

Berlin Township

Employee Handbook

ADOPTED BY RESOLUTION
AND EFFECTIVE

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CHAPTER I – INTRODUCTION

SECTION 1.01 PURPOSE AND SCOPE

This Handbook applies to all Township employees and officials. The purpose of this Handbook is to communicate basic employment terms and policies of Township employment and what is expected of employees. Employees are expected to acquaint themselves fully with, and abide by, the contents of this Handbook.

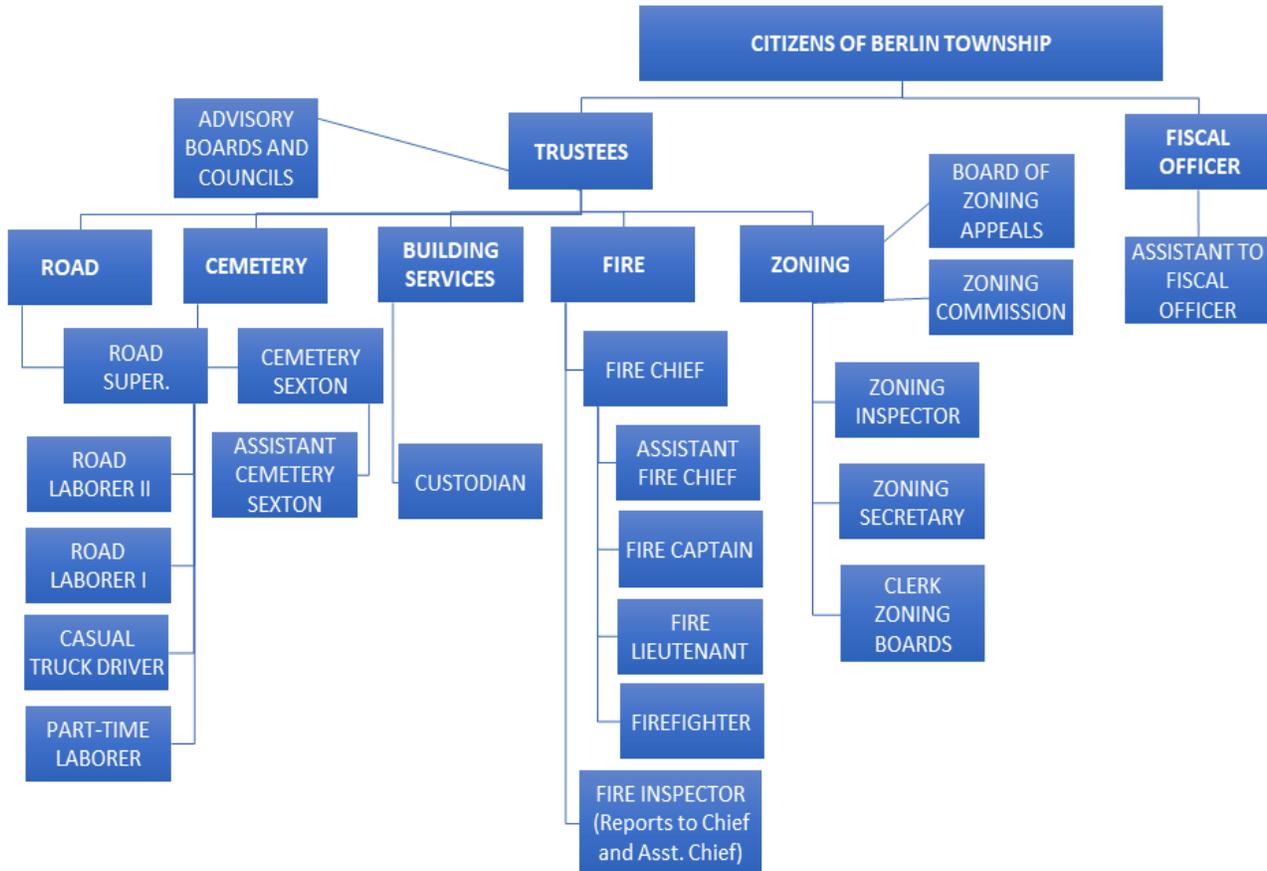
A Handbook cannot possibly anticipate every employment situation. The Township reserves the right to deviate from these policies, if in its sole judgment, deviation is warranted in any situation. The Township, from time to time, may delete from, add to, or revise this Handbook. Employees will normally be notified of any such changes before they become effective.

