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## **ARTICLE 1 INTRODUCTION**

The Board of Trustees welcomes you to Delhi Township. The township has all the powers and benefits of limited self-government that may now or hereafter be lawfully possessed or exercised, including those regarding personnel matters under the constitutions and the laws of the State of Ohio and the United States of America. All powers shall be exercised in the manner prescribed in this resolution (or other resolutions passed by the Board of Trustees) which shall be known and referred to as the Delhi Township "Summary of Policies." This resolution repeals and/or amends any previous resolutions and/or any written or unwritten personnel practices or policies affected by it, except as expressly set forth in any applicable collective bargaining agreement.

Nothing contained in these rules shall prohibit the creation of department work rules, standing orders, general orders, or other instructions either oral or written. However, when in conflict, the more definite shall apply. To the extent that contractual obligations exist, this Summary of Policies shall provide details where said documents are silent, but shall not supersede negotiated contract obligations or legal requirements relating to personnel rules and practices. Contract obligations will apply to the appropriate bargaining unit only.

All full time, part time and seasonal employees of Delhi Township shall be supplied a copy of this Summary of Policies. Any amendment to these policies shall be made available to the employees in writing or through means deemed appropriate by the Board of Trustees. It shall be the obligation of each employee to read and become familiar with these rules.

This Summary of Policies is not intended to create, and does not create, a contract of employment, either expressed or implied, between Delhi Township and any of its employees for employment, hours of work, or the providing of benefits. Delhi Township employees, except as otherwise set forth in any applicable collective bargaining agreements or applicable provisions of the Ohio Revised Code, serve at the pleasure of the Board of Trustees.

Formal documents, such as plans, procedures, policy statement, and insurance policies, set forth the eligibility, participation, coverage, benefits, limitations, exclusions, and other requirements and provisions which govern these plans, procedures, and policies. You must refer to these formal documents to locate the actual provisions that govern each plan, procedure, and policy.

Delhi Township may implement new or different plans, procedures, and policies should it choose to do so at any time. Additionally, the township may modify, revoke, suspend, terminate, or change any or all of its plans, procedures, and policies, including without limitation those in this Summary of Policies and in the formal documents, in whole or in part, at any time, and with or without prior notice to employees. The Township Administrator or his/her designee shall administer and enforce these policies and shall address any matter allegedly not covered herein. Delhi Township's interpretation of any of its plans, procedures, and policies, including without limitation those in this Summary of Policies and in the formal documents, is final and binding. Furthermore, if any part of this Summary of Policies is declared invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Summary.

## ARTICLE 2 ETHICAL CONDUCT/PUBLIC RECORDS/CONFIDENTIALITY

### A. Ethical Conduct

*Approved: 01/29/2014*

It is the policy of Delhi Township to carry out its mission in accordance with the strictest ethical guidelines and to ensure that Township employees conduct themselves in a manner that fosters public confidence in the integrity of the Township. Township officials and employees must, at all times, abide by protections to the public embodied in the Ohio Ethics Law, a copy of which can be accessed from The Ethics Commission's website at [www.ethics.ohio.gov](http://www.ethics.ohio.gov). Any questions can be directed to their office at (614)466-7090.

A general summary of the restraints upon the conduct of all officials and employees includes, but is not limited to, those listed below. No official or employee shall:

- Hire or use their position to secure employment for their family members; recommend or nominate their family members for public jobs with their own, or any other, public agencies or give to their family members, or use their positions to secure for their family members, raises, promotions, job advancements, overtime pay or assignments, favorable performance evaluations, or any other things of value related to their employment.
- Solicit or accept anything of value from anyone doing business with Delhi Township;
- Solicit or accept employment from anyone doing business with Delhi Township, unless the official or employee completely withdraws from Delhi Township activity regarding the party offering employment, and the Township approves the withdrawal;
- Use his or her public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship.
- Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission or other body of the Township;
- Hold or benefit from a contract with, authorized by, or approved by, the Township;
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of a Township contract (including employment or personal services) in which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;
- Use or disclose confidential information protected by law, unless appropriately authorized; or
- Use, or authorize the use of, his or her title, the name Delhi Township, or Delhi Township's logo in a manner that suggests impropriety, favoritism, or bias by Delhi Township or the official or employee;

"Anything of value" includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. "Value" means worth greater than de minimis or nominal. "Anyone doing business with Delhi Township" includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before Delhi Township.

Failure of any Delhi Township official or employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes, will result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law. Please read and consult the full text of the current law for further information.

## **B. Public Record Policy**

*Approved: 01/29/2014*

### **Open Records Mission Statement:**

Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is our mission and intent to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

### **Resolution on Statement of Principles**

In order to accomplish the mission of fully complying with both the letter and spirit of the Public Records Act, Delhi Township does hereby adopt the following Statement of Principles.

### **Statement of Principals:**

Delhi Township:

Will ensure that all required personnel become and remain fully trained in and aware of the provisions of the Act;

Will encourage employees to immediately report incidents of non-compliance with the Act that they may observe;

Will do nothing that abridges the public's right to obtain information about their government or that inhibits or discourages citizens from doing so;

Will do everything possible to aid those who are seeking information, including but not limited to, fully explaining the scope and operation of the Act and assisting citizens in the formulation of requests;

Will construe the provisions of the Act in a manner that favors compliance with requests for information;

Will seek guidance from its counsel and/or the Office of the Ohio Attorney General whenever a question arises about the application of the Act or about the appropriateness of a request for information;

Will clearly and concisely state the reason or reasons why a request for information has been denied.

**Introduction:** It is the policy of Delhi Township that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Delhi Township to adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

**Section 1. Public records** - This office, in accordance with the Ohio Revised Code, defines records as any record kept by Delhi Township including the following: any document, device or item, regardless of physical form or characteristic, including an electronic record— that is created, received by, or comes under the jurisdiction of Delhi Township that documents the organization, functions,

policies, decisions, procedures, operations, or other activities of the office. All records of Delhi Township are public unless they are specifically exempt from disclosure under the Ohio Revised Code or applicable privilege.

**Section 1.1** - It is the policy of Delhi Township that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

**Section 1.2** - The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

**Section 2. Record requests** - Each request for public records should be evaluated for a response using the following guidelines:

**Section 2.1** - Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requestor of the manner in which the office keeps its public records. In processing the request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the office may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

**Section 2.2** - The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record.

**Section 2.3** - Public records responsive to the request must be promptly prepared and made available for inspection at all reasonable times during regular business hours, with the exception of published holidays. In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account various factors, including without limitation the volume of records requested; other pending records request being processed; the proximity of the location where the records are stored; the necessity for any legal review or consultation with knowledgeable parties concerning the records requested; the identification of the records responsive to the request; clarification of the request; redaction of exempt records or information; providing explanation and legal authority for all redactions and/or denials; assemble records for inspection or make copies per requestor's choice of medium.

**Section 2.4** – Based on a preliminary assessment of relevant factors, each request will be evaluated for an estimated length of time required to respond to the request. All requests for public records will be acknowledged in writing by mail or email (if provided by the requestor) and the requestor advised of the following:

**Section 2.4a** – An estimate of the minimum number of business days it will take to satisfy the request.

**Section 2.4b** – An estimated cost if copies are requested.

**Section 2.4c** – Any items within the request that may be exempt from disclosure.

**Section 2.4d** – Other matters relevant to the request, including any necessary clarification from the requestor.

**Section 2.5** - If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office. Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

**Section 3. Costs for Public Records** - Those seeking public records will be charged only the actual cost of making copies not labor.

**Section 3.1** - The charge for paper copies is 5 cents per page.

**Section 3.2** - The charge for electronic files downloaded to a compact disc is \$1.00.

**Section 3.3** - There is no charge for documents e-mailed.

**Section 3.4** - Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

**Section 3.5** - A requester may be required to pay in advance for costs involved in providing the copy.

**Section 4. - Electronic Records** – Records in electronic format are to be treated in the same fashion as records in other formats.

**Section 4.1** –Public record content transmitted to or from private accounts or personal devices is subject to disclosure, and all employees or representatives of this office are instructed to retain their electronic records that relate to public business and to copy them to their business accounts and/or to the office’s records custodian.

**Section 4.2** – The records custodian is to treat public record content in electronic records from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

**Section 5** - Delhi Township records are subject to records retention schedules. The office's current schedules are available at the Township Administration Building, 934 Neeb Road, Cincinnati, Oh 45233, a location readily available to the public as required by §149.43(B)(2), Ohio Revised Code.

## **C. Employee Records Confidentiality Policy**

*Approved: 01/29/2014*

Delhi Township is committed to safeguarding personal employee information in its possession to ensure the confidentiality of the information. Personal information collected by the Township includes, but is not limited to, employee names, addresses, telephone numbers, e-mail addresses, emergency contact information, social security numbers, date of birth, and benefits plan enrollment and beneficiary information, which may include dependent personal information.

Personal employee information is considered confidential and as such will be shared only as required and with those who have a need to have access to such information. Participants in Township benefit plans should be aware that personal information will be shared with plan providers as required for their claims handling or record keeping needs. All e-mail transmissions that may contain personal employee information include a disclaimer notice and all personal employee information contained in computer programs is safeguarded by limited accessibility controlled by individual user permissions. All hard copy records must be maintained in locked, secure areas with access limited to those who have a need for such access. Once the retention schedule for such data has expired, documents will be shredded on site and a Certificate of Destruction obtained.

If an employee becomes aware of a material breach in maintaining the confidentiality of any personal information, the employee should immediately report the incident to the Human Resource department. The Human Resource department has the responsibility to investigate the incident and take corrective action. A standard of reasonableness will apply in these circumstances.

Employees are reminded that all records of Delhi Township are considered public and that only information that is specifically exempt from disclosure under state or federal law will be redacted when filling public record requests.

## **D. Political Activity Policy**

*Approved: 01/29/2014*

Delhi Township encourages all employees to participate in lawful civic activity. However, public employees, by the nature of their employment, are restricted from participating in certain political activities. This policy applies to all employees, as well as to Board appointees.

Employees are prohibited from using their official authority or influence to interfere with or affect the result of an election, and from engaging in political activity while on duty and/or in the workplace, while wearing a uniform or official insignia, or while using a vehicle that is owned or leased by the Township. Employees may not use their position and/or title as a Delhi Township employee to publicly support or oppose, verbally or in writing, or campaign for or against any local, state or federal candidate. Township employees are also prohibited from supporting or opposing any tax levy, referendum, initiative or other ballot measure in their official capacity and/or while on duty. An employee may attend a public meeting in his/her official capacity to present information about the Township's finances, activities, and governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting.

Political materials including, but not limited to, flyers, posters, banners or buttons are prohibited by employees in or on Delhi Township facilities, vehicles, equipment, uniforms or any Delhi Township property.

Political solicitation cannot occur on Township time.

No employee shall knowingly conduct a direct or indirect transaction of public funds to the benefit of any of the following:

- (1) A campaign committee;
- (2) A political action committee;
- (3) A legislative campaign fund;
- (4) A political party;
- (5) A campaign fund;
- (6) A political committee;
- (7) A separate segregated fund;
- (8) A candidate.

These restrictions apply to employees regardless of the political subdivision where he or she lives and works and/or the one in which he or she wishes to engage in political activity. This means that employees should not wear their Township uniforms or use Township property while engaging in political activities within the Township or other jurisdictions.

These provisions do not otherwise prevent an employee from expressing political opinions, signing petitions, registering and voting, making voluntary contributions to political parties or causes, supporting issues or holding public office, to the extent such activity is not prohibited by law. Lawful political activities are not prohibited, but such activities must be confined to non-working hours and shall not take place on Township property, while in a Township vehicle, or while wearing Township apparel. Employees participating in such activities are not permitted to do so during any hours that they are being paid to work by the Township.

Employees of the Township shall serve all Township residents equally. The political opinions or affiliations of any resident shall in no way affect the amount or quality of service received from the Township.

## **ARTICLE 3 EMPLOYMENT**

### **A. Employment Relationship**

*Approved: 01/29/2014*

Your acceptance and/or continuation of employment with Delhi Township, including the receipt of compensation and/or applicable fringe benefits, confirms your employment relationship as defined in this section. Your employment with Delhi Township is voluntarily entered into and you are free to resign at any time and for any reason. Likewise, you serve at the pleasure of the Board of Trustees and may be removed at any time and for any reason that is not contrary to law.

The only Delhi Township entity that has the authority to create an agreement binding on Delhi Township which differs from the above is the Board of Trustees. Any such agreement must be in writing and signed by both the employee and the Board of Trustees. Therefore, an employee shall not, and Delhi Township does not expect an employee to, take any action or refrain from taking any action based upon any other Delhi Township official's (i.e. supervisor, manager) promise, statement (oral or written), custom or act.

By accepting employment, or by continuing in Delhi Township's employment, including the receipt of compensation and applicable fringe benefits provided by Delhi Township, after receipt of a copy of this Summary of Policies, you recognize that you are employed by Delhi Township as defined in the "Employment Relationship" section of this handbook.

### **B. Coverage**

*Approved: 01/29/2014*

This Summary of Policies covers all Delhi Township employees, including both salaried and hourly. However, Delhi Township employees represented by a bargaining unit are governed by the collective bargaining agreement negotiated between their bargaining unit representative and Delhi Township. Solely for those bargaining unit employees, the collective bargaining agreement shall take precedence over any Summary provisions which expressly conflict with any applicable collective bargaining agreement provision.

### **C. Introductory Period**

*Approved: 01/29/2014*

New employees are subject to an initial introductory period of up to one hundred and eighty (180) calendar days. During this period, new employees will be eligible for, and/or shall be granted, benefits depending upon their classification as either a full-time or part-time employee. The designation of this time frame, however, does not constitute an obligation on Delhi Township's part to retain the introductory employee until the end of this specified period.

During the introductory period the new employee will have the opportunity to demonstrate ability, interest and skill in his/her position. The employee's work performance, in turn, will be reviewed by his/her immediate supervisor. Introductory employees may not utilize the grievance procedure as outlined in Article 10 of this Summary.

Nothing associated with an employee's introductory or non-introductory classification in any way affects the fact that township employees serve at the pleasure of the Board of Trustees and may be removed at any time and for any or no reason which is not contrary to law.

Eligibility for full-time benefits shall be determined by the first date on which an employee reports for full-time duty.

## **D. Employment Status**

*Approved: 01/29/2014*

### **1) Exempt/Non-Exempt**

Employees are classified as "exempt" or "non-exempt" pursuant to state and federal law. "Exempt" employees are those who hold executive, administrative, professional, computer, outside sales or highly compensated positions and meet the requirements of the duties and salary tests under the Fair Labor Standards Act (FLSA). These employees are paid on a salaried basis, meaning that they regularly receive the same amount on payday, regardless of the number of hours they've worked during the pay period. Exempt employees are not eligible for compensatory time or overtime.

