and results of the Township's drug and alcohol testing program for its CDL drivers will be maintained in the manner provided in the regulations.

All drug and alcohol tests will be conducted by licensed facilities and analyzed by a Medical Review Officer (MRO). The PSATS CDL Program's MRO is a licensed Doctor of Medicine with knowledge of drug and alcohol abuse disorders and is employed by this consortium which

the Township has joined to conduct alcohol and drug testing in accordance with the federal regulations. The MRO shall be the sole custodian of any individual's test results.

However, the Township shall retain in each employee's driver qualification file the following information for each drug or alcohol test:

1. From the "test notice form," that the employee was requested to submit to a drug and/or alcohol test by the Township.
2. From the "test results form", the date of such test; the location of such test; the identity of the person or entity performing the test; and the test result (e.g., "positive" or "negative".)

The Township will also maintain an annual calendar year summary of the records related to the administration and results of the testing program for its drivers subject to the federal regulations, which is annually provided by the PSATS CDL Program upon the Township's membership renewal.

## **XII. ACCESS TO TEST RESULTS AND FINDINGS**

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

## **XIII. EMPLOYEE ASSISTANCE PROGRAM**

The Township shall establish the following:

- A. Employees who test positive for drugs or alcohol shall be personally responsible for obtaining and paying for a Substance Abuse Professional for consultation and treatment. Employees needing a Substance Abuse Professional can contact American Substance Abuse Professionals, Inc. at (888) 792-2727 to arrange for the necessary counseling with an approved Substance Abuse Professional available in the area.
- B. Owing to the negative effects of drug use and alcohol misuse on an individual's health, work, and personal life, the Township encourages its employees wanting additional educational and training material on drug and alcohol problems to contact the Bucks County Human Services Department regarding any services provided.
- C. Further, any covered employee exhibiting an indication of a drug or alcohol problem will be asked to seek counseling as a condition of continued employment. Any covered employee exhibiting an indication of prohibited conduct shall be investigated to determine if a probable cause test is warranted.



- D. An annual one-hour training and educational program for covered employees that shall include a review of this personnel policy and other pertinent matters.
- E. Training in drug and alcohol detection and related matters for all supervisory personnel of the Township's CDL employees. This training may be satisfied by attendance at a PSATS CDL Program probable cause workshop.

#### **XIV. CDL INFORMATION CONTACT**

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

James Wheeler, Manager  
PSATS CDL Program  
4855 Woodland Drive  
Enola, PA, 17025  
(E): cdl@psats.org  
(P): 717-763-0930, x 128  
(I): cdl.psats.org

#### **XV. MISCELLANEOUS**

- A. This Policy shall be implemented with the constitutional and legal rights of the employees subjected to it.
- B. This Policy shall not be deemed to be a covenant of employment or other form of covenant or contract between the Township and any employee.
- C. Any CBA entered into by the Township subsequent to the adoption of this Policy shall conform to the provisions of this Policy.
- D. Any agreement for the sharing, leasing, lending, or other transfer of CDL employees between the Township and any other municipality or private enterprise shall address in writing the status of said employees as to whether they are employees of the receiving entity during the period of the transfer.
- E. Any contract for services involving CDL employees shall expressly state whether the contracting party is an independent contractor or employee of the Township. Any contractor must regularly, during the life of any contract, provide the Township with the appropriate documents showing their continued compliance with the federal CDL act and regulations.
- F. The definition of terms shall be as contained in the relevant federal and state regulations.
- G. A copy of this Policy shall be delivered to every employee and applicant for employment who is subject to it and to all supervisory personnel. All

employees shall sign an acknowledgment of receipt of the Policy which shall be permanently retained in the employee's personnel file.

- H. A copy of the controlling law and federal regulations shall be maintained at the Township offices and shall be accessible to employees, upon request.
- I. This Policy will be limited by any applicable federal or state law or municipal ordinance, and by any applicable CBAs. Any portion of this Policy which directly conflicts with such a law, ordinance, or agreement will not be implemented in that jurisdiction or bargaining unit but shall be severable and shall not affect the validity and enforcement of the remainder of the Policy.