This Handbook supersedes all previous Resolutions, employment policies and handbooks, and all written and unwritten personnel policies or operational guidelines that directly conflict with this Handbook. The Berlin Township Departments may, at their discretion, develop separate operational policies, orders or directives to be applied to their respective Departments. Such policies are supplemental to, and shall not conflict with, any of the policies set forth in this Handbook. If there is a conflict that the Trustees did not expressly ratify, the policies set forth herein shall govern. Employees must immediately report to their supervisor or Department Head any perceived conflict between this Handbook and a Departmental policy or operational guideline.

This Handbook is intended to be construed in such a manner as to comply with all applicable federal and/or State laws, as well as any contracts and collective bargaining agreements between the Township and any employee or group of employees. If any provision of this Handbook is determined to conflict with the law, contract or collective bargaining agreement, the conflicting provision in the law, contract or collective bargaining agreement shall apply and the remainder of this Handbook will continue in full force and effect.

SECTION 1.02 TOWNSHIP CHAIN-OF-COMMAND

The following represents the general Organizational Chart, which may be amended from time-to-time by the Board of Trustees consistent with law. Employees should acquaint themselves with this Organizational Chart, specifically with respect to their chain of supervision.



CHAPTER II – GENERAL PERSONNEL POLICIES

SECTION 2.01 EMPLOYMENT STATUS AND DEFINITIONS

UNLESS OTHERWISE PROVIDED BY LAW, ALL EMPLOYEES OF THE TOWNSHIP ARE EMPLOYEES AT WILL AND SERVE AT THE PLEASURE OF THE BOARD. This Handbook is not a contract of employment or a promise or guarantee of employment or of any rights, benefits, or processes of employment.

All Township employees are required to follow all rules, regulations and conditions adopted by the Board of Trustees that relate to the capacity in which they are employed as well as all rules designed to protect property and lives and all federal, state and local laws and regulations. Violators of the policies and procedures contained in this Handbook may lead to discipline up to and including termination of employment.

DEFINITIONS

The following terms may be referenced within this Handbook:

1. **Board of Trustees:** The Board of Township Trustees, Berlin Township, Delaware County, Ohio; the appointing and legislative authority of Berlin Township.
2. **Trustee:** A Berlin Township Trustee; Township Trustees are elected or appointed individuals serving in the role of Berlin Township Trustee.
3. **Fiscal Officer:** The Fiscal Officer of Berlin Township; the Fiscal Officer is an elected or appointed individual who keeps all Township records and oversees and safeguards Township funds and performs other duties as specified in the Ohio Revised Code.
4. **Township Administrator:** The Board of Trustees may from time-to-time appoint a Township Administrator. The Administrator shall assist in the administration, enforcement and execution of the policies and resolutions of the Board of Trustees, supervise and direct the activities and affairs of the divisions of Township government and perform other duties.
5. **Department Head:** A Department Head is a person charged with the management and supervision of persons assigned to his/her department. The Department Heads are normally the Zoning Inspector, Fire Chief, Cemetery Sexton, and Road Superintendent.
6. **Employee:** An employee is a person who is hired by the Township and works for the Township on an hourly wage or salary basis. Employees are ultimately subject to the direction and control of the Township Board of Trustees and Department Head in the performance of their duties.
7. **Exempt Employee:** Exempt employees are not covered by the Fair Labor Standards Act (FLSA) overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. Exempt employees are paid on a salary basis, regardless of the quality or quantity of work performed within a workweek, except there may be deductions to their weekly salary as allowed by law. The Board of Trustees may, in its discretion, approve non-FLSA comp time for these employees.
8. **Full-Time:** Full-time employees will generally be scheduled to work, and expected to work, at least forty (40) hours per week.
9. **Part-Time:** Part-Time employees are all employees not regularly scheduled to work at least forty (40) hours per week. For availability of health insurance, however, a part-time employee means a township employee who is hired with the expectation that the employee will work not more than one thousand five hundred hours (1,500)

in any year; a part-time employee who actually works more than 1,500 hours in a given year does not automatically become a full-time employee.

10. **Temporary/Seasonal Employee:** Employees hired to fulfill temporary work needs, or on a seasonal basis, are temporary/seasonal employees and will be paid an hourly wage but will generally not be eligible for benefits provided by the Township. Temporary/seasonal appointments include, but are not limited to, college interns, students, seasonal workers, interim and intermittent employees.