"Non-exempt" employees are paid at least the minimum wage for all hours worked, as well as one-and-one-half times their regular rate of pay for all hours worked over forty in one workweek. Non-exempt employees are entitled to compensatory time and overtime pay, where applicable.

### **2) Full Time**

Full-time employees are those designated by the township as "full-time" and who are regularly scheduled by Delhi Township to provide full-time services during a work week. They are eligible to participate in the employee benefits program as herein outlined.

### **3) Part Time**

Part-time employees are regularly scheduled by Delhi Township to provide less than full-time services (as defined by the Township Administrator) during a work week. There may be times or even periods of time when Delhi Township schedules a part-time employee to work full-time hours during a work week. This does not change an employee's part-time status. An employee keeps his/her part-time designation until Delhi Township specifically notifies the employee in writing that it has changed his/her designation. If a part-time employee becomes a full-time employee, the employee's eligibility for benefits will be based on the employee's starting date as a full-time employee. Part-time employees, except as outlined in this Summary, are ineligible to participate in the township's employee benefit program.

### **4) Temporary/Seasonal**

Temporary employees, including seasonal and summer help, are employed on a limited and "as needed" basis. For example, they may be employed to supplement Delhi Township's work force or to replace an employee who is on a leave of absence or vacation. They may be hired to work any number of hours on different days or shifts and will be paid on an hourly basis. A temporary employee, moreover, keeps his/her temporary designation until Delhi Township specifically notifies the employee, in writing, that Delhi Township has

changed his/her designation. If a temporary employee becomes a full time employee, his/her eligibility for benefits will be based on his/her starting date as a full time employee. Temporary employees are not eligible to participate in Delhi Township's employee benefit program.

## **E. Orientation**

*Approved: 01/29/2014*

Each Delhi Township employee will receive an orientation through the cooperative efforts of the Human Resource Director and the employee's immediate supervisor. During this orientation process, a new employee will receive general information regarding Delhi Township and his/her position, a copy of the Summary of Policies, and applicable benefits information. Participation is mandatory.

Orientation of other Delhi Township functional areas may be arranged at the option of, and will be scheduled by, the employee's immediate supervisor.

## **F. Employee Identification Cards**

*Approved: 01/29/2014*

Employee identification cards will be issued to all employees. The card must be in the employee's possession at all times while he/she is on duty as it provides a ready source of official identification. Lost or stolen cards must be immediately reported to the employee's supervisor.

## **G. Position Descriptions**

*Approved: 01/29/2014*

Employees will receive a copy of their respective position description as a part of the orientation process, or any time their position is modified and updated. Position descriptions contain the following information: the position summary, type, classification, relationships, location, physical requirements, essential duties and responsibilities, and minimum qualifications, as well as any special requirements necessary to perform the duties of the position. The description also stipulates the position's official title and identifies the department under which it is classified. A complete compilation of the township's position descriptions can be found under the Human Resource section of SharePoint, or may be obtained by contacting the Human Resource Director.

## **H. Employment of Relatives**

*Approved: 01/29/2014*

Except as prohibited or limited by applicable law, including Ohio Ethics law, members of the same family are eligible for employment with Delhi Township; however it is the policy of the Township not to hire, transfer or promote immediate family members in a supervisor-subordinate relationship within the same department, regardless of the working relationship.

## **I. Equal Opportunity Employer/Americans with Disabilities Act**

*Approved: 01/29/2014*

It is Delhi Township's policy to provide equal employment opportunities to all qualified persons, in accordance with the letter and spirit of federal, state and local laws and regulations prohibiting discrimination based on race, color, religion, national origin, citizenship, sex, age and disability, both in the employment and supervision of township employees. This policy shall apply to all phases of the employment relationship including the hire, promotion, transfer, discipline, layoff, termination, compensation and recruitment of personnel.

## **J. Open Communications**

*Approved: 01/29/2014*

Delhi Township promotes free and open communication between employees and management. Employees are encouraged to ask questions and make comments and suggestions to management personnel individually or in meetings - including ideas that may improve safety, reduce costs and/or provide better service quality.

## **K. Supplemental Employment**

*Approved: 01/29/2014*

Any full-time employee of Delhi Township wishing to seek supplemental employment is required to consult his/her department head before accepting such a position. The department head is to be informed of all aspects of the additional employment so that a determination can be made that no conflict of interest (actual or perceived) exists. Supplemental employment shall not interfere with the employee's attendance or job performance at Delhi Township. An employee will not be eligible for sick leave compensation from Delhi Township if it is determined that they are employed and/or being compensated by another employer during the same timeframe that they have requested sick leave from Delhi Township.

## **L. Personnel Records and Change in Status**

*Approved: 01/29/2014*

Each new employee is required to accurately complete personnel and benefit documents as a part of his/her orientation. The referenced information includes, but is not limited to the employee's name, address, telephone number; names and addresses of spouse and/or dependents; beneficiaries under fringe benefit plans; number of tax exemptions; and citizenship or immigration status. It is the employee's responsibility to immediately notify the Human Resource Department of any change in address, marital status, number of dependents, etc. during the course of their employment.

Employees are also required to immediately notify their department head and the Human Resource Department in the event that they are convicted of a felony, including adjudications of guilt and pleas of no contest, as well as any motor vehicle citations they may receive (other than parking tickets).

## **M. Requests for Personnel Information**

*Approved: 01/29/2014*

All requests from sources outside Delhi Township for personnel information concerning applicants for employment, current employees, and former employees shall be directed to the Human Resource Director.

## **N. Performance Evaluations**

*Approved: 01/29/2014*

It is the policy of Delhi Township that each employee (with the exception of seasonal and temporary employees) will receive a written appraisal of job performance at least once each year. Employee performance appraisals provide a basis for identifying strengths and weaknesses of job performance, establishing recommendations and goals for improved performance, and for making sound decisions regarding employees' assignments, training, and personnel actions.

## **O. Reimbursement for Business Expenses Incurred**

*Approved: 01/29/2014*

Ordinary and necessary business expenses incurred by employees when traveling on Delhi Township business will be reimbursed by the township provided the expenses are authorized by the appropriate Department Head and approved in writing by the Board of Trustees or its designee **in advance** of any such travel. A Travel and Training Request Form posted on SharePoint is to be used for such documentation.

Whenever feasible, employees will use a township vehicle for transportation when traveling on township business or training. If a personal vehicle must be used, and with prior written authorization, mileage will be reimbursed at the current rate set by the State of Ohio's Office of Budget and Management. This rate will be updated on a quarterly basis and posted on SharePoint for easy reference.

Within 30 days of the completion of the trip or training, the employee must submit supporting documentation to obtain reimbursement of expenses.

Employees will not be reimbursed for mileage commuting from their residence to any township office nor from any township office to their residence.

## **P. Employee Bulletins**

*Approved: 01/29/2014*

Employees are responsible for regularly reviewing information posted within SharePoint on the intranet as well as postings on Delhi Township bulletin boards. Personal notices may only be posted with management approval.

## **Q. Personal and Township Property**

*Approved: 01/29/2014*

Delhi Township is not responsible, and does not provide insurance coverage, for the personal property of employees when on Delhi Township premises. Additionally, Delhi Township may, upon reasonable suspicion, inspect any items brought into, on, or taken from township premises.

Written permission from an employee's department head must be obtained prior to removal of any township property from the premises. A copy of the documentation granting or denying permission shall be forwarded to the Township Administrator so that an official record of the request may be recorded and retained. Property that an employee customarily takes off site as a part of his/her job is excluded from this policy.

## **R. Motor Vehicle Use**

*Approved: 01/29/2014*

Except for safety service employees as their use requires them to be on call and ready to respond, township vehicles are to be used only during working hours and solely for work-related purposes. Employees who are authorized by the Township to commute in township-provided vehicles are permitted only to make infrequent stops for personal errands on the way between business and home.

Applicants for employment who will be required to drive Township vehicles must consent to a review of their driving records for insurance purposes. Thereafter, all employees will have their driving records reviewed annually. Employees must inform their department head immediately should they accumulate six or more points on their motor vehicle record or receive a citation for:

- Driving under the influence of drugs or alcohol;
- Reckless operation of a motor vehicle;
- Driver's license suspension or revocation;
- Hit and run violation;
- Fleeing or eluding police officer;
- Expired license; or
- Driving while intoxicated or impaired.

All traffic laws, including the wearing of seatbelts, must be obeyed. Employees should, whenever possible, refrain from using hand-held cellular telephones while driving. Employees are encouraged to use "hands free" devices or to pull over in a lawfully designated area to park the vehicle and continue to make or take any cellular telephone call.

Should the township be notified that an employee's motor vehicle record is unacceptable and therefore the employee is not insurable through the township's insurance carrier, the employee shall not be permitted to drive any township owned or leased vehicle until their motor vehicle record is within the acceptable guidelines of the township's insurance carrier. During this time, the employee may be subject to reassignment within the same department, permitted to request an unpaid leave of absence not to exceed six months or may be subject to dismissal if the department's needs cannot be met.

Any traffic citation issued, parking or moving, shall be the responsibility of the driver.

Employees involved in an accident while operating a township vehicle, shall:

- if necessary, call 911 immediately;
- leave the vehicle in the exact position which it came to rest after the accident, unless instructed to move it by a law enforcement official or for public safety reasons;
- request that all involved parties and/or witnesses remain at the accident scene until a law enforcement representative arrives, if possible;
- remain polite and helpful at all times with no speculation as to which party is at fault or how the accident happened;
- refrain from making any statements about the accident to anyone other than the police department involved and the appropriate township representatives;
- notify your supervisor immediately;

- if the employee is injured, the accident results in a fatality, or there is property damage in excess of \$5,000, employee must submit to drug and alcohol testing; and
- submit an incident report to Township Administration within 24 hours of the accident.

## **S. Computer Usage Policy**

*Approved: 01/29/2014*

The Information Services Manager shall determine and set all policies regarding operation and use of the Township's Computer network. Use of the Township's computer network shall be governed by the following terms and conditions:

### **Passwords**

Passwords should be at least 6 characters long and contain at least three of the following four elements:

Lower case letter

Upper case letter

Number

Special character (! # \$ % ^ & +) etc.

Use of words found in a dictionary or dates are strongly discouraged since automated attacks can easily compromise these passwords. Passwords shall be constructed utilizing these standards yet should be easy to remember. Passwords should be changed at least once each calendar quarter. Do not disclose your passwords with others. Users shall be accountable for all actions or processes attributed to their password. Users shall not place passwords on desks, monitors, walls, etc. where they can easily be seen. Users shall not store them in a function key, login script, etc. If a user feels their password has been compromised, they should notify the Information Services Manager and change their password immediately.

### **Logins**

Users must log off at the end of their duty day. Users must keep their PC's powered on at all times unless specifically instructed otherwise by the Information Services Department. Users who utilize shared PC's must be considerate of other users by logging off when expected to be away from the PC for any length of time, allowing other users to utilize the equipment. Alternately, users who operate unshared PC's should log off or lock the computer when leaving it for any amount of time.

### **Hardware**

All Township hardware must be protected from natural, physical and human threats. The following must be applied:

Great care must be exercised when eating or drinking around computer equipment.

The exterior of computer equipment must be kept clean and neat. Keyboards and mice can be wiped clean with an antibacterial wipe but only when the associated PC is shutdown.

Proper ventilation of equipment shall be maintained at all times.

Surge protection/Uninterruptible Power Supplies must be installed on all PC's and Servers within the computer network.

Hardware additions or temporary connections shall be implemented by Information Services Department personnel only. Relocation of computer equipment and peripherals shall be performed by Information Services Department personnel only. The Township backbone equipment (switches, hubs, transceivers, and file servers) shall remain "powered-on" and untouched by all except the Information Service Department personnel. Misuse, theft or sabotage of any of the computer equipment will not be tolerated.

### **Software**

Only Information Services Department personnel are permitted to load/install/download software of any kind on Township computer equipment. Any unapproved/invalid software will be deleted without notification. Gaming software including personal, Township owned, and on-line gaming is

strictly prohibited on all Township owned computer equipment. Personal software, images, and files including screen savers, photographs, video, etc. is prohibited on all Township owned computer equipment. Misuse, theft or sabotage of software or data will not be tolerated.

**Violations**

Anyone violating one or more portions of this Computer Usage Policy or the Electronic Communications Policy will be subject to appropriate disciplinary action up to and including dismissal.

Anyone who observes a violation of this Computer Usage Policy or the Electronic Communications Policy may report such incident IN CONFIDENCE to either their immediate supervisor or the Manager of Information Services.

## **T. Electronic Communications Policy**

*Approved: 01/29/2014*

This statement sets forth the Delhi Township Policy with regard to the use of, access to, and disclosure of Electronic Communications. For purposes of this Policy statement, "Electronic Communications" includes, but is not limited to, any exchange of information or data via the network infrastructure, electronic mail, Internet, voicemail, audio and video conferencing, facsimiles, paging systems, scanning, copying, printing, file sharing, and all data sent or received by authorized persons/contractors of Delhi Township.

This Policy is subject to revision by the Township as needed, as determined by the Township Trustees.

### **A. Authorized Persons**

1. Only individuals conducting Delhi Township business may use Electronic Communications.
2. Only individuals provided with authorization in writing by the Delhi Township Information Services Manager shall be permitted to access the Internet.
3. Only individuals provided with an authorized computer logon account shall be permitted to utilize the Township's computer system.

### **B. Permissible Uses of Electronic Communications**

1. Internet and e-mail usage is provided for conducting the business of Delhi Township and should be limited in use for other purposes, noting that all usage will be monitored and subject to firewall and policy restrictions. Discretionary usage can be revoked at any time by the Township Administrator for excessive or abusive usage.
2. Any Delhi Township business related Web page may be viewed, printed, or saved as a "favorite" or bookmark.
3. Any Delhi Township business related Adobe Acrobat .PDF document may be viewed, printed or saved.