Employees agree to waive any liability against the Township arising out of the Township's administration of this Policy and its administration of the program established pursuant to the federal law or regulations regarding the Township's responsibility for CDL drivers.

### Solicitation

Persons not employed by the Township may not at any time solicit or distribute literature or other printed materials on Township property for any purpose. Employees may not solicit during working time or distribute literature or other printed materials during working time or in working areas.

"Working time" is the time employees are engaged in performing their work tasks for the Township. It includes the working time of both the employee doing the soliciting or distributing and the employee being solicited or to whom literature is distributed. "Working time" does not include the time when employees are properly not performing their work duties, for example, scheduled lunch time. If you have any questions as to the meaning of "working time" or "working areas", please refer to the Township Manager.

### Weapons

Covered in Workplace violence.

### Social Media

#### I. Purpose

A. The Township recognizes that social media can enhance communication, collaboration, and productivity and foster community outreach, citizen engagement and public education and participation.

B. The Township recognizes that the world of electronic communication is expanding rapidly. This policy is intended to address social media in general, rather than singular form of

social media or networking, as advances in technology are constantly emerging. The use of the term social media therefore should be understood to mean a variety of things, including all means on communicating and posting information or content on the Internet.

C. Examples of social media platforms to which this policy applies includes but are not limited to: Personal blogs and websites; Forums or message boards; Facebook and Facebook Messenger; Myspace; YouTube; Twitter; Flickr; Snapchat; LinkedIn; Digg; Instagram and VSCO.

D. Social media also plays a significant role in the personal lives of Township employees. However, it must be formally and universally recognized that the personal use of social media has the potential to impact the Township, as well as employees serving in their official capacity. As such, this policy provides information of a precautionary nature as well as restrictions on the use of social media by Township employees.

E. Township employees are professionals and represent the Township in all aspects of their lives and should conduct themselves publicly in accordance with the responsibilities of public service. Employees must maintain public confidence, not only in their professional capacity, but also in their online activities. Moreover, as employees are necessarily held to a higher standard than general members of the public, the online activities of the Township employees shall reflect such professional expectations and standards.

F. Nothing contained in this policy shall be interpreted, construed or applied in any manner that would interfere with or restrain any employee's right to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or any other activity protected by law.

**Reminder: Employees have no expectation of privacy in their designated storage areas, as the entire computer and communications network is the property of the Township. The Township reserves the right to access, inspect, print, copy, examine, read, etc., any file or portion of its computer network.**

## **II. At-Work Use of Social Media**

A. All electronic messages sent using social media on *behalf of the Township*, require prior authorization by the Township Manager or designee. The posting of any videos or photographs must be done in accordance with Township security policies and with specific authorization to post the video or photograph.

B. Disclosing confidential or privileged information on social media is prohibited. If you are unsure whether information is confidential or privileged, please speak with your supervisor.

## **III. Personal Use of Social Media**

The Township recognizes that personal social media use that occurs outside of working hours and off Township premises are largely unrelated to the Township; however, certain types of



communication by virtue of its subject matter may relate enough to the Township to result in review and discipline.

1. Use of personal social media during working hours or while on Township business is prohibited, whether or not such use is through a personal electronic device or Township computers, cell phones, or other technology resource. Employees may use their own electronic devices during unpaid breaks. Social Media sites may be blocked on work computers for employees who are not utilizing the sites as authorized on behalf of the Township. All postings must follow Township policies including the anti-discrimination and anti-harassment policies. Do not post any information that includes discriminatory, harassing, or threatening remarks or images, information that could create a danger of disruption in the work environment, knowingly or recklessly false or defamatory statements about a person or organization, or similar inappropriate or unlawful conduct.
2. No employee authorized to use the Township Seal, letterhead, or any representation logo in connection with social media use unless approved by the Township Manager or designee.
3. Employees are encouraged to maintain a clear distinction between their personal social media use and their professional lives. Where an employee identifies themselves as a Township employee, their online opinions may be interpreted as the opinions of the Township. Employees may not act in any manner that creates a false impression that they are communicating on behalf of or as a representative of the Township. Generally, to avoid misleading statements, employees are encouraged to include a disclaimer, such as: "The views expressed on this site are my own and do not reflect the views of my employer." Employees may not make any statements, speeches, appearances, and endorsements on behalf of the Township; or publish materials that could reasonably be considered to represent the views or positions of the Township.
4. Employees shall not use their official Township email address for any reason not related to Township business. Including non-work-related business, personal use, or for creating or using a social media account.
5. Township employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