SECTION 2.02 EQUAL OPPORTUNITY EMPLOYMENT

Berlin Township is an equal opportunity Township and does not discriminate on the basis of race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status, or other protected characteristics or protected activities of an individual, except when such a factor constitutes a bona fide occupational qualification (“BFOQ”). All personnel decisions and practices including, but not limited to, hiring, suspension, termination, other disciplinary action, layoff, demotion, promotion, transfer, and evaluation, shall be made without regard to the above listed categories. The Township intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

The Township condemns and will not tolerate any conduct that bullies, intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint under the Unlawful Discrimination, Harassment or Retaliation Policy in Section 2.04 of this Handbook. Employees can raise concerns and make good faith reports without fear of retaliation.

SECTION 2.03 REASONABLE ACCOMMODATION

The Township provides equal employment opportunities to qualified individuals with respect to hiring, retention, promotion, transfer, or any benefit or privilege of employment, of any qualified individual. To be considered a qualified individual, the person must satisfy the requisite skills, experience, education and other job-related requirements of the position the person holds or desires and must be able to perform the essential functions of the position, with or without a reasonable accommodation.

The Township will reasonably accommodate qualified individuals with disabilities, who are pregnant or who have pregnancy-related conditions, or who need an accommodation due to their sincerely held religious practices, unless doing so causes undue hardship upon the Township or a direct threat of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by a reasonable accommodation.

All employees are required to comply with safety standards. Applicants and employees who pose a direct threat to their own health or safety or that of others, in which the threat cannot be eliminated by reasonable accommodation, will not be hired or retained.

Employees requesting accommodations, having questions regarding this policy, or who feel their rights have been violated under this policy, shall notify their Department Head or a Trustee Liaison. The Department Head or Trustee Liaison must bring the request or complaint to the Board of Trustees without delay so that it can be evaluated and processed. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The Township and employee will ordinarily meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given. Decisions as to accommodation requests are made on a case-by-case basis by the Township.

Ultimately, the Board of Trustees is responsible for implementing this policy, including resolution of accommodation requests, safety, and undue hardship issues, or directing the employee to the appropriate procedures.

SECTION 2.04 REPORTING DISCRIMINATION, HARASSMENT OR RETALIATION

Berlin Township is committed to providing a workplace that is safe and free from unlawful discrimination, harassment and retaliation. The Township will not tolerate behavior of the types outlined in this policy, whether that behavior is on-duty or off-duty or which violates Policy Section 2.02. This policy covers all employees, supervisors, department heads and elected officials. Additionally, the Township expects all suppliers, subcontractors, residents, visitors, clients, volunteers and any other individual who enters Township property, conducts business on Township property, or who is served by Township personnel, to adhere to this standard.

DEFINITIONS

Unlawful discrimination or harassment is behavior directed toward an employee because of his/her membership in a protected class such as: race, color, religion, sex, pregnancy, national origin, age, ancestry, disability, genetic information, or military status. Unlawful discrimination and harassment are inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy, by anyone who observes such conduct.

1. **Unlawful Discrimination:** Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected class. An employer may not discriminate against an individual with respect to the terms and conditions of employment, based upon that individual's membership in that protected class.
2. **Unlawful Harassment:** Harassment is a form of discrimination. Harassment may be generally defined as unwelcome conduct based upon a protected characteristic. However, harassment becomes unlawful when:
 - A. Enduring the offensive conduct becomes a condition of continued employment.

- B. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

By way of example, sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Harassment on the basis of an employee's membership in any protected class (as set forth above) is unlawful, will not be tolerated, and must be reported by anyone who is a victim of or observes the same.

Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is acceptable in a social setting may be inappropriate in the workplace. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment.

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy, including conduct or behavior directed at another through social media.

- 3. **Workplace Romances:** To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their Department Head or Trustee liaison, if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the Township determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the Township will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from Township employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.
- 4. **Unlawful Retaliation:** Unlawful retaliation is the act of punishing an employee or job applicant for asserting their rights to be free from employment discrimination or harassment, or for engaging in other protected activity. Anti-discrimination laws

prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law may also prevent retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. The Township and its supervisors and employees shall not in any way retaliate against an individual for in good faith filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity.

Any employee who feels he or she has been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his or her relationship with someone who took action under this policy, shall report the conduct as provided in this Policy. Disciplinary action for filing a false complaint is not a retaliatory act.