### **C. Prohibited Uses Include but Are Not Limited to:**

1. Spoofing: misrepresenting identity or affiliation; using another person's account, log-in ID, or password.
2. Spamming: spreading unsolicited bulk messages.
3. Hacking/Cracking: unauthorized attempts to exploit the security capabilities of a computer system or network for any purpose (except by Information Services Department personnel as part of their job responsibilities).
4. Sniffing: monitoring network traffic, intercepting, disrupting or altering electronic communication packets (except by Information Services Department personnel as part of their job responsibilities).
5. Vandalism: unauthorized uploading or downloading any inappropriate materials, creating or using computer viruses and/or any attempt to harm, physically damage, or destroy equipment, materials, or the data of another user.
6. Connection and/or use of any device or removable media including but not limited to USB flash drives, jump drives, hard drives, CDs/DVDs, memory cards, PDAs, MP3 devices, laptops, printers, gaming devices, netbooks or any device to which data can be transmitted to or from without prior written permission by Information Services Department personnel.
7. Theft or copying data to unauthorized external devices.
8. Unauthorized commercial activity for personal gain.
9. Harassment: The Township's policies against sexual and other harassment apply fully to Electronic Communications, and any violation of those policies is grounds for discipline up to

and including termination. This prohibition includes transmitting pornographic material, as well as sexually connotative or profane jokes or stories.

10. Transmitting (including sending, requesting to receive, or forwarding) material that is threatening or harassing and that is based on sex, race, color, national origin, religion, sexual orientation, ancestry, age, or disability, or that is obscene, derogatory, belligerent, threatening, defamatory, intimidating, abusive, or otherwise inappropriate material that (a) is so severe, pervasive, or objectively offensive that an individual is effectively denied equal access to the Township's resources and opportunities; or (b) is reasonably expected to create a substantial disruption or interference with the work of the Township or the rights of other individuals.
11. Any illegal use of Electronic Communications.
12. Using Electronic Communications to encourage the use of drugs, alcohol or tobacco nor shall they promote unethical practices of any activity prohibited by law or Board policy.
13. Soliciting for religious causes.
14. Soliciting for political opinions, campaigns, or endorsements.
15. Transmitting patently harassing, intimidating, or abusive material to or about others.
16. Transmitting lewd, vulgar, profane, indecent or plainly offensive speech.
17. Causing congestion on the network by sending items such as "chain-letters" or "broadcasting" inappropriate messages to large groups.
18. Sending copies of documents in violation of copyright laws.
19. Transmitting or forwarding information to individuals or outside entities not authorized to receive such information.
20. Opening any kind of executable attachment; including but not limited to .vbs, .bat, .com, .msi, .rar, .zip or .exe files without prior permission from Information Services Department personnel.
21. Browsing the Web to areas unrelated to Delhi Township business including, but not limited to, sex, illegal drugs, criminal skills, hate speech, gambling, sports, entertainment, shopping, humor or job search related sites.
22. Downloading any material unrelated to Delhi Township business including, but not limited to, sex, illegal drugs, criminal skills, hate speech, gambling, sports, entertainment, shopping, humor or job search related material.
23. Listening to on-line radio for pleasure.
24. Viewing on-line movies or video unrelated to the business of Delhi Township.
25. Downloading any Township-related material other than Adobe Acrobat .PDF formatted material to the Township computer network system except by Information Services Department personnel.
26. Chat rooms or non-business related social networking groups, sites, or instant messaging.

#### **D. Electronic Mail Specific**

1. The email system, all emails, and any communication or information transmitted by, received by, or stored in the system is the property of Delhi Township. Delhi Township permits authorized individuals to use the email system in accordance with this Policy, but the Township reserves all rights pertaining to the system. Individuals have no right or expectation of personal privacy in any matter accessed, stored, created, received, or sent by use of the email system.
2. The Information Services Department is responsible for the retention, disposal and dissemination of all original email for the Township. All email sent to and received by Township employees is captured at the server before an exact copy is distributed to intended recipient(s). This captured copy is considered the original.
3. All original email will be kept on a Township server for a period of two years, and then permanently deleted by the Information Services Department. The deletion process will

take place during the first month of each year, whereby all email older than two years will be disposed permanently.

4. All email located in a user's email client software or in any archive folders is an exact copy of the original email located on the server. Users shall not use the email client software application or archive folders to store email records for retention purposes.
5. Users must not keep any email longer than two years in their email client software or archive folders.
6. Users must make sure they delete all email older than two years from all their email client folders including their archive folders.
7. If any email needs to be kept longer than two years to comply with the retention schedule of the user's department, then it is the responsibility of the user to either print a hard copy of the email or save the email in a non-email electronic format outside of the email client application and file the resulting document according to his/her department's retention schedule.

#### **E. Privacy Issues**

1. Users shall have no expectation of privacy in any Electronic Communications sent, received, or stored. Users must not consider Electronic Communications to be private or confidential. All Electronic Communications and information that is accessed, stored, created, received, or sent is the property of Delhi Township. Authorized Township personnel may view files, communications, data, or any other Electronic Communication at any time for any reason.
2. Delhi Township reserves the right to monitor all uses of its Technology, including but not limited to, electronic mail, facsimiles, voicemail, Internet activity, file/scan/copy/print activities, and all user/PC interactions.
3. All Electronic Communications shall be composed/conducted with the understanding that it is public information. Delhi Township expressly reserves the right to monitor, review, audit, intercept, access and/or disclose any communications created, received or sent using the communications systems or computer network. Communications may be disclosed internally or externally by authorized Township personnel without any further notice or permission.
4. The Township expects ethical and responsible conduct from all users in the use of Electronic Communication resources. Users shall be held strictly accountable for any unauthorized disclosure. Therefore, users must make every effort to secure all Electronic Communications for which they are responsible. Users shall not attempt to interfere with another user's ability to send or receive Electronic Communications.
5. Users shall only use the network under their assigned account.

#### **F. Important Additional Information**

1. Copyrighted materials received by Delhi Township may not be transmitted, retrieved or stored using the Township's communication system. All authorized personnel obtaining access to other copyrighted materials must respect all copyright laws and may not copy, retrieve, modify or forward copyrighted materials, except with written permission of the holder. It is permissible to make a single copy for reference only.
2. Delhi Township specifically reserves the right to remove any software or file from its computer network at any time, for any reason without prior notice. This applies to any computer device owned by Delhi Township or any computer device connected to and/or using the Delhi Township network.
3. To assist in maintaining the integrity of all electronic communication resources, authorized personnel shall not give their logon identification or passwords to other authorized or unauthorized personnel, or display logon information where others may see it or gain access to it. The user in whose name the logon identification is issued is responsible for its use at all times.

4. A user shall report any security problem or misuse of the network to his or her immediate supervisor. Accidental site hit(s) will be documented by the supervisor and copied and sent to the Director of Information Services. (An accidental site hit occurs when a user unknowingly goes to a web site which would be considered inappropriate for viewing. The user should immediately notify a supervisor.)
5. As the technology for communication and information processing evolves, Delhi Township will continue to examine and refine its electronic communication information management policies.

**G. Disciplinary Action**

All Township personnel must abide by this Policy. Individuals found in violation of the Electronic Communications Policy are subject to disciplinary action up to and including termination.

## **U. Tobacco Use/Smoking Policy**

*Approved: 01/29/2014*

Delhi Township recognizes the health hazards posed to employees and members of the public by the use of tobacco products. Therefore, employees are not permitted to smoke or use any form of tobacco products in township owned facilities and vehicles as well as within 30 feet of all Township buildings. Containers used in the consumption of smokeless tobacco products and the deposit of their waste products are also prohibited in Township buildings and vehicles.

## **V. Credit Card Policy**

*Approved: 01/29/2014*

1. This policy, and related procedures, will apply to all employees participating in the Delhi Township credit card program.
2. All credit cards are and shall remain the property of Delhi Township.
3. The credit card shall be used only in strict conformity with Delhi Township policy and procedures and within the terms and conditions of the applicable cardholder agreement.
4. The employee is responsible and accountable for all transactions they perform using the credit card.
5. The credit card is to be used for Delhi Township authorized purchases only and for which the appropriate encumbrances have been approved and cannot be used for personal items.
6. The Delhi Township Administrator shall establish a card limit for credit cards not to exceed \$750 per credit card. The Township Administrator, Director of Information Services and Assistant to the Fiscal Officer will have credit card limits set at \$2,500.00. In extenuating circumstances only, the Assistant to the Fiscal Officer, with the Township Administrator's prior knowledge, may adjust a card limit.
7. An employee who is authorized to use a credit card and who suspects the loss, theft, or possibility of unauthorized use of the credit card shall notify the Assistant to the Fiscal Officer of the suspected loss, theft, or possible unauthorized use immediately in writing. The employee may be held liable in person and upon any official bond the employee has given to the Township for up to fifty dollars in unauthorized debt incurred before the board receives such notification. Misuse of a credit card by an employee is a violation of Section 2913.21 of the Ohio Revised Co

## **W. Cellular Device Policy**

*Approved: 01/29/2014*

This policy, and related procedures, applies to all employees who are issued a Cellular Telephone, BlackBerry or similar device ("Cellular Device") by Delhi Township. The Delhi Township employee to whom a Cellular Device has been issued is responsible and accountable for all communications that occur on that Cellular Device.

Cellular Devices are intended for use as a business productivity tool in the conduct of appropriate Delhi Township related business. Personal use is to be limited.

1. Limited personal use of a Cellular Device is permitted for local calls provided it does not interfere or distract from the timely performance of assigned duties and does not result in excessive charges.
2. Personal long distance calls are prohibited
  - 2.1. An exception to this rule will be granted to an employee while out of town on a properly authorized Delhi Township related event. All charges incurred for any such personal long distance calls made under this exception must be reimbursed to Delhi Township by the employee.

All Cellular Devices and related peripherals are and shall remain the property of Delhi Township.

Delhi Township employees must adhere to all federal, state or local rules and regulations regarding the use of Cellular Devices while driving. Employees must not use Cellular Devices if such conduct is prohibited by law, regulation or other ordinance.

Employees should, whenever possible, refrain from using hand-held Cellular Devices while driving. Employees are encouraged to use "hands free" devices or to pull over in a lawfully designated area to park the vehicle and continue to make or take any Cellular Device call.

Employees shall, at all times, refrain from using a Cellular Device as a matter of convenience when a regular telephone is otherwise readily available for use at no expense to the employee.

Employees that are issued Cellular Devices understand that all email, MMS and SMS transmissions to or from such device are considered public record, subject to public record requests, and must be disposed of only pursuant to the Township's Record Retention Policy.

Any communication or information transmitted by, received by, or stored in a Cellular Device issued by Delhi Township is the property of Delhi Township. Delhi Township permits authorized individuals to use Cellular Devices issued by the Township in accordance with this Policy, but the Township reserves all rights pertaining to the devices. Individuals have no right or expectation of personal privacy in any matter accessed, stored, created, received, or sent by use of a Cellular Device issued by Delhi Township.

## **X. Inventory Control Policy**

*Approved: 01/29/2014*

This policy establishes a process for the recording, identification, and accountability of all township owned items and property having a minimum value of \$300 (other than weapons and electronic equipment) and a life expectancy of over one year. Where multiple items of the same type exist that have a total value over \$300, they are to be listed as one item (e.g. 50 padded chairs @ \$80.00 each, total value \$4,000).

One employee from each department will be assigned the responsibility for inventory accountability.

### **New Equipment:**

Before any item is purchased, an encumbrance must be entered into the township's accounting program and a purchase order approved by the Board of Trustees. Payment for all equipment/supplies will be issued through and recorded by the township's accounting system. When equipment is received, the department's inventory designee will apply an asset label to the item. Within five days of receipt of the merchandise, the following information pertaining to the item will be added to the current inventory software program:

- Complete description of the item
- Unique Asset Number from asset label
- Manufacturer's Name
- Serial or VIN Number
- Model Number
- Date Received
- Location: Department, Building, Room
- Purchase Price
- Name of person to whom the equipment has been assigned
- Life expectancy for items valued over \$10,000
- Category (vehicle, electronic, inland marine, property)

### **Changes in Status of Inventory:**

All items that are to be transferred, scrapped, traded in, etc. or that have been stolen are to be reported to the inventory designee of each department and the change or date of disposal noted in the inventory database within five days of the change. Funds received from the sale or recycling of township equipment must be immediately submitted to the Assistant to the Fiscal Officer and recorded as township revenue.

Should township inventory be damaged to the extent that it needs repair, the department head is to be immediately notified and an incident report completed within 24 hours.

Items may only be auctioned, destroyed, or scrapped with prior authorization and resolution by the Delhi Township Board of Trustees.

### **Annual Inventory Conducted by Departments:**

In June of each year, each department's inventory designee will be sent a detailed listing of equipment assigned to that department. The list must be verified and all corrections/changes recorded in the inventory database program no later than August 31st of each year.

## Y. Social Media Policy

*Approved: 01/29/2014*

It is the policy of Delhi Township that all personnel refrain from using social media internet sites at work, including but not limited to Facebook, Twitter, YouTube, and My Space, unless directly related to the individual's job responsibility. All material posted that is related to the Township, its business, or personnel should be positive and appropriate in nature.

Reading, writing, or otherwise contributing to social networking sites, blogs, chat rooms, online message boards, or online discussion groups during work hours or using any agency provided equipment or system is prohibited, unless such activity is directly job-related.

1. Township employees who personally participate in social networking web sites are prohibited from posting data, documents, photographs or any other inappropriate information relating to the Township on any web site or social networking platform (e.g., Facebook, Twitter, etc.) The Township Administrator has full discretion to determine when an inappropriate posting has occurred.
2. Employees may not use social networking media to harass, threaten, libel, defame, disparage or discriminate against co-workers or supervisors. The policies prohibiting harassment and discrimination apply to an employee's communication and activities online.
3. Employees who discuss his/her job on any social networks must prominently state that any opinions expressed about work-related matters are not those of Delhi Township or of any other person or entity affiliated with the Township.
4. Posting of any photographs or video on social networks that have been taken on the Township's premises while on duty is prohibited without prior approval from the Township Administrator.
5. Employees have no right of privacy with respect to any information sent, received, created, accessed, obtained, viewed, stored, or otherwise found at any time on the Township's systems. The hardware, software, and all communications, files, and records transmitted through and residing on those systems remain, at all times, the Township's property and may be monitored or viewed by the Township at any time without notice. Similarly, any information sent, received, created, accessed, viewed or discussed on social networking sites via the Township's computer network may be monitored or viewed by the Township at any time.

## **ARTICLE 3 HOURS OF WORK AND COMPENSATION**

### **A. Hours of Work**

*Approved: 01/29/2014*

The standard work week for employees shall be seven consecutive days beginning on the first day of the pay period, forty (40) hours per week, eight (8) hours per day, five (5) days per week. Township offices shall be open to the public Monday through Friday from 8:00 a.m. to 4:30 p.m., except legal holidays. The Board of Trustees may vary these hours according to need. The Board of Trustees may also alter the work schedule of any employee to remain in compliance with current Labor Agreements, or to improve the efficient delivery of services.