#### **IV. Reporting Violations:**

Employees who become aware of or have knowledge of a posting or of any website or webpage in violation of the provision of this policy or any Township Policy, including the anti-harassment or anti-discrimination policies, should notify their supervisor or Township Manager in accordance with Township Policies.

Employees are prohibited from retaliation against any individual for reporting a possible deviation from this policy or for cooperating in an investigation.

#### **V. Consequences of Misuse:**

Violations of this policy can result in disciplinary action, up to and including termination of employment.

#### Public Contact

Each Lower Makefield Township employee represents the Township to the public and shares the responsibility for building good public relations. By performing efficiently and accurately in his/her daily work, the employee contributes to the Township's success.

The nature of employment with this Township may require constant contact with the public. All employees will deal with the public in a polite, courteous, patient and professional manner at all times.

#### Leaving Township Employment

Separation of employment from the Township can happen in several different ways. The employee can leave voluntarily upon attaining the age of retirement, or beforehand for personal or professional reasons. The Township can decide to involuntarily terminate an employee for performance reasons, budgetary reasons, or for other reasons as long as the motivating factors are not in violation of any applicable CBA or employment agreement which is currently in place. The below outlines general guidelines for separating employment with the Township.

Before retirement takes place, Township Management will work with the employee to ensure employees departing in this manner will have all resources and benefits allocated to them set up in accordance with current policies.

Employees seeking to voluntarily leave the Township before the age of retirement for personal or professional reasons are requested to provide two-week notice to management. Township management will work with the employee to ensure that these individuals are aware of the benefits they will be entitled to, such as COBRA and any accumulated leave pay-outs due, and every effort to part on good terms will be made.

In some instances, employees may be involuntarily terminated due to inadequate performance, budgetary issues, or other reasons. These individuals will also be made aware of their due benefits in accordance with applicable employment laws and policies in place for the Township. Management will ensure these individuals are aware of the circumstances in which they are being removed from their employment, what benefits they will be due, and what, if any, forms they will be eligible to complete for unemployment purposes, if applicable.

Any questions regarding separation of employment with the Township should be directed to the Township Manager for further clarification.

## Return of Property

All Township property must be returned prior to resignation and upon termination of employment. Items to be returned will include (if applicable) but not limited to:

- Cell Phones
- Laptops
- Township keys
- Vehicles
- Equipment
- Uniforms
- Tools
- Documents
- Books, Manuals



## EMPLOYEE ACKNOWLEDGEMENT FORM

The Employee Handbook describes important information about Lower Makefield Township (the Township). I understand that I should consult the Township Manager if I have any questions that are not answered in the Handbook.

I became an employee at the Township voluntarily. I understand and acknowledge that there is no specified length to my employment at the Township. I understand that my employment with the Township is at-will (unless an applicable collective bargaining agreement or employment agreement states otherwise).

I understand and acknowledge that there may be changes to the information, policies, and benefits in the Handbook. I understand that the Township may add new policies to the Handbook as well as replace, change, or remove existing policies. I understand that I will be told about any Handbook changes, and I understand that Handbook changes can only be authorized by the Board of Supervisors of Lower Makefield Township.

I understand and acknowledge that this Handbook is not a contract of employment or a legal document. I have received the Handbook and I understand that it is my responsibility to read and follow the policies contained in this Handbook and any changes made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

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