Reporting Unlawful Discrimination, Harassment or Retaliation

The Township provides employees the opportunity to make good faith reports of discrimination, harassment or retaliation. The Township can only help solve a problem if it is made aware of its existence. Employees who feel they have been subject to unlawful discrimination, harassment or retaliation by a fellow employee, supervisor, or other individual otherwise affiliated with the Township shall immediately report the conduct, in writing, to their Department Head, each of whom shall have the authority and responsibility to investigate and direct appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination, harassment or retaliation, or who have questions or concerns regarding this policy, shall immediately contact a Department Head. Should an employee perceive unlawful discrimination, harassment or retaliation by an individual in the reporting chain, the employee may bypass that individual and make a report to the next higher level, or to a Trustee.

Late reporting of complaints and verbal reporting of complaints will not preclude the Township from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the offensive incident or behavior. All supervisors are required to follow up on all claims or concerns, whether written or verbal, by communicating the same to the Board of Trustees immediately.

In harassment situations, although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When the Township is notified of the alleged harassment, it will timely investigate the complaint. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed. All employees are required to cooperate in any investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and corrective action designed to stop the harassment and prevent its recurrence will be taken.

Complaints made in good faith under this policy are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination, harassment or retaliation will not constitute a false complaint without further evidence of bad faith. False complaints are considered to be a violation of this policy.

Corrective Action

If the Township determines a violation of this policy, such as unlawful discrimination, harassment, or retaliation, has taken place, appropriate corrective action will be taken, up to and including termination. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting discriminatory, retaliatory or harassing behavior will be subject to discipline up to and including discharge, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unreported or unaddressed.

SECTION 2.05 BOND REQUIREMENTS

Township employees shall be bonded or insured as required by law. The Township will incur the cost of such bonding and will obtain such bonds on behalf of the employee.

SECTION 2.06 PROBATIONARY PERIOD (FIREFIGHTERS ONLY)

Upon appointment, each firefighter hired by the Township will be required to successfully complete a one year (365 day) probationary period. During the Employee's initial one-year probationary period, such Employee shall, for purposes of Ohio Revised Code § 505.38, be deemed to be appointed as a probationary, non-permanent, member of the Berlin Township Fire Department. The probationary period will begin on the first day for which a firefighter receives compensation from the Township. Notwithstanding Ohio Revised Code Sections 505.38 and 733.35 et seq., a probationary firefighter will serve at the pleasure of the Township and may be terminated at any time during this probationary period at will and without a hearing. Any firefighter so terminated shall have no right to appeal or otherwise challenge such termination in court.

Following the satisfactory completion of the one-year probationary period, the Employee shall be subject to termination as described hereafter. The Board shall be the sole authority empowered to determine whether the Employee has completed his/her probationary period in a satisfactory manner, and shall notify the Employee, in writing, if the probationary period has not been satisfactorily completed prior to the expiration of the one-year period.

The Township, through the Board of Trustees, may extend a firefighter's promotional probationary period, as set forth above, for an additional period not to exceed six (6) months. On the occasion that the Employee may be promoted to a higher classification, the Employee shall be required to successfully complete a one-year probationary period in the Employee's newly appointed position. The probationary period for the newly promoted Employee shall begin on the effective date of the promotion. If service at any point during this time is deemed unsatisfactory, the Employee, subject to the probationary promotional period, may, at the Board's option, be returned to the Employee's former rank and salary, with full credit for service during the promotional probationary period. If so returned, the member shall have no recourse to contest the return and resultant demotion through the

court system or collective bargaining agreement concerning probationary demotion. This provision shall not be construed as a guarantee for continued employment or future promotion.

SECTION 2.07 PERSONNEL RECORDS

It is the Township's policy to maintain certain records on each employee which are directly related to the employee's job with the Township. At all times, the Township will balance the employee's right to privacy with the Township's need to collect and use information.

Employees are responsible for notifying the Fiscal Officer upon any changes in the following:

- Name;
- Street address and mailing address;
- Telephone Number;
- Marital Status (for benefits, insurance and tax withholding purposes);
- Number of dependents;
- Address and telephone numbers of dependents and spouse or former spouse (for insurance purposes);
- Beneficiary designations for any Township provided insurance or retirement plans; and
- Persons to be notified in case of an emergency.