Each employee is required to be at his/her work station ready to begin work at his/her scheduled starting time and at the end of his/her break or lunch period. Each employee is to continue working until the end of his/her scheduled working time. An employee is not to work overtime, either before or after his/her regularly scheduled work hours, unless authorized to do so by his/her immediate supervisor.

### **B. Time Keeping Procedures**

*Approved: 01/29/2014*

Every employee is required to clock in at the beginning of his/her shift using the time clocks provided in each township building and must clock out at the end of his/her shift each day in order for the township to have an accurate record of the employee's hours of work. All time worked beyond regularly scheduled hours must be authorized and approved in advance by the employee's immediate supervisor. If an employee should forget to use the time clock, the immediate supervisor must be informed so that the adjustment can be accurately made to the timesheet. Only a supervisor may record or edit the time of another employee and the reason for same must be noted on the timesheet.

Salaried employees are also required to provide an accurate record of hours worked by clocking in and out each day. Timesheets are printed and distributed to employees at the end of each pay period. Employees are expected to review the timesheet, sign it and return to their supervisor as soon as possible. If the employee should disagree with anything on the timesheet, it is his/her responsibility to notify the office manager before another paycheck is issued so that any adjustment can be made as quickly as possible.

### **C. Application for Time off from Work**

*Approved: 01/29/2014*

Each employee seeking time off from work shall, as soon as is practicable, enter a request in the Time and Attendance Program stating the date of the requested leave, the number of hours requested, as well as the type of leave. This request will automatically be forwarded to the employee's immediate supervisor for approval, modification, or denial. Notification will then be sent back to the employee.

If an employee will be late for work, becomes ill or has a last minute emergency, they must inform their immediate supervisor as soon as possible that they will not be in to work so that their duties can be covered.

## **D. Overtime**

*Approved: 01/29/2014*

There may be times when Delhi Township cannot meet its operating requirements or other needs during regular working hours. If this happens, we may need to schedule you to work overtime hours. When possible, we will try to give you advance warning of a mandatory overtime assignment. It is Delhi Township policy that no overtime can be worked without the prior approval and authorization of the employee's immediate supervisor.

Hourly employees who are regularly scheduled to work forty (40) hours per week will be paid at the rate of one and one-half (1-1/2) their regular hourly rate for all actual hours worked in excess of forty (40) during a work week. Actual hours worked does not include any hours compensated by the use of sick, vacation, holiday, IOD, EDO, personal or compensatory leave. The work week consists of seven consecutive days and begins each Wednesday at 12:01 a.m. All work outside of an hourly employee's regular schedule must be scheduled and/or approved in advance by his/her immediate supervisor. Scheduled overtime, which subsequently is canceled for any reason, shall not entitle an employee to overtime compensation. Salaried exempt employees are not eligible for or entitled to overtime compensation.

Eligible non-FLSA exempt employees may also elect to take all or any part of their earned overtime hours in the form of compensatory time in lieu of overtime pay. Compensatory time shall be calculated at the rate of one and one-half (1-1/2) hours for each one (1) hour of time actually worked beyond forty (40) hours in a work week. Compensatory time may be accumulated by an eligible employee only to a maximum of forty (40) hours at any given time. In the event an employee accumulates forty (40) hours of compensatory time, then all additional overtime hours must be compensated as overtime pay until such time that the compensatory accumulation falls below forty (40) hours. All accumulated compensatory time must be used by December 1st of each year. Any unused compensatory time remaining in an employee's comp bank shall be paid to the employee in conjunction with the final paycheck of the calendar year.

When an employee desires to utilize compensatory time that has been accumulated, the employee must receive advance approval from their immediate supervisor. The employee's immediate supervisor generally will authorize the use of the requested compensatory time unless the granting of the request would be unduly disruptive to the department's operations.

## **E. Lunch Hours and Breaks**

*Approved: 01/29/2014*

Employees working an eight (8) hour shift are expected to take one (1) thirty (30) minute, unpaid lunch period and two (2) fifteen (15) minute paid breaks each work day. Scheduling of the employee's lunch period and breaks shall be at the discretion of the department head. An employee working other than an eight (8) hour shift should consult their department head regarding any applicable lunch period and/or paid breaks.

In accordance with the Fair Labor Standards Act, any employee wishing to express breast milk for their nursing child will be permitted to do so during any authorized break. Each department will make reasonable efforts to accommodate employees with the use of a private room, other than a restroom. The location must be shielded from view and free from intrusion from co-workers and the public. Properly labeled expressed milk may be stored in any township refrigerator but must be removed at the end of the employee's shift.

## **F. Call In Pay**

*Approved: 01/29/2014*

Any time an employee is notified by his supervisor or department head that he/she must report to work outside of his/her normal work hours with less than two hours of advance notice and causing the weekly worked hours to exceed 40, the employee will be paid at one and one-half times the employee's normal rate of pay for each hour worked, for a minimum of three hours. Call in pay commences when the employee arrives at the worksite.

## **G. Severe Weather**

*Approved: 01/29/2014*

Should the Hamilton County Sheriff declare a Level 3 emergency, each department head has the authority to send employees home or notify them not to report to work as he/she deems necessary. Employees will be paid their normal hourly rate for the number of hours coinciding with their normal work day. These hours will be noted on their timesheet under the pay category of "weather." Any full time employee that does report to work or remains working during a level three emergency will have an equal amount of hours added to their comp/personal bank.

## **H. Salary and Wage Payment**

*Approved: 01/29/2014*

The amount of salary or wages paid to an individual employee will be established periodically by the Delhi Township Board of Trustees. Employees are currently paid on a bi-weekly basis, with pay periods running fourteen (14) consecutive calendar days, beginning on a Wednesday and ending on a Tuesday. Wages are currently distributed to employees no later than nine days following the end of the pay period.

Effective, January 1, 2014, all wages will be paid via direct deposit to the employee's bank account. Checking accounts can be obtained at no expense to the employee for the purpose of payroll direct deposit from many local banks and savings and loans. Paystubs can be viewed or printed from the online Paycor program.

If a payday falls on a holiday, employees will be paid on the work day immediately preceding the holiday.

## **I. Longevity Pay**

*Approved: 01/29/2014*

The Board of Trustees will pay any full-time employee (not covered by a collective bargaining agreement) the rate of five dollars (\$5.00) per month for each complete calendar month of continuous full-time service with Delhi Township after the employee's initial twenty-four (24) months of continuous service. The Human Resource Director will calculate this benefit by determining the total months of service beginning on the first day of the month in which the employee was last hired as a full time employee by the Township through April 30th of each year, minus 24 months. Longevity payments will be made separately on the last pay date in June of each year. Should an employee terminate their employment between April 30th and the normal issuance of longevity checks, that employee's payment will be made along with his final paycheck.

## **J. Payroll Deductions**

*Approved: 01/29/2014*

Deductions from each employee's pay will be automatic for all amounts required by federal, state, or local law, such as the withholding of income tax, OPERS, OP&FPF, Social Security tax, or court order, such as garnishments or child support payments. In order that the proper tax deduction(s) is recorded, any change in residence should be immediately reported to the payroll officer.

Deductions from each employee's pay may be made pursuant to any of Delhi Township fringe benefit plans that require an employee contribution for participation. Deductions from an employee's pay may be made for other reasons where the employee has requested the specific deduction in writing and Delhi Township has, in its discretion, approved it. Such voluntary and authorized payroll deductions may include:

- Direct deposit to an employee's financial institution
- Dues for an employee's collective bargaining unit
- Deferred compensation plan
- "Buy back" of retirement time
- Ohio Tuition Trust Authority
- Voluntary life insurance/AFLAC insurance
- Contributions to a Health Savings Account

## **K. Garnishments/Child Support**

*Approved: 01/29/2014*

A garnishment or child support claim may be made against an employee's salary for unpaid debts. This type of claim is due to a court order that requires the Township to make a deduction from the employee's paycheck to pay a debt. Deductions will only be made or discontinued with proper notification from the applicable court.

## ARTICLE 4 BENEFITS

### A. Health Insurance

*Approved: 01/29/2014*

Each year, the Delhi Township Board of Trustees will review the possibility of offering health insurance to all eligible employees, as determined by applicable law, and elected officials. If health insurance is offered, the level of benefits and the percentage of premium paid by the employee will be the same for all eligible employees and elected officials.

Delhi Township currently has a Section 125 Pre-Tax Premium Plan, allowing employees to pay their insurance premium contribution on a pre-tax basis. All eligible employees are automatically enrolled in the plan. If you do not wish to participate, thereby paying your group sponsored insurance premiums with after-tax dollars, contact the Human Resource Director to sign the necessary waiver form before your first health insurance deduction is taken from your paycheck.

Eligible employees wishing to waive health insurance coverage must do so in writing. No adjustment in compensation will be made to those employees who waive coverage.

#### **Continuation of Benefits**

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), employees may be allowed to continue their health insurance benefits, at the employee's expense, for up to 18 months following a voluntary or involuntary termination.

To qualify for COBRA continuation coverage, an employee must have a qualifying event that causes the employee to lose group health coverage. The following are qualifying events for:

#### Employees

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in numbers of hours worked

#### Spouses

- Loss of coverage by the employee because of one of the qualifying events listed above
- Covered employee becomes eligible for Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

#### Dependent Children

- Loss of coverage because of any of the qualifying events listed for spouses
- Loss of status as a dependent child under the plan rules

Employees electing COBRA coverage will be notified as to the amount of monthly premium that must be reimbursed to the township by the first of each month. If payment is not made by the end of the covered month, coverage will be cancelled. The summary plan description or the COBRA notice may be consulted for further information.

## B. Dental Insurance

*Approved: 01/29/2014*

Delhi Township may offer dental insurance to its eligible full-time employees and elected officials.

## C. Life Insurance

*Approved: 01/29/2014*

Delhi Township currently provides life and accidental death and dismemberment insurance to its eligible full-time employees and elected officials.

The terms and conditions of these various plans including eligibility, co-payment amounts, participation, coverage, benefit levels and limitations, exclusions, and other requirements and provisions are set forth in, and governed by, the formal plan documents and insurance policies of the respective plans and by the Delhi Township Board of Trustees. Please refer to the summary plan descriptions posted on SharePoint and/or consult Administration for further information.

## D. Holidays

*Approved: 01/29/2014*

Delhi Township currently recognizes the following ten holidays each year and will compensate all full-time employees for their normal working hours on each day:

New Year's Day	Labor Day
President's Day	Columbus Day*
Martin Luther King Day	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

\*Columbus Day will be celebrated on the day after Thanksgiving.

Any non-exempt employee **required** to work on a holiday shall be paid at time and one-half for the number of hours actually worked on the designated holiday.

Delhi Township may recognize any other day designated by the Governor of the State of Ohio or the President of the United States as a state or national holiday or day of mourning which is intended to be observed by private and public sector employees.

Delhi Township has the sole discretion to determine the particular day on which a holiday is to be observed, if at all. Additionally, where practicable, the township will grant applicable vacation or time off without pay for the purpose of engaging in religious observances or special worship services.

When a holiday falls on Saturday, it will be observed on the preceding Friday. When a holiday falls on Sunday, it will be observed on the following Monday. This provision only applies to employees whose regularly scheduled off days are Saturday and Sunday.

Holiday pay for an hourly, full-time employee will be paid at the employee's regular rate of compensation for the hours the employee regularly would have worked on the day the holiday is observed. Holiday pay for a salaried employee is included in his/her salary for the week. A full-time, hourly employee required to work on a holiday shall be paid at time and one-half of his/her regular hourly rate for the number of actual hours worked, in addition to being paid the regular holiday pay.

In order to be eligible for a recognized paid holiday, a full-time employee must have worked a full schedule on his/her last scheduled day of work prior to the holiday and on his/her first scheduled day of work after the holiday, unless he/she is on vacation or the absence has been excused by his/her immediate supervisor.

Employees will not be paid for holidays which occur during a leave of absence or disciplinary action leave. If a holiday occurs during a period of sick leave, the employee will be regarded as having taken the holiday and will not be charged for sick leave. A holiday occurring while an employee is on vacation will be counted as a holiday and not as a vacation day.

## E. Paid Sick Leave

*Approved: 01/29/2014*

Only full-time employees are eligible for paid sick leave. Paid sick leave will accrue at the following rate for an employee who works forty (40) hours per week:

<u>Full-time Employee Designation</u>	<u>Paid Sick Leave Accrual Rate</u>	<u>Maximum Annual Sick Leave Accrual</u>
Hourly/Salary	4.615 hrs/per 80 hour pay period in "active pay status"*	120 hours = 15 days

\* Solely for purposes of calculating paid sick leave hours, "active pay status" is defined as hours worked and any paid time off hours (vacation, paid sick leave, bereavement leave, holidays). It shall not include non-paid time off.

Approved paid sick leave for an hourly employee will be paid at the employee's regular rate of compensation. The number of hours compensated for a day of paid sick leave will vary according to an employee's job classification. Paid sick leave for a salaried/paid employee will be included in his/her salary for the week.

An employee will not be eligible for sick leave compensation from Delhi Township if it is determined that they are employed and being compensated by another employer for the same hours that they were scheduled to work at Delhi Township.

### 1) Accumulation of Paid Sick Leave

All eligible full-time employees hired after January 1, 2014 may accumulate unused paid sick leave up to a maximum of 2,080 hours. Eligible full time employees hired before January 1, 2014 will be grandfathered and permitted to accrue up to a maximum of 2,400 hours.

Unused, accumulated paid sick leave may not be converted to cash, personal holidays or vacation, except upon retirement. Unused, accumulated paid sick leave shall be forfeited upon termination of employment with two narrow exceptions: (1) upon the retirement under the state retirement system of any full-time employee who was in the service of Delhi Township for a period of at least ten (10) continuous years. The employee will be entitled to a payout of twenty (20) percent of the value of the full-time employee's unused and accumulated sick leave balance; or (2) the same payout arrangement shall be made to the full-time employee's spouse or estate upon the death of an employee who was in active status at the time of death.

An employee may only use paid sick leave up to the amount that has been accumulated at the time of need. If paid sick leave is exhausted, an employee may opt to use available and unused vacation or comp time, or may apply for any applicable unpaid leave of absence. Medically related and approved absences in excess of available sick leave will be without pay.

## **2) Use of Paid Sick Leave**

Paid sick leave may be utilized with prior approval of the eligible full-time employee's immediate supervisor for any of the following reasons:

- inability to work due to a medically diagnosable condition or disability;
- unexpected immediate family (spouse, child, parent, same residence dependents) medical emergency where the employee's presence is unavoidably necessary;
- medical, dental, or optical examinations or treatments for the employee or a member of his/her immediate household (spouse, child, parent, same residence dependents) upon prior approval of his/her immediate supervisor;
- bereavement leave as set forth in this Summary.