The Fiscal Officer is responsible for appropriately maintaining each employee's personnel file. Further, the Fiscal Officer is responsible for periodically reviewing and updating each employee's personnel file to maintain file completeness. Employees are to notify the Fiscal Officer within seven (7) calendar days of any change in the employee's address or contact information. If the employee does not timely provide written documentation of a change of address, the Fiscal Officer will have no obligation to make retroactive changes regarding withholdings or reimbursements except as otherwise provided by law.

Employees are permitted to inspect their own personnel records. A written request to do so must be directed to the Fiscal Officer who will schedule a time for inspection of the employee's record. Any access to a personnel file will be verified, recorded and kept as a permanent part of the file.

The personnel file of an employee who has resigned and/or been terminated shall be "closed out" and maintained in accordance with the Township's Public Records Policy.

The Township will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical

information is not being treated in a confidential manner should report such concerns to the Fiscal Officer or Department Head.

SECTION 2.08 OUTSIDE EMPLOYMENT

The Township recognizes that some full-time Township employees may hold positions of employment outside of their Township employment. In these situations, the Township considers itself to be the primary employer and requires that the employee notify the Board of the secondary employment immediately. Employees may hold outside jobs as long as the employees meet the performance standards of their job with the Township and the outside employment does not pose a conflict of interest. Any negative effects that the Township concludes has resulted from the outside employment (e.g. absenteeism, loss of productivity, refusal of mandatory overtime, etc.) may result in discipline, up to and including termination. Employees shall not use Township owned equipment for employment outside of Berlin Township employment purposes or for personal reasons. If the Board determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Township, the employee may be required to terminate the outside employment if the employee wishes to remain with the Township.

SECTION 2.09 DUAL POSITION EMPLOYMENT

Any Township employee occupying more than one position of employment with the Township shall carefully monitor his/her time to ensure that the aggregate time that the employee spends working for the Township does not exceed forty (40) hours in a work week. If the aggregate time that the employee spends working for the Township is likely to exceed forty (40) hours in a work week, the employee shall immediately notify either the employee's supervisor or a Board member, with respect to each of the employee's positions and obtain their approval before working any overtime. Supervisors of such employees shall consult one another when preparing work schedules to reduce overtime to the extent possible.

SECTION 2.10 TEMPORARY ASSIGNMENTS

All Township employees shall be required to perform any and all temporarily assigned duties of which they are capable regardless of their usual or customary duties or job assignments. When an employee is temporarily assigned to substitute in another job classification for a period of one continuous week or more, the Board will determine at what rate of pay the employee will be compensated for the duration of the temporarily assigned position. No temporary assignment shall exceed one hundred twenty (120) calendar days without review and renewal by the Board and no temporary assignment shall exceed one hundred eighty (180) calendar days.

SECTION 2.11 PERFORMANCE EVALUATIONS

All Township employees, other than firefighters serving an initial probationary period, may, from time to time, have their performance reviewed by the Board and/or their supervisor. Such evaluations are intended to identify the strengths of an employee's performance as well as to determine whether an employee is maintaining an overall acceptable level of performance. Performance evaluations should encourage communications between the Board and/or the

supervisor and the employee, and provide all involved with a better understanding of the other's expectations and goals.

SECTION 2.12 RESIGNATION

In the event that a Township employee voluntarily decides to leave the employ of the Township, **written notification should be given to the appropriate Trustee Liaison at least two (2) weeks in advance** of the last day that the employee intends to report to work. During this two-week period an exit interview with the Board may be conducted, and all Township property in the employee's possession must be returned. Failure to return all Township property may result in criminal prosecution.

Fire Department

A member is requested to provide at least two (2) weeks' notice of intent to resign from the department to allow ample time to process the notice. The Fire Chief may waive the notice requirement and allow the resignation to become effective immediately on receipt of a member's intention to resign.

Notice of resignation should be written and delivered to the member's Shift Officer. The Shift Officer shall promptly forward the notice to the Assistant Chief for processing.

It is the member's responsibility to contact the Township Fiscal Officer for information about benefits options.

SECTION 2.13 REFERENCE CHECKS & EMPLOYMENT VERIFICATION

Providing information regarding the employment history of an employee or former employee is a delicate matter that should only be attempted by those appropriately trained and experienced. Only the Fiscal Officer, or other persons authorized by the Board of Trustees or a Trustee Liaison are authorized to provide employment information or references on behalf of Berlin Township. The only information that the Fiscal Officer will provide is verification of dates of employment and job title, and responses to public records requests.

SECTION 2.14 MEDIA INQUIRIES AND RESPONSES

Only the Trustee or another person directly authorized by the Board of Trustees shall respond to media inquiries of the Township. An employee contacted by news media for information about Township operations shall refer the media to their Department Head, who will notify a Trustee. This policy is designed to avoid duplication, assure accuracy and protect employees and the Township from dissemination of misstatements and misinformation.

Fire Department Media Relations

Statements to the media, news release and media campaigns must be approved by the Department Head, Trustee Liaison, or other authorized person prior to release, except as provided.

For Fire or EMS scenes, an Incident Commander is authorized to provide the media with general details concerning an incident.

The Fire Inspector/PIO are authorized to provide the media with general details concerning an incident and matters pertaining to department relations.

On duty firefighters are authorized to provide the media with a list of incidents. This information shall be limited to dates, times and location of incident.

Information pertaining to cause and origin of an incident may be released by the Incident Commander unless the incident has been turned over to a Fire Investigation team or State Fire Marshal Office. In this case, only the Chief, Assistant Chief, or Fire Marshal may release details of the incident.

Information relating to any personnel matter, department policy, department litigation or other sensitive matters shall be released only by the Department Head or Trustee Liaison.

SECTION 2.15 CONCEALED CARRY

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon, handgun, or ordnance onto Township property, including Township vehicles. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

Township employees are prohibited from carrying firearms any time they are working for the Township or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, or while wearing a Township identification badge, uniform, or other Township issued paraphernalia that an employee is required to wear relative to their employment.

This policy does not prohibit employees, possessing a valid license to carry a concealed handgun, from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted to be (e.g. Township Parking Lot). However, the employee must leave the firearm and ammunition in their personal vehicle. Employees are neither permitted to remove their firearm or ammunition from their personal vehicles while at work locations nor are they permitted to bring a concealed firearm or ammunition into a Township owned building. The employee's firearm and ammunition must be stored in their personal vehicle in accordance with the storage provisions of the Concealed Carry statute. The firearm and ammunition must be in a locked vehicle either in the glove compartment, a lock box or the trunk.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon, firearm, or ammunition on Township premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon or firearm in violation of this policy at any time while they are working for the

Township, acting within the course and scope of employment, or acting as a representative of the Township.

SECTION 2.16 SEVERE WEATHER AND OTHER EMERGENCIES

Purpose

The intent of this Policy is to establish a policy for the operation of the Township in the event of a Severe Weather Event or an Emergency.

Scope

This Policy applies to all Employees.

Definitions

1. **Board**: Board means the current Board of Trustees of the Township.
2. **County**: County means Delaware County, Ohio.
3. **Emergency**: Emergency means a state resulting from an unexpected and/or usually dangerous event. Examples of an Emergency are a fire, flood, tornado, earthquake, severe weather, power outage and/or other unusual and/or unexpected severe event. This list of examples is not exhaustive or exclusive.
4. **Employee**: Employee means an employee of the Township.
5. **Essential Employee**: Essential Employee means an employee assigned to a position that is necessary to everyday operations and/or functions of the Township. Essential Employees include, but are not limited to, all fire department personnel, all emergency communications personnel, all maintenance personnel, and all road department personnel. Essential Employee includes zoning personnel required for a zoning hearing if a zoning hearing is scheduled and the hearing is not rescheduled or cancelled. Essential Employee also includes cemetery personnel required for a funeral if a funeral is scheduled and the funeral is not rescheduled. The Board, in its sole discretion, may designate any other employee as an Essential Employee as a matter of policy or on an as needed basis.
6. **Fiscal Officer**: Fiscal Officer means the current Fiscal Officer of the Township.
7. **Leave**: Leave means vacation leave or compensatory time accrued and unused by the Employee and available for use by the employee.
8. **Non-Essential Employee**: Non-Essential Employee means an employee assigned to a position not designated by this Policy or the Board as an Essential Employee.