## **3) Notification**

When an employee is unable to report to work due to any of the above-referenced medical reasons, and therefore intends to use paid sick leave, he/she must notify his/her immediate supervisor of the nature of the illness, directly within one (1) hour of his/her scheduled starting time on the first day of the absence. He/she must notify his/her immediate supervisor on each succeeding day of the absence unless the immediate supervisor authorizes the employee to report less frequently than daily. Failure to provide notice may result in forfeiture of the paid sick leave day(s). The mere fact that an employee has reported an absence does not excuse an absence.

When requesting and/or taking less than one full paid sick leave day, the employee must notify his/her immediate supervisor of his/her arrival and/or departure times.

## **4) Bereavement Leave**

Upon approval of the Department Head, each full-time employee may be granted the use of available paid sick leave of up to three (3) work days for time lost from regularly scheduled work due to attendance at the funeral of the employee's spouse, child (immediate or step), parent (immediate, step or in-law), sibling (immediate, step or in-law), grandparent (immediate, step or in-law), grandchild (immediate, step or in-law), aunt or uncle. The township understands the deep impact that the death of an employee's spouse or child can have on the family, therefore seven additional days of sick leave may be granted by the department head. If no paid sick leave is available to cover any or all of the requested leave, the remaining time off, if approved, shall be without pay.

An employee must notify his/her immediate supervisor as far in advance of his/her absence as possible. The immediate supervisor, in turn, shall notify the department head. An employee may be required to furnish a "notice of death" acknowledgment in order to receive payment. Upon agreement between the employee's department head and the Human Resource Director, additional unpaid bereavement leave may be granted.

## **5) Documentation Required**

Medical documentation may be required for any amount of paid sick leave taken.

## 6) Sickness while on Vacation

If an employee becomes injured or ill while on scheduled vacation, and that injury or illness confines him/her to a hospital or a residence, the employee may opt to change his/her time away to any unused, accumulated paid sick leave days. Proper documentation confirming the injury or illness must be submitted to his/her immediate supervisor before such a change can be made.

## 7) Sick Leave Donation

Employees may donate sick leave to a fellow employee who is otherwise eligible to accrue and use sick leave. The intent of the sick leave donation policy is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of sick leave due to the serious illness or injury of the employee or a member of the employee's immediate family.

An employee may receive donated sick leave up to the number of hours the employee is scheduled to work each pay period if the employee who is to receive donated leave:

- Or a member of the employee's immediate family has a serious illness or;
- Has no accrued leave;
- Has not been approved to receive other paid benefits; and
- Has applied for any paid leave, worker's compensation, or benefits program for which the employee is eligible. An employee who has applied for these benefits may use donated sick leave to satisfy the waiting period for such benefits, when applicable. After the waiting period, donated sick leave may be used up to an amount equal to the benefit for which the employee applied (e.g., seventy percent for disability leave benefits) while the employee's application is pending approval.

Employees may donate sick leave if the donating employee:

- Voluntarily elects to donate sick leave and does so with the understanding that donated sick leave will not be returned;
- Donates a minimum of eight hours, subject to a maximum of ten percent (10%) of their sick leave hours; and
- Retains a sick leave balance of at least eighty (80) hours.

The sick leave donation policy shall be administered on a pay period by pay period basis. Employees using donated sick leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Sick leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated sick leave shall not count toward the probationary period of an employee who receives donated sick leave during his or her probationary period. Donated sick leave shall be considered sick leave, but shall never be converted into a cash benefit.

## F. Paid Vacation

*Approved: 01/29/2014*

*Retroactive to: 01/01/2014*

The vacation benefit provides eligible full-time employees, not covered by a collective bargaining agreement, with paid time off from work. Part-time and temporary employees are not eligible for paid vacation leave. Based upon length of service, full-time employees are eligible for the following amounts of vacation:

<u>Length of Service</u>	<u>Number of Hours of Vacation</u>
After the completion of one year	80 hours
After the completion of five years	120 hours
After the completion of thirteen years	160 hours
After the completion of twenty years	200 hours

All vacations will be based on the calendar year concept. Solely for vacation computation purposes, an employee will be deemed to have reached his/her "one year" anniversary status on the January 1st following his/her hiring date regardless of when he/she was hired. If, however, an employee reaches six (6) calendar months of employment prior to his/her one year anniversary status, the employee will be eligible for 40 hours vacation leave.

Example of Length of Service Status for Vacation Computation: If an employee is hired in August, he/she shall reach the one year status on the following January 1st. The anniversary date solely for vacation calculation shall become the January 1st prior to hiring (except in the case of prior full time service with a township within the State of Ohio as defined in the next paragraph). The amount of vacation due each employee, according to the above formula, shall be granted to each employee on January 1 of each year.

Prior Service Computed in Vacation Time: Solely for vacation leave computation purposes, employees who are eligible for vacation leave may be entitled to receive credit for their prior full time public service with a township within the State of Ohio. Determination of the amount of that prior service credit, if any, is addressed in accordance with Ohio Revised Code Section 9.44, as amended. Employees with prior full time public service with a township in the State of Ohio must notify Township Administration at the time of hire and provide written documentation of such service to Township Administration within the first sixty days of their employment.

It is the intent of the township that employees make use of all vacation time in the year that it is granted. An employee may carry over a maximum of 40 hours of vacation leave from one year to the next. At no time may an employee receive a cash equivalent for unused vacation time (except upon termination or retirement); transfer vacation time to other staff, or exchange paid sick days for vacation time.

Consideration will be given to the employee's scheduling preference whenever possible. It is important to note that Delhi Township's primary responsibility is to maintain a sufficient level of staffing to maintain its services. Accordingly, employees must receive prior approval by the employee's supervisor or department head for all vacation requests. The method used to schedule vacations shall be determined by the department head.

An employee who resigns or is terminated will receive full pay for all accumulated, but unused, vacation hours as of the separation date.

## **G. Professional Affiliations**

*Approved: 01/29/2014*

The township generally supports membership in business, trade, and professional organizations related to an employee's position. In order to receive reimbursement, in whole or in part, for membership dues, fees, or other expenses required for participation in these professional activities, employees must receive prior written authorization from the Township Administrator/designee through the purchase order system. Employees must, however, maintain a practical balance between job requirements and membership in such organizations.

## **H. Employee Assistance Program**

*Approved: 01/29/2014*

All employees are eligible to voluntarily participate in the Township's Employee Assistance Program ("EAP"). This program provides **confidential** professional assistance for employees experiencing personal problems.

Contact information for the Employee Assistance Program is available within each township building and posted on SharePoint for easy access by all employees.

## **I. Legally Mandated Benefits**

*Approved: 01/29/2014*

In addition to the fringe benefits described above, Delhi Township provides the following legally mandated fringe benefits.

### **1) State Pension Funds**

All township employees (with the exception of part time firefighters) will be covered by either the Ohio Public Employees' Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OP&FPF). Employees not subject to either fund must pay into Social Security. All employees hired after 1986 must pay into Medicare. OPERS and OP&F benefits accrue from both employee and employer contributions.

### **2) Unemployment Compensation**

Delhi Township employees may apply for such benefits in accordance with the Ohio Unemployment Compensation Act's rules and regulations. The cost of unemployment compensation is paid by Delhi Township.

### **3) Workers' Compensation**

Delhi Township employees are covered under the Ohio Workers' Compensation Act. Delhi Township makes regular payments to purchase this insurance for the employee's protection against injury or disability incurred in the course of, and arising out of, the injured

employee's employment. Eligibility for said benefits is governed by the Act's rules and regulations. Employees must report at once to their immediate supervisor any injury incurred on the job, no matter how slight. Transitional (light duty) work will be offered to the employee if it is available.

#### **4) Social Security**

Certain Delhi Township employees are covered by the federal Social Security system, which currently provides retirement, disability, survivor, and Medicare benefits to persons who meet eligibility requirements.

The terms and conditions of the various legally-mandated government benefits including eligibility, participation, coverage, benefit levels and limitations, exclusions, and other requirements and provisions are set forth in, and governed by, the various applicable statutes and regulations.

## **ARTICLE 5   WORKPLACE SAFETY AND ON-THE-JOB INJURIES**

### **A. Workplace Safety**

*Approved: 01/29/2014*

Delhi Township is committed to providing a work environment that is safe and free of violence. Any acts or threatened acts of violence, intimidation, or harassment on its property and/or while performing township business will not be tolerated. Anyone engaging in such misconduct will be subjected to discipline, up to and including termination. If such misconduct involves a non-employee (i.e. citizens, visitors, or contractors), the township will take appropriate action in an effort to terminate the misconduct. Any employee who is subjected to, witnesses, or has information of such misconduct or has reason to believe that such misconduct may occur, is required to promptly report it to any member of management.

Furthermore, with the exception of sworn police officers, employees are prohibited from possessing firearms and/or other weapons in township buildings.

For the purpose of this policy, a weapon shall be defined as any instrument which may cause death or bodily injury when used in the ordinary and usual manner contemplated by its design and construction.

An employee found to be in possession of any such instrument may be placed on paid leave pending further investigation.

### **B. Health and Safety Guidelines**

*Approved: 01/29/2014*

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

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards as well as safe work practices and procedures to eliminate or minimize hazards.

Employees are expected to obey all safety rules and use caution in work activities. Employees must immediately report any unsafe condition to the appropriate supervisor, department head, or the Township Administrator. If an employee violates Delhi Township safety standards, causes a hazardous or dangerous situation, or fails to report or to remedy such situations, he or she may be subject to disciplinary action, up to and including termination of employment.

When faced with an unsafe situation an employee is expected to:

- immediately call "911" in any emergency situation (i.e. fire, severe injury or illness).
- immediately report any injury (no matter how slight) to his/her immediate supervisor;
- keep work areas clean and free from debris;
- avoid cluttering restrooms and eating areas; clean up when finished;

- keep all tools and equipment clean and in good repair;
- wear and utilize all approved and required safety equipment/clothing.

### **C. Notification of Injury**

*Approved: 01/29/2014*

Any time that an employee is injured during the performance of his/her duties, regardless of how insignificant the injury may appear, the employee must immediately notify the appropriate supervisor, department head or the Township Administrator. A BWC First Report of Injury Form must be prepared by the employee and/or the immediate supervisor and forwarded to the Human Resource Director as soon as possible. Injury Reporting Packets outlining the procedures to follow, First Report of Injury forms, and Managed Care Organization information can be found in all township vehicles and offices. Prompt reporting can ensure legal compliance and quick initiation of insurance and workers' compensation benefit procedures.

### **D. Transitional Work Policy**

*Approved: 01/29/2014*

It is the policy of Delhi Township to effectively manage workers' compensation losses and invoke cost containment measures for workers' compensation claims while maintaining the working status of our employees.

The aim of this program is to provide employment after the onset of a work related injury, accident or illness; allowing for reasonable accommodations and/or alternative positions within Delhi Township based upon any restrictions established by the treating physician. Transitional Work is a temporary accommodation.

Our goal is to return all employees to their original employment positions within the time frame of the program. If the injured worker is not able to return to the original position, an alternative position may be pursued.

## E. Drug and Alcohol Free Workplace Policy

*Approved: 01/29/2014*

To enhance safety, Delhi Township prohibits an employee from reporting to work or working with illegal drugs, controlled substances, non-prescribed medication, or alcoholic beverages (“illegal drugs or alcohol”) in his or her system. This policy applies to all Township employees, including management. This policy includes a separate policy for employees required to possess a Commercial Drivers License. It is designed to assist Delhi Township and its employees in maintaining an alcohol and drug free workplace environment. Each employee should discourage and report all policy violations.

Delhi Township prohibits an employee’s use, possession, distribution, sale (or attempted similar conduct) of illegal drugs or alcohol in its workplace and/or while performing Township business as well as employees reporting to work or working with illegal drugs and/or alcohol in their system. For purposes of this policy, “workplace” refers to the area in or around the Township premises, any other building or vehicle owned, rented, or leased by the Township, and any location to which an employee is sent on assignment during hours in which the employee is employed and being paid by Delhi Township. Pursuing the measures set forth below will assist the Township in effectively carrying out this policy.

### A. Definitions

1. “Legal Drug” includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used only in the amounts prescribed and for the purpose for which they were prescribed or manufactured.
2. “Illegal Drug,” for purposes of this policy, includes: any controlled substance, medication, or other chemical substance that is: a) not legally obtainable in the U.S.A., b) is legally obtainable, but is not legally obtained or is not being used for the purpose(s) or at the dosage level for which it was prescribed or was intended; or c) a substance included in Schedule I, II, III, IV, or V under the Federal Controlled Substances Act.
3. “Township property” means all property owned, leased, or under the control of the Township, including parking lots and roadways.
4. “Reasonable suspicion” means an apparent state of facts and/or circumstances found to exist by Township management which induces the Township to reasonably suspect the employee has illegal drugs and/or alcohol in his or her system or the employee has possessed, distributed, sold, or attempted similar conduct, regarding illegal drugs and/or alcohol while performing Township business.
5. “Employee Assistance Program” (EAP) means a program that provides professional and confidential assistance for employees who are experiencing personal issues. The program will encompass assessment and guidance, and where indicated, referral services (at the employee’s cost) for professional treatment.

### B. Drug and Alcohol Testing Policy Prohibitions and Requirements

1. Legal Drugs
  - a. It is the employee’s responsibility to determine, on the advice of a health care professional, whether any legal drug affects his behavior or ability to safely and effectively perform his job. If it does, the employee promptly should alert the Human Resources Director.
  - b. The Township will determine if use of the legal drug affects the employee’s ability to safely and effectively perform his job and what action, if any, needs to be taken.

2. Illegal Drugs and Alcohol

The use, possession, distribution, sale (or attempted similar conduct) of illegal drugs and/or alcohol or having illegal drugs or alcohol in an employee's system during working while performing Township business is prohibited.

3. Drug Offenses

Any employee involved in an unlawful drug offense occurring on non-working time may, depending on the circumstances, be subject to disciplinary action up-to and including termination of employment.

C. Drug and Alcohol Testing

The Township may utilize any or all of the following types of testing.