9. **Policy**: Policy means this Severe Weather and Emergency Policy.
10. **Severe Weather Event**: Severe Weather Event means a weather event that results in the Sheriff declaring a weather-related Emergency.
11. **Sheriff**: Means the elected or appointed County Sheriff or his or her designee.
12. **Snow Emergency**: Snow Emergency means a Level 1, Level 2, or a Level 3 Snow Emergency declared by the Sheriff in accordance with the laws of the State of Ohio.
13. **Township**: Township means Berlin Township, Delaware County, Ohio.
14. **Township Offices**: Township Offices means all offices and departments operated by the Township.

Severe Weather Policy

In the event of any Severe Weather Event in the County that results in the Delaware County Sheriff declaring a Snow Emergency, the Township shall operate, based on the level of the declared Snow Emergency, in accordance with the following policy:

- **Level 1 Snow Emergency**:

The Township will be open. All Employees, unless otherwise excused, are expected to be at work.

- **Level 2 Snow Emergency**:

Overnight Severe Weather Event

If a Severe Weather Event occurs overnight, the following applies:

All Essential Employees, unless otherwise excused, are expected to be at work at the Essential Employee's scheduled shift start time or as otherwise ordered and are expected to remain at work until the end of the Essential Employee's scheduled shift or as otherwise directed.

The Board, in its sole discretion, may determine that conditions warrant a delay in the opening of the Township Offices or closure of the Township. In which case, the Board may order such delay or closure. Any such order shall be communicated to Employees by telephone call or text message from the Fiscal Officer. Employees should not expect any such order to be communicated by any other method or means.

Workday Severe Weather Event

If a Severe Weather Event occurs during the workday, the Board, in its sole discretion, may determine that conditions warrant closure of the Township Offices. In which case, the Board may order that the Township Offices be closed. Any such order shall be communicated to Employees via telephone, text message, email, verbal communication, or other appropriate means of communication as determined by the Board.

At the time designated for closure all Non-Essential Employees are excused.

All Essential Employees, despite any closure of Township Offices and unless otherwise excused, are expected to remain at work until the end of the Essential Employee's scheduled shift or as otherwise directed.

- **Level 3 Snow Emergency:**

Township Offices are closed.

All Essential Employees, unless otherwise excused, are expected to be at work at the Essential Employee's scheduled shift start time and are expected to remain at work until the end of the Essential Employee's scheduled shift or as otherwise directed.

Non-Essential Employees should not report to work.

Employee Determination that Conditions are Unsafe or Prevent Attendance at Work

In the event of a Severe Weather Event where the Township Offices are open and/or the employee is expected to report to work consistent with this Policy, an employee shall use his or her discretion as to whether to report to work. In the event an employee determines that the conditions in the employee's neighborhood and/or the employee's route to work is/are unsafe or prevent the employee's attendance at work, the employee shall contact the Fiscal Officer and advise him or her that due to the Severe Weather Event he or she is unable to report to work. The employee must use and be approved by the Board to use Leave for the hours that the employee is absent from work. If the employee has no Leave or Leave is not approved, the employee must use unpaid leave. An employee using unpaid leave under the circumstances described in this Policy shall not be in any way penalized for his or her absence.

Severe Weather Event in Another County

Employees living or located in another county shall follow the above Severe Weather Policy in accordance with any Severe Weather Event and the level of any Snow Emergency declared by the Sheriff for the county in which the employee lives or is located or is required to pass through on his or her route to work.

In the event a Snow Emergency declared in another county affects an employee, the effected employee shall contact the Fiscal Officer and advise him or her of the existence of and level of such Snow Emergency.

In the event of an absence caused by a Level 2 Snow Emergency in another county, a Non-Essential Employee must use and be approved by the Board to use leave for the hours that the employee is absent from work. If the employee has no leave or leave is not approved, the employee must use unpaid leave. An employee using unpaid leave under the circumstances described in this Severe Weather Policy shall not be in any way penalized for his or her absence.

In the event of an absence caused by a Level 3 Snow Emergency in another county, a Non-Essential Employee shall record the hours of his or her absence due to the Level 3 Snow Emergency in his or her time records as "Other." Under such circumstances, Non-Essential Employees will not be required to use leave.

Emergency Policy

The Board, in its sole discretion, may determine that an Emergency exists and that conditions warrant closure of the Township Offices. In which case, the Board may order that the Township Offices be closed until, as determined by the Board in its sole discretion, a set date and time or until further order of the Board. Any such order shall be communicated to employees via telephone, text message, email, verbal communication, or other appropriate means of communication as determined by the Board.