1. Types of Testing

a. Reasonable Suspicion Testing

An employee who exhibits characteristics from which Township management reasonably concludes the employee has illegal drugs and/or alcohol in his or her system will be tested for illegal drugs and alcohol. Any time a reasonable suspicion test is required, transportation to/from the collection site and to the employee's residence will be provided by the Township.

b. Post-Accident Testing

The Township requires drug and alcohol testing for employees whenever a workplace accident occurs involving an employee, equipment, or property controlled by Township employees, including, but not limited to, an accident involving: (a) one or more deaths; (b) damage to property estimated by the Township to be \$5,000 or more; or (c) discharge of any hazardous substance. Where an employee cannot be ruled out as being involved in the events or conditions which led to the incident, he or she shall be required to submit to the testing. The Township shall require drug and alcohol testing for employees as soon as practical. If an employee's services are required to preserve life or property, or to protect the environment, the employee (medical condition permitting) shall perform the required tasks prior to testing. Depending on the circumstances, transportation to/from the collection site and to the employee's residence may be provided by the Township.

c. Random, Suspicionless, or Periodic Testing

An employee who has violated the Township Drug and Alcohol Policy by testing positive under a Township drug/alcohol test, following successful completion of a Substance Abuse Program, will be randomly, without suspicion, or periodically tested for illegal drugs and/or alcohol. Moreover, employees who are required to have a Commercial Drivers License (CDL) are subject to random or suspicionless drug/alcohol testing under the U. S. Department of Transportation ("DOT") rules and regulations -- as more fully detailed in the latter portion of this policy.

2. Substances To Be Tested

When testing is required, employees currently will be tested for the following substances:

Alcohol

Marijuana

Amphetamines (e.g. speed, uppers)	Methadone
Barbiturates	Opiates (e.g., codeine, heroin, morphine)
Benzodiazepines	Phencyclidine (e.g., PCP, angel dust)
Cocaine (e.g., crack cocaine)	Propoxyphene

The Township, in its sole discretion, may modify this list – including, without limitation, as mandated by applicable local, state, or federal law.

3. Test Results

A positive test result is a test reflecting any recognized amount or quantity (i.e., in excess of the cut-off levels established by the testing entity) of any illegal drug or alcohol in an employee’s system.

4. Test Process

Prior to testing, all current employees are required to sign a consent form and waiver for drug/alcohol testing. Employees shall not alter, tamper with, or falsify (or attempt similar conduct) any specimen.

The Township utilizes a third party vendor to conduct the drug and alcohol testing. That vendor will meet U.S. Department of Health and Human Services (“HHS”) standards for urine and breath alcohol testing. The Township also utilizes a third party Medical Review Officer (“MRO”). The MRO is a doctor with a specialized knowledge of substance abuse and will determine whether there are any valid and legal reasons for a confirmed positive test result. All test results will be reported to the MRO before being issued to the Township. In the event of a confirmed positive test result, the MRO will review the detailed test results with the employee. The employee may be directed to provide documentation to support his explanation of his/her test results. After that discussion, the MRO will contact the Township and send a summary report indicating whether the employee passed or failed the test. The MRO is the sole authority with regard to the test results.

Currently, the Township utilizes a urinalysis test (EMIT – or drug – screen, plus gas chromatography/mass spectrometry [GC/MS] confirmation) for illegal drugs and breath or saliva with a confirmatory Evidential Breath Test (EBT) for alcohol.

The above testing procedures will be paid for by the Township. If an employee requests a re-test of a positive test, then he/she will be responsible for that cost.

An employee may submit a written request to the Drug-Free Coordinator to review and/or receive a copy of his/her test results. The employee will receive a copy of the same documents received by the Township.

All drug/alcohol tests are treated as confidential medical records. They will be stored in a separate medical file stored in a locked cabinet. They will only be shared with those Township employees who have a legitimate need to review the records of a particular employee.

5. Prohibited Conduct

The following prohibited conduct will subject the employee to discipline, up-to and including termination.

- Refusal to consent to take a test
- Refusal to sign all applicable forms
- Failure to appear for a test
- Failure to provide a specimen
- Failure to cooperate during any testing procedure
- Tampering, altering, or falsifying (or attempted similar conduct) any specimen or form
- Test results which indicate illegal drug and/or alcohol use

6. Positive Test Result

As referenced above, the Township may discipline an employee, up-to and including termination for violating this policy. Employees who test “positive” for illegal drugs and/or alcohol will be immediately and indefinitely removed from duty with pay until a decision is reached. In situations where the employee tests “positive” for the first time, then the Township, in its sole discretion, will permit the employee to retain his/her employment and return to work under a written “last chance” agreement, following successful completion of a Substance Abuse Program. Under a “last chance” agreement, the employee must meet all of the conditions as summarized below and set forth in more detail in the “last chance” agreement:

- Receive a thorough evaluation by a qualified chemical dependency professional – at no cost through the Township’s EAP.
- Sign a written release authorizing the chemical dependency professional to provide the Township with any and all intervention recommendations and to confirm the employee’s attendance at all required meetings/sessions.
- Provide written confirmation that he/she has complied with all intervention recommendations. All costs associated with that compliance are the employee’s sole responsibility.
- Take a “return-to-duty” drug and alcohol test and obtain a negative result before returning to work.
- Agree to take random/suspicionless drug and alcohol tests for a period of 365 calendar days after the date the employee returns to work.

A second violation of this policy (including receiving a “positive” return-to-duty drug and alcohol test) will result in termination.

7. Employee Assistance Program

All employees are eligible to voluntarily participate in the Township’s Employee Assistance Program (“EAP”). The EAP provides confidential professional assistance for employees who are experiencing personal problems, including without limitation, substance abuse. The EAP assists with a referral to, but does not pay for, chemical dependency and substance abuse intervention services that may be recommended as a result of the EAP’s initial assessment. While the Township covers the costs associated with the EAP’s initial assessment, it does not cover any other costs associated with the evaluation or treatment of substance abuse and/or

chemical dependency issues – beyond those costs covered by applicable healthcare benefits.

The Township urges employees to promptly seek medical assistance before their substance abuse affects their workplace performance – including violation of this policy. The Township will assist employees who voluntarily alert Township management they have a substance abuse problem before their work performance is at issue or before they are required to take a drug/alcohol test. Admission of an alleged substance abuse problem after their performance is at issue or after they are directed to take a drug/alcohol test will not negate the requirement to take a drug/alcohol test as set forth in this policy. They also will be subject to disciplinary action for a positive test result or any other violation of this policy. Additionally, EAP involvement does not prevent discipline for subsequent policy violations.

D. Ohio’s Workers’ Compensation Law

Pursuant to applicable Ohio law, if an employee is injured, dies, or contracted an occupational disease in the course of employment, then the result of any qualified chemical test to detect the presence of alcohol or a controlled substance not prescribed by the employee’s physician (at or above certain levels and within certain time frames) or an employee’s refusal to submit to such a test may affect his eligibility for compensation and/or benefits under Ohio’s Workers’ Compensation Law. Under this “Rebuttable Presumption” law, the burden of proof is on the employee to prove the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury. In addition to possibly affecting his eligibility for compensation and/or benefits under Ohio’s law, the employee’s conduct also will lead up to disciplinary action, up-to and including discharge. Employees should review the posted written notice from the Ohio Bureau of Workers’ Compensation or contact the Human Resources Director for further information.

E. Drug-Free Workplace Act of 1988

Pursuant to the Drug-Free Workplace Act of 1988, employees must notify the Human Resources Director (or authorized designee), in writing, and within 5 calendar days, of any conviction for a criminal drug-related offense that occurred in the workplace.

F. Consequences For Violation Of This Policy

Compliance with the Township’s Drug and Alcohol Policy is a condition of employment. Any employee, who in the Township’s sole discretion, is determined to be in violation of this policy immediately will be relieved of his duties. Additionally, failure or refusal to cooperate fully, sign all required forms, submit to any test, or meet any or all of the requirements set forth in this policy, may result in disciplinary action, up-to and including termination. The nature and severity of discipline for violating this policy will be determined in the Township’s sole discretion.

G. Questions

Any questions about this entire policy should be directed to the Township’s Drug Free Workplace Coordinator or the Human Resources Director. This policy is included in the Township Summary of Policies and is posted on SharePoint for easy access.

## F. Drug and Alcohol Policy for DOT-Governed Employees

*Approved: 01/29/2014*

The U.S. Department of Transportation (DOT) has issued Rules and Regulations (49 C.F.R. Parts 40 and 382) mandating that the Delhi Township Board of Trustees implement a Drug and Alcohol Testing Program, as well as other rules pursuant to the use of alcohol and controlled substances for all employees required to have a Commercial Drivers License (CDL). The law mandates that drivers of commercial motor vehicles, as defined by 49 CFR, Part 382, be subject to pre-employment testing, reasonable suspicion testing, random testing, post-accident testing, return to duty testing and follow-up testing, as well as to numerous other restrictions upon and potential consequences regarding the use of prohibited and/or controlled substances. All employees subject to this policy remain subject to the Board of Trustees' Drug and Alcohol Free Workplace Policy and other relevant federal, state and local laws and regulations.

### A. Impact of Alcohol and Drug Use

The misuse of alcohol and the use of drugs and controlled substances can cause grave harm to not only the person using the substances but also to fellow employees and members of the public. The effects of alcohol misuse or drug use are magnified when the individual is responsible for the safety-sensitive functions involved with operating a commercial motor vehicle for the Township. Additional information regarding the effects of alcohol and controlled substance use on an individual's health, work, and personal life, and information about drug and alcohol counseling, rehabilitation and employee assistance programs is available through the Township Administration, and will be periodically provided to employees.

### B. Designated Employer Representative

Any questions regarding these policies or procedures should be directed to the Designated Employer Representative (DER):

Margie Eichstadt  
934 Neeb Road  
Cincinnati, OH 45233  
meichstadt@delhi.oh.us

### C. Definitions

The following definitions shall apply:

1. The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to federal, state, or local laws or regulations.
2. The term controlled substance includes any illegal drug and any legally obtainable prescription drug. Any employee covered by this policy is prohibited from using any controlled substance prior to reporting for duty or while on duty unless said use has been specifically authorized, in writing, by the prescribing physician, who must explicitly state in writing that said medication can be safely taken in the quantity and with the frequency prescribed by an individual who regularly operates a Commercial Motor Vehicle (CMV). U.S. DOT regulations may from time to time specifically prohibit the use of certain prescription medications in any form or quantity by active duty CDL holders, regardless of doctor's authorization.
3. The term controlled substance abuse includes excessive or improper use of alcohol, use of illegal drugs, and the improper and/or unauthorized use of prescription drugs.

4. The term CDL holder means all employees who hold a CDL as a requirement of Township employment and who maintain readiness to drive vehicles which require a CDL for operation.
5. The term while on duty means all the time from the time the CDL holder begins to work or is required to be in readiness for work until the time he or she is relieved from work.
6. The term driver means any employee who must maintain a CDL as a condition of his/her employment, regardless of when, where, or even if that employee performs driving duties on a regular basis.
7. The term covered individual means any employee or job applicant subject to the terms and conditions of this policy, including CDL holders and drivers.
8. The term safety-sensitive functions includes the following activities:
  - a) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
  - b) All time inspecting equipment as required or 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.
  - f) All time spent by the driver performing functions relating to accidents.
  - g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

D. Circumstances for Testing

Any urine drug testing for controlled substances conducted in accordance with U.S. DOT regulations shall consist of a 5-panel, split specimen urine drug screen as defined by 49 CFR, Part 40-Amended (October, 2010). Any breath alcohol test conducted in accordance with U.S. DOT regulations shall similarly be conducted according to the specifications of 49 CFR, Part 40. A driver will be required to submit to testing for alcohol and/or controlled substances under the following circumstances:

1. Pre-employment testing: Prior to the first time a covered individual performs a safety-sensitive function, the driver will be tested for controlled substances via a urine drug test as described above. Under no circumstances shall the covered individual perform or maintain readiness for any duties described in Section C(8) of this policy until such time as the Township's DER shall be in possession of written confirmation that a negative result has been reported by the Medical Review Officer (MRO) pursuant to this pre-employment test. The applicant/driver shall be disqualified for any position within the Township

requiring a commercial drivers license if the applicant/driver tests positive for controlled substances.

2. Post-accident testing: Covered individuals operating a commercial motor vehicle who are involved in any accident involving injury to any person, damage to any vehicle or property, or issuance to the covered individual of a citation under state or local law for a traffic violation will be immediately tested for alcohol and controlled substances.

A CDL holder who is subject to post-accident testing shall remain readily available for such testing or shall be deemed by Delhi Township to have refused to submit to testing. If the drug or alcohol test is conducted more than 2 hours after the accident, the supervisor will complete a report explaining the reason for the delay in conducting the drug or alcohol test. If an alcohol test is not conducted within 8 hours of the accident, the Township will cease requesting the test and will prepare a report explaining why the alcohol test was not administered within 8 hours. If a controlled substance test is not conducted within 32 hours of the accident, the Township will cease requesting the test and will prepare a report explaining why the controlled substance test was not administered within 32 hours.

3. Random testing: Annually, 50% of covered individuals shall be selected randomly for controlled substance urine testing and 10% of covered individuals shall be selected for breath alcohol testing in accordance with U.S. DOT regulations.
4. Reasonable suspicion testing:
  - a) A supervisor or other management-level employee may order drivers to submit to testing based on a reasonable suspicion that the employee is in violation of U.S. DOT drug and alcohol regulations. This determination will be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
  - b) Reasonable suspicion testing may be ordered due to observations made during, just preceding, or soon after a period of the work day in which the driver is required to be drug or alcohol free.
  - c) Upon determination of reasonable suspicion, the covered individual will be immediately removed from any and all duties including, but not limited to, safety-sensitive functions as defined in Section C(8) of this policy.
  - d) The supervisor will transport the employee to the collection site for urine drug and breath alcohol testing after a reasonable suspicion determination is made.

Covered individuals subject to reasonable suspicion breath and urine testing shall remain ineligible for all duties, and shall remain away from Township property, office, and job sites, until at least such time as final breath and urine test results have been received in writing by the Township DER from the collection facility and/or the MRO.

5. Return-to-duty testing: A covered individual who has tested positive on a DOT mandated alcohol or controlled substance test and demonstrated compliance with all aspects of the return-to-work process outlined in Section F(4) below will be required to obtain a verified negative result on a subsequent breath alcohol

and urine controlled substance test before any potential return to work in a position requiring the performance of or readiness for any duties as described in Section C(8) of this policy. A negative result from said testing does not guarantee that the covered individual will be returned to said duties or continue to be employed by the Township.

6. Follow-up testing: Following the potential resumption of duties by a covered individual following completion of the aforementioned process, the individual will be subject to a minimum of 6 unannounced follow-up tests within the first 12 months and up to a maximum of 60 such tests in a five year period, which may be for alcohol, other drugs, or combinations of both, as directed by the Substance Abuse Professional.

#### E. Prohibited Conduct

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

1. Using, possessing, dispensing, distributing, or receiving alcohol, intoxicants, illegal drugs, or other controlled substances on Township premises, or while on duty or otherwise engaged in Township business;
2. Reporting to duty, remaining on duty, or performing a safety-sensitive function while having a verified Blood Alcohol Content ("BAC") of .02% or above.

Employees should note that U.S. DOT regulations restricting alcohol use by covered employees include prescription and over-the-counter medications containing alcohol. Employees covered by this policy may not, therefore, report for duty while taking prescription or over-the-counter medication if such medication contains any measurable amount of alcohol.

3. Reporting to duty, remaining on duty, or performing a safety-sensitive function under the influence or with any measurable amount of illegal drugs or other controlled substances in the employee's system, with the exception of prescription drugs that have been authorized for use by a physician in the manner described in Section I below and reported to the DER.
4. Consuming any amount of alcohol in any form within 4 hours of performing or reporting as ready for safety-sensitive functions.
5. Using alcohol within 8 hours following any vehicular accident in which the covered employee was the operator of a Commercial Motor Vehicle.
6. The illegal use of controlled substances at any time, whether on or off duty;
7. Refusing to submit to any alcohol or drug testing or re-testing required by this policy, including any attempt to substitute, manipulate, or adulterate a sample, or any conduct which delays and/or interferes with the timely, accurate completion of testing required by this policy. Refusal, delay, or interference of any kind with required alcohol or drug testing will be treated as a positive test result.

#### F. Consequences of a Violation

If a covered individual violates any of the prohibitions listed in Section E of this policy, the following consequences and procedures will result:

1. The covered individual will be subject to appropriate disciplinary action, up to and including dismissal.

2. The covered individual shall be immediately removed from any/all safety-sensitive duties as defined in Section C(8) of this policy, and be placed on paid administrative leave pending the determination of disciplinary action under the Township's disciplinary procedure. Such removal is not subject to the grievance procedure.
3. All drivers shall be provided with information regarding the services available to the driver in evaluating and resolving problems associated with the misuse of alcohol and/or the use of controlled substances. Any driver who violates this policy shall be provided with the names, addresses and telephone numbers of Substance Abuse Professionals ("SAP") and at least two comprehensive counseling and treatment programs. Any driver who violates this policy shall be subject to a Substance Abuse Professional's evaluation, regardless of whether or not any such driver attends a treatment program.
4. Following a determination that the employee has violated the alcohol or controlled substances prohibitions, the driver must be removed from, and cannot be returned to any duties or readiness for any safety-sensitive functions as defined in Section C(8) of this policy, either as an employee of Delhi Township or as an employee or independent contractor anywhere else in the United States until at a minimum:
  - a) The employee undergoes and completes, at his or her own expense (if not covered by either the employee's health insurance or Employee Assistance Plan), a chemical dependency evaluation conducted by a behavioral health professional who meets the U.S. DOT regulatory criteria for a SAP. This criteria can be found in 49 CFR, Part 40 of U.S. DOT regulations. The Township shall require evidence that said evaluation is performed by a duly qualified individual.
  - b) The employee complies with any/all treatment, education, and/or other intervention recommendations issued by the SAP. Any fees or costs associated with compliance with said recommendations shall be the sole responsibility of the employee. The Township shall require that the SAP's recommendations be provided to the DER in writing, as well as a written statement from the SAP as to the employee's compliance or non-compliance with said recommendations.
  - c) The employee undergoes, at his or her own expense, a return-to-duty urine drug screen as mandated by U.S. DOT regulations. The results of said test must be negative.
  - d) If/When the employee returns to a position of active employment by the Township that includes a readiness for any of the duties described in Section C(8) of this policy, the employee shall undergo, at his or her own expense, follow-up urine and /or breath testing, administered by an appropriate agent of Delhi Township. This testing will consist of at least 6 breath and/or urine collections during the initial 12 months following the employee's return to duty and may, at the sole discretion of the SAP, include up to 60 such tests within the 5 years following said return.
5. Nothing in this section shall be construed to limit Delhi Township's authority to discipline employees for violations of this policy. Actions taken by the Township pursuant to this policy are not subject to the grievance procedure.

G. Testing Facilities

All drug screening and confirmation tests shall be conducted by a laboratory certified under the Department of Health and Human Services (DHHS) "Mandatory Guidelines for Federal Workplace Drug Testing Programs". The testing procedures shall be implemented in accordance with the federal requirements contained in 49 C.F.R. Part 40.

H. Confidentiality of Records

1. Delhi Township respects the confidentiality of all its employees. Accordingly, the results of any test administered under this policy and the identity of any employee participating in the Township's Employee Assistance Program (EAP) or other assessment or treatment program will not be revealed by Delhi Township to anyone, except as required or permitted by law.

An employee may direct Delhi Township to release his or her own DOT records by an express written consent authorizing release to a specified person.

In addition, Delhi Township will take reasonable steps to ensure that any laboratory or agency used to conduct testing under this policy will maintain the confidentiality of employee test records. The laboratory or testing agency will, however, disclose information related to a positive drug or alcohol test of an individual as follows:

- a. The individual being tested; and
- b. Delhi Township

2. All records related to drug and alcohol tests of individual employees will be maintained in individual files separate from the employee's personnel file.

These records will be stored in a locked cabinet under the control of the office of the DER and access will only be allowed to those Township employees who have a legitimate need to review the records of a particular employee.

I. Prescription Drugs

1. Covered employees are required to report all current prescription drug use to the DER prior to reporting for duty. Before performing work related duties while taking prescription medication, an employee must first get a written statement from the prescribing physician that states the name of the drug being prescribed and that the physician believes the medication can be safely used as directed by someone operating a commercial motor vehicle. A written report of this notification is to be filed by the employee with the Human Resource Director. The existence of a valid, current prescription is not a substitute for the requirements of this section.

It is the responsibility of the employee to inform his or her physician of the type of safety-sensitive function that the employee performs so the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of Township equipment.

## **G. Workplace Harassment/Discrimination Policy**

*Approved: 01/29/2014*

It is Delhi Township's policy to afford all employees a workplace that is free from any form of sexual, racial, religious, age, disability, or national origin harassment or discrimination. Such misconduct should be reported promptly, regardless of who originates it or participates in it (employee or non-employee), and regardless of whether it is oral, written, visual, or physical conduct. If found to have occurred, such misconduct will result in a form of corrective action that Delhi Township determines is an appropriate resolution of the matter. The corrective action may range up to and include termination of the offender.

- 1) **Reporting Procedure:** Employees who are the object of any such conduct or who observe any such activity shall immediately report the incident to their department head or any member of township administration without fear of reprisal.
- 2) **Investigation/Disciplinary Action:** Each reported matter will be investigated under the direct supervision of the Township Administrator or his/her designee. After the investigation has been completed, a determination will be made by Delhi Township. Appropriate corrective action, up to and including the termination of the offender's employment, will be taken.
- 3) **Explanation Of Sexual Harassment:** The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as follows: Unwelcome sexual advances (verbal and/or physical), requests for favors and other verbal and/or physical conduct of a sexual nature constitute sexual harassment when:
  - a. Submission to such conduct is either an explicit or implicit term or condition of employment (such as a promotion, job assignment, overtime opportunity, wage increase, etc.); or
  - b. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
  - c. The conduct has the purpose or the effect of substantially interfering with an individual's work performance or creating a hostile or offensive work environment.

Sexual harassment under this definition may range from sexual innuendo, perhaps in the guise of humor, to coerced sexual relations. It may include, but certainly is not limited to:

- a. Sexual jokes or offensive sexual language.
- b. Unwelcome sexual references.
- c. Verbal harassment of a sexual nature.
- d. Subtle or direct pressure for sexual activity.
- e. Physical contact such as touching, patting, pinching, rubbing or squeezing.
- f. Leering at or ogling or other sexual references or comments about a person's body, appearance or clothing.
- g. Seeking sexual attention with implied or explicit threats or rewards.
- h. Displaying pictures or objects that portray women and/or men as sexual objects.

Using and insisting upon good manners, professional behavior, and the exercise of good judgment will go a long way in avoiding or preventing the inappropriate conduct addressed in this policy.

## H. Visitor's Safety Policy

*Approved: 01/29/2014*

**PUBLIC MEETING ACCESS** - Visitors attending a public meeting or a pre-authorized event at a Township meeting room or rental facility are not required to come to the reception area or sign the visitor's log. Such visitors are required to stay out of restricted areas.

**ALL OTHER ACCESS** - All visitors not attending a public meeting or a pre-authorized event at a Township meeting room or rental facility shall come to the reception area immediately upon arrival at that respective location. Visitors who will only use lobby or restroom areas or who will be accompanied at all times by Delhi Township personnel will not be required to sign the visitor's log.

Visitors who will be granted unaccompanied access to non-lobby areas of the building will be required to sign the visitor's log (Exhibit B) and obey the following rules of conduct at all times:

- Conspicuously wear a Delhi Township Building Visitor's badge at all times,
- Locate and acclimate themselves to the marked emergency exits,
- Use and wear any appropriate personal protective equipment at all times ,
- Follow all verbal instructions and signs ,
- Not attempt to operate any machine, device or equipment unless told or authorized to do so by Township personnel,
- Not engage in any pranks, horseplay, or rough or boisterous conduct ,
- Stay out of restricted areas ,
- Report all injuries or problems immediately, no matter how minor ,
- Return visitor's badge, sign out on the visitor's log and leave through the same reception area in which they entered.

Visitors who fail to follow these policies will have their visiting privileges revoked and be asked to leave.

Delhi Township shall not be responsible for injuries visitors suffer as a result of violating these rules.

## **ARTICLE 6 LEAVES OF ABSENCE**

### **A. General Leave of Absence Provisions**

*Approved: 01/29/2014*

Other than an employee on FMLA Leave, there shall be no obligation on Delhi Township's part to provide work for an employee prior to the expiration of that employee's leave of absence.

Failure of an employee to report for work at the time at which he/she is regularly scheduled to report at the termination of an approved leave, or to secure an approved extension of the leave from Delhi Township in advance, may result in termination of employment.

Misrepresentation of facts to obtain a leave of absence or to secure an extension of a leave of absence may result in termination of employment.

Unless specifically authorized in writing by Delhi Township or with respect to military duties performed pursuant to a military leave of absence, a leave of absence will not be granted to a full time employee to engage in employment elsewhere and any full time employee who engages in employment elsewhere while on a leave of absence may be deemed to have voluntarily resigned his/her employment with Delhi Township.

An employee (other than one eligible under the Family and Medical Leave Act) who properly returns from a leave will be assigned to the job classification or position held immediately prior to the commencement of his/her leave, if that job classification or position is vacant and Delhi Township decides to fill it. If it is not vacant or Delhi Township decides not to fill it, he/she will be placed in another position or job classification for which, in the judgment of Delhi Township, he/she has appropriate skills and ability. If no such vacancy exists, an employee returning from a leave of absence will remain on unpaid leave status and be considered, without having filed an application, for other vacancies which become available for a maximum period of six calendar months. If the employee fails to accept placement into another position, he/she will be considered to have resigned voluntarily from Delhi Township.

An employee who has not obtained an approved leave of absence and who is absent without proper notification for three consecutive scheduled work days will be deemed to have resigned voluntarily from Delhi Township.

## **B. Personal Leave of Absence**

*Approved: 01/29/2014*

After all permissible absence with pay is exhausted, and upon written application to Delhi Township, leaves of absence or renewals thereof without pay for personal reasons may be granted by Delhi Township at its discretion, to full time employees who have completed twelve (12) consecutive months or more of employment. The initial personal leave request shall be for a period of no less than fourteen (14) calendar days. Any renewal, in increments of seven (7) calendar days, must be requested prior to the expiration of the leave then in effect. The duration of the requested leave of absence and any renewals thereof shall be specifically stated in the request and in the granting of the leave. No such leave will be granted for a continuous period or periods that exceed twenty-eight (28) calendar days. Additionally, only one such personal leave of absence may be granted to an employee over a continuous and rolling twenty-four (24) month period. All township equipment assigned to the employee must be returned to the township prior to the commencement of the personal leave of absence.

Approved personal leave of absence without pay means that time previously worked for Delhi Township is not lost in computation of length of service and the benefits dependent thereon. However, sick leave will not accrue while the employee is on an unpaid leave of absence and the employee will not be eligible for any holiday pay falling within this unpaid leave period.

Additionally, in order to continue their health insurance coverage during an approved personal leave, an employee must make a COBRA Continuation of Coverage Election. In other words, the employee will be able to continue his/her health insurance only if he/she pays, at his/her own expense, the full health insurance premium at the designated group rate during the length of the leave. If full cost is not paid by the employee, the health insurance coverage will cease. It may be reinstated, however, if and when the employee returns to work on the designated date and reapplies for health coverage with Delhi Township. Please consult Administration for further details.

## C. Family and Medical Leave Act (“FMLA”)

*Approved: 01/29/2014*

Delhi Township will comply with the Family and Medical Leave and has posted the mandatory FMLA Notice in each township building.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Human Resource Director in writing.

Under this policy, Delhi Township will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12 month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave. Delhi Township will require that all available vacation and sick leave time be exhausted before unpaid leave is granted.

**Eligibility:** To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the Delhi Township for 12 months or 52 weeks, which need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the township’s intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked at least 1,250 hours during the 12 month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

**Types of Leave Covered:** To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child;
2. The placement of a child for adoption or foster care and to care for the newly placed child;
3. To care for a spouse, child or parent with a serious health condition (described below);
4. The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee’s position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long term nature, resulting in recurring or lengthy absences. Generally, a chronic or long term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the township's sick leave policy are encouraged to consult with the Human Resource Director.

5. Qualifying leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call up or service. The qualifying urgency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the township and employee agree, including agreement on timing and duration of the leave.

"Covered active duty" means:

- (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12 week maximum of FMLA leave in a 12 month period.

6. Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12 month period to take care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term "covered service member" means:

- (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness”:

- (a) in the case of a member of the Armed Forces (including a member of the national Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating; and
- (b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on an active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

#### **Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12 month period. The township will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12 month period. For this military caregiver leave, the township will measure the 12 month period as a rolling 12 month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the township and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent “in-law”) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the township and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

#### **Employee Status and Benefits During Leave**

While an employee is on leave, the township will continue the employee’s health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the township will require the employee to reimburse the township the amount it paid for the employee's health insurance premium during the leave period.

Under current township policy, the employee pays a portion of the health care premium. While on paid leave, the township will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Administration Building no later than the 30<sup>th</sup> day of each month. If the payment is late, the employee's health care coverage may be dropped for the duration of the leave. The township will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance plan, the township will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums.

#### **Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from the health care provider. This requirement will be included in the township's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay and benefits.

#### **Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave must use all paid vacation, personal, comp or sick leave prior to being eligible for unpaid leave. Sick leave will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the township's established sick leave policy.

#### **Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12 month period).

The township may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the township and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the township before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

#### **Certification for the Employee's Serious Health Condition**

The township will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Department of Labor's Certification of Health Care Provider for Employee's Serious Health Condition form.

The township has the right to ask for a second opinion if it has reason to doubt the certification. The township will pay for the employee to get a certification from a second doctor, which the township will select. The township may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the township will require the opinion of a third doctor. The township and the employee will mutually select the third doctor, and the township will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **Certification for the Family Member's Serious Health Condition**

The township will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Department of Labor's Certification of Health Care Provider for Family Member's Serious Health Condition form.

The township may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, or management official. The township will not use the employee's director supervisor for this contact. Before the township makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the township will obtain the employee's family member's permission for clarification of individually identifiable health information.

The township has the right to ask for a second opinion if it has reason to doubt the certification. The township will pay for the employee's family member to get a certification from a second doctor, which the township will select. The township may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the township will require the opinion of a third doctor. The township and the employee will mutually select the third doctor, and the township will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **Certification of Qualifying Exigency for Military Family Leave**

The township will require certification of the qualifying urgency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Department of Labor's Certification of Qualifying Exigency for Military Family Leave form.

#### **Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

The township will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of

continuation of leave. This certification will be provided using the Department of Labor's Certification for Serious Injury or Illness of a Covered Service member form.

**Recertification**

The township may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the township may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The township may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

**Procedure for Requesting FMLA Leave**

All employees requesting FMA leave must provide verbal or written notice of the need for the leave to the Human Resource Director. Within five business days after the employee has provided this notice, the Human Resource Director will complete and provide the employee with the Department of Labor's Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the township with a least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the township's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

**Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the Human Resource Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the Department of Labor's Designation Notice.

**Intent to Return to Work From FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the township may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## **D. Military Leave of Absence**

*Approved: 01/29/2014*

Delhi Township shall not refuse to employ nor shall it discharge any person due to membership with the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, the Armed Services of the United States or their auxiliaries or prevent him or her from performing any military service as he or she may be called upon to perform, by proper authority.

A full time employee of the Township shall be granted a leave of absence to perform service in the uniformed services with pay for periods up to one month, for each calendar year in which they are performing such service (ORC 5923.05)

An employee of the Township shall be granted a leave of absence to be inducted or otherwise enter military duty. If not accepted for such duty, he or she shall be reinstated in his or her position without loss of seniority or reduction in his or her pay rate.

When such military service (including National Guard and reserve duty) is carried out at the option of the employee, the Township will grant the employee a military leave of absence without pay.

## **E. Jury Duty/Civil Leave of Absence**

*Approved: 01/29/2014*

Each employee shall be granted leave of absence to serve on any duly constituted jury before a state or federal court. Prior notice of at least one week, or as early as is practicable, concerning the need for jury leave of absence must be provided to the employee's immediate supervisor. Further, while on jury leave of absence, an employee may be required to work such hours of his/her usual work shift as occur when his/her presence in court is not required.

Employees on jury or witness leaves of absence will be paid a regular Delhi Township paycheck, upon presentation of satisfactory evidence of such jury service, as follows: (a) an hourly employee will receive his/her regular straight time hourly rate for regularly scheduled work time lost for each day on such jury duty; (b) a salaried employee will receive his/her regular salary for scheduled work time lost for each day on such jury or witness duty. Employees may keep any jury or witness fees received. Delhi Township will require satisfactory evidence of the employee's jury service.

An employee shall be given necessary time off without loss of pay when appearing in court as a witness in answer to a subpoena, in an official capacity in connection with the township or as an expert witness either because of professional or observed knowledge, performing emergency civilian duty in connection with national defense, and for the purposes of voting when the polls are only open during an employee's regularly scheduled hours of work.

If an employee is involved in court in a personal case either as plaintiff or as defendant in a suit not resulting from his duties with the Township, he or she may be granted leave without pay unless the employee elects to utilize any available vacation or comp time.

## **ARTICLE 7 ATTENDANCE AND CALL-IN RULES**

### **A. Tardiness/Early Departure/Absenteeism**

*Approved: 01/29/2014*

Delhi Township expects prompt and reliable attendance. Excessive tardiness, early departure, and/or absenteeism will not be tolerated. The township, in its sole discretion, will take appropriate action to rectify excessive tardiness, early departure, and/or absenteeism.

The Fair Labor Standards Act requires employers to maintain records of all hours worked by its' employees. Delhi Township has chosen to use time clocks to record this information as required by the law.

For payroll purposes, the time clock program will round employee working time to 15 minute intervals. Over time, the hours worked under this arrangement will even out in a manner fair to both the employer and employee. Unless actually required to work additional time, employees should not clock in more than 15 minutes before their scheduled start time or more than 15 minutes following the end of their scheduled shift.

It is understood that from time to time personnel may forget to clock in or out, or miss scheduled punch times. However, repeated unexcused occurrences will not be tolerated. The reason for any excused occurrence will be noted on the timesheet. Unexcused occurrences will be monitored on a rolling calendar year basis. If an employee reaches 6 occurrences within a twelve month period, he/she will be notified by the appropriate supervisor and advised of the number of occurrences and the time remaining in the period. A 7th occurrence will cause a documented warning; an 8th occurrence will cause a verbal reprimand; the 9th occurrence will cause a written reprimand to be placed in the employee's personnel file, and a 10th occurrence will cause the matter to be brought before the Township Administrator and the Human Resource Director for disposition. Violations occurring prior to the effective date will be cleared and each employee will start fresh at that time.

### **B. Reporting Absences**

*Approved: 01/29/2014*

All absences must be reported directly to the employee's immediate supervisor as soon as the employee becomes aware that he/she will be unable to report for work due to injury, illness or an emergency. If an emergency should develop following an employee's departure for work and, as a result, he/she is unable to report for work as scheduled, the employee must notify his/her immediate supervisor as soon as possible. The mere fact that an employee has reported an absence does not necessarily excuse an absence.

It is the employees' responsibility to notify their immediate supervisor(s) of any impending absence. Delhi Township will not accept the excuse that the employee asked another person, including without limitation – other employees, to advise his/her immediate supervisor of his/her absence. It is the employee's responsibility to insure that the township is properly notified and any failure to do so may result in disciplinary action being taken. However, in situations where the absence is covered under the Family and Medical Leave Act, and the employee is unable to provide notice personally, notice may be given by his/her representative (i.e. spouse, family member, or other responsible party).

### **C. Documentation Required**

*Approved: 01/29/2014*

Documentation may be required for any amount of time absent from work.

### **D. Medical, Dental, and Optical Appointments**

*Approved: 01/29/2014*

Delhi Township strongly urges employees to schedule medical, dental, and optical appointments, for themselves and/or their children, during off-duty hours. To the extent that this is not possible, Delhi Township requests that its employees make every effort, with their immediate supervisor's prior approval, to schedule such appointments either very early or very late in the work day so as to minimize the disruption in the work flow.

## ARTICLE 8 DISCIPLINE

*Approved: 01/29/2014*

Acceptable employee conduct is necessary for the orderly operation of the township and for the benefit, protection, and safety of persons and property. All employees shall conduct themselves in a professional, courteous, and respectful manner at all times. Misconduct by employees will not be tolerated. An employee who engages in actions deemed inappropriate or detrimental to the interests of Delhi Township, its employees, or persons with whom it does business or serves, may result in disciplinary action, up to and including termination.

Inappropriate behavior may take the form of, but is certainly not limited to, the following:

- possession of unauthorized firearms (unless secured in personal vehicle) or other weapons on Delhi Township property or while performing services for the township
- abusive, malicious, threatening or disrespectful conduct toward others
- insubordination, including but not limited to, refusal or failure to perform work assignments, the use of profane or abusive language to supervisors, employees or the general public, and absence from duty without notice or permission of the supervisor
- releasing confidential information to unauthorized individuals
- unauthorized use or possession of Delhi Township and/or another individual's property
- fighting, horseplay, gambling or disorderly conduct
- abuse, misuse, or destruction of Delhi Township and/or another individual's property
- dishonesty, including without limitation, falsification of any Delhi Township record/document, including without limitation: time records; business records; employee information forms and records; and employment applications
- sleeping and/or loitering during work time
- possession, consumption, use or abuse, or being under the influence of alcoholic beverages or illegal drugs or controlled substances on Delhi Township premises or while performing services for Delhi Township
- disregard of safety rules and/or actions that create unsafe or unhealthy conditions
- behavior detrimental to the morale of other employees or customers
- neglect of duty, laziness or incompetence
- unacceptable work performance
- conduct of a criminal, immoral, or inappropriate nature which may reflect unfavorably on the township
- violation of other Delhi Township policies and procedures

Delhi Township may impose disciplinary action of its choosing on employees due to other behavior and situations it regards as inappropriate. Paid administrative leave may be authorized only by the Township Administrator, with proper documentation as to the situation.

The following forms of discipline may be taken when, in Delhi Township's sole discretion, it is deemed appropriate:

- verbal reprimand (documented in writing and signed by the employee)
- written reprimand
- suspension without pay
- termination.

Discipline will be administered on a progressive basis. The Delhi Township Administrator may advance the level of discipline depending upon the severity of the situation. Whenever the township determines that the recommended disciplinary action is a suspension without pay, involuntary demotion, or termination, such action will not be implemented until the targeted employee has been given an opportunity to respond to any and all allegations of misconduct or unacceptable performance.

Nothing set forth in this section alters, or should be construed to alter, the employment relationship as defined in these policies.

## ARTICLE 9 GRIEVANCE PROCEDURE

*Approved: 01/29/2014*

The grievance procedure may be used by a non-probationary full or part-time employee when there is disagreement between the employee and township management about the employee's work or work status. This procedure is the sole and exclusive remedy for any claim of a violation of these policies or township practices. Any problem not presented and/or processed by the employee within the time limits and procedures set forth herein shall be barred and thereafter shall not be presented for consideration or be made the basis for any action under this procedure or otherwise.

A problem shall be processed in the following manner:

**Step 1** An employee shall initially present a written statement to the employee's immediate supervisor within two (2) working days (excluding Saturdays, Sundays, holidays or any other day that township administrative offices are closed) of the occurrence giving rise to the alleged problem. The employee's written statement shall state the facts and include available documentation on which the grievance is based and the relief sought. The supervisor will meet with the employee and discuss the written statement. If the grievance is against the employee's immediate supervisor, the process will begin with Step 2.

**Step 2** If the employee and immediate supervisor are unable to satisfactorily reconcile the employee's alleged problem within five (5) working days (as defined above) of their meeting, and the employee desires to continue in the grievance procedure, then the employee shall present a written statement to the department head or designee, again detailing the facts on which it is based and the relief sought. The department head or designee will meet with the employee and discuss the written statement.

**Step 3** If the department head/designee and the employee are unable to satisfactorily reconcile the employee's alleged problem within five (5) working days (as defined above) of their meeting, and the employee desires to continue in the grievance procedure, then the employee shall present his/her written statement to the Township Administrator. The Administrator shall meet with the employee and discuss the written statement. The Administrator will prepare a written response following the meeting. That response will subsequently be delivered to the employee.

**Step 4** If the employee wishes to appeal the Township Administrator's decision he/she may, within two (2) working days (as defined above) of his/her receipt of the administrator's written decision, present a final written appeal to the Township Fiscal Officer. The Fiscal Officer shall then refer it, along with the Administrator's written response and all other relevant material presented in the underlying grievance procedure, to the Delhi Township Board of Trustees at its next regular Board meeting. The Board will then notify the employee of the date and time that it will hear and review the employee's written appeal. The Trustees, in executive session, will then hear and review all information presented by the employee and management on that date (unless otherwise moved at the request of the employee or the township) and subsequently will issue a final and binding decision.

## ARTICLE 10 TERMINATION

*Approved: 01/29/2014*

Termination of employment with Delhi Township may be either voluntary or involuntary. Due to the differing nature and types of termination, the following guidelines shall apply:

When voluntarily terminating employment, for whatever reason, employees are expected to give at least two weeks advance **written** notice to their department head. An employee who resigns in good standing and provides the requested notice may be considered for rehire.

All employees are entitled to an exit interview and may request to meet with any two of the following individuals: the employee's immediate supervisor, the employee's department head, the Human Resource Director or the Township Administrator.

An employee who resigns or walks off the job without providing due notice (two weeks) will be deemed to have resigned his/her employment effective on the date of the walkout.

Even though an employee may voluntarily terminate his/her employment, Delhi Township retains the right to ask the employee to leave earlier than the requested termination date.

All items belonging to Delhi Township, such as keys, documents, uniforms and equipment must be returned to the employee's immediate supervisor on or before the employee's last working day.

An employee's last paycheck, whether he/she resigned or was terminated, including payment for any applicable unused vacation and comp time, will be issued in the next regular payroll period assuming he/she has returned all township property in his/her possession.

## **ARTICLE 11      POSITION DESCRIPTIONS**

All current position descriptions can be viewed or printed from SharePoint. You can also obtain a copy by contacting the Human Resource Director.

## ARTICLE 12 ACKNOWLEDGMENT OF EMPLOYEE

*Approved: 01/29/2014*

This Summary of Policies describes important information about Delhi Township and I understand that I should consult my supervisor regarding any questions not answered in the Summary.

I have entered into my employment relationship with Delhi Township voluntarily and acknowledge that there is no specified length of employment. Accordingly, either Delhi Township or I may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described in this Summary are subject to change as needed, I acknowledge revisions to the handbook may occur, except to the employment at will policy of Delhi Township. All such changes will be communicated to employees, and I understand that revised information may supersede, modify, or eliminate existing policies. I also understand that only the Delhi Township Board of Trustees has the ability to adopt revisions to the policies in this handbook.

Furthermore, I acknowledge that this Summary is neither a contract of employment nor a legal document. In the event there is a conflict between the matters expressed in this manual and any other applicable contract, law, regulation, or policy statement or directive, the applicable contract, law, regular, or other policy statement or directive shall prevail.

I have received the Summary of Policies and acknowledge receipt of all pages. I understand that it is my responsibility to read and comply with all the policies contained therein and any revisions made to it.

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Signature of Employee

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Name of Employee (Printed)

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Date of Signing