If the Emergency occurs outside of work hours and the Board orders the Township Offices closed, Non-Essential Employees shall not report to work until the Township Offices are once again open or until further ordered. If the Emergency occurs during work hours and the Board orders the Township Offices closed, at the time designated for closure all Non-Essential Employees are excused until the Township Offices are once again open or until further ordered.

In the event of an Emergency as a result of which the Board orders the Township Offices closed, all Essential Employees, unless otherwise excused, are expected to be at work at the Essential Employee's scheduled shift start time or as otherwise ordered and are expected to remain at work until the end of the Essential Employee's scheduled shift or as otherwise directed.

Recording of Time

In the event the opening of Township Offices is delayed or the Township is closed, Non-Essential Employees who are excused should record the hours of the delay or closure in their time records as "Other." Non-Essential Employees who are excused due to a delay or closure will not be required to use Leave.

CHAPTER III – PAY & BENEFITS

SECTION 3.01 EMPLOYEE COMPENSATION, WITHHOLDINGS AND DEDUCTIONS

Employee salaries and benefits are determined by Resolution of the Board of Trustees, or applicable collective bargaining agreement. Payment of employee compensation will be administered by the

Fiscal Officer. Standard withholdings, as dictated by federal and state law, including retirement systems, will be deducted from employees' paychecks. In addition, the Township is required by law to comply with court orders, liens, and garnishments. The Township cannot stop garnishments without a court order or statement of expiration.

SECTION 3.02 PAYROLL

Township employees are paid either bi-weekly or monthly. Bi-weekly paychecks are issued every other Tuesday for time worked during the two-week period commencing three weeks prior. There are generally twenty-six (26) bi-weekly payroll periods per year. Monthly paychecks for time worked during the month are issued by the fifth (5th) day of the following month. There are twelve (12) monthly payroll periods per year. No payroll advances are permitted.

In the unlikely event that there is an error in the amount of an employee's paycheck, the employee should promptly bring the discrepancy to the attention of the Fiscal Officer so that corrections can be made. Generally, any such corrections will be made on the next scheduled paycheck.

SECTION 3.03 TIMEKEEPING

Accurately recording time worked is the responsibility of every Non-Exempt Employee, whether hourly or salary. Time worked is the time actually spent on a job performing assigned Township duties. The Township does not pay for extended breaks or time spent on personal matters.

The Township requires all Non-Exempt Employees, including Supervisors, to complete and sign a timesheet verifying the amount of hours worked. All timesheets shall be forwarded to the employee's supervisor at the end of the last scheduled work day of each pay period. Supervisor's shall review and sign an employee's timesheet prior to forwarding the same to the Fiscal Officer. In the event a supervisor is absent, a Board member may review and sign an employee's timesheet. Supervisors shall forward their timesheets to a Board member for review and signature by the Board member. All timesheets shall contain two signatures. Non-Exempt Employees should record the time work commenced and ended. Any approved leave or absence from work due to personal reasons must be filed with the Fiscal Officer at the time the leave or absence is requested by the employee. Approved leave or absence from work must be reflected on the timesheet and each Non-Exempt Employee has the responsibility to attach the approved leave form to the timesheet in the pay period in which the leave occurred.

Failure to properly complete a timesheet may delay issuance of a Non-Exempt Employee's paycheck to the next scheduled pay period. Filling out another employee's timesheet, or the falsification of any timesheet, is prohibited and may be grounds for disciplinary action, up to and including termination.

SECTION 3.04 OFF-THE-CLOCK WORK IS PROHIBITED

The Township intends to compensate employees for all hours worked. There shall be no "off the clock" work. Non-exempt employees are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with

supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked, but may be disciplined accordingly.

No supervisor is vested with the authority to require “off the clock” work. An employee who believes they have been required to work off the clock will inform an individual next higher in the chain of the command immediately. If a dispute arises, the employee is to perform the work and submit the hours to their Department Head or Township Administrator for payment. The Township will promptly investigate the matter and issue appropriate compensation.

SECTION 3.05 HOURS OF WORK & OVERTIME PAY

Work Hours and Overtime Generally

Except for certain Fire Department personnel discussed below, full-time non-exempt Township employees will be regularly scheduled to work forty (40) hours each workweek. A work week is defined as that period of time beginning at midnight on Sunday morning and continuing until midnight on the following Saturday evening and containing one hundred sixty-eight (168) consecutive hours. Full-time employees will ordinarily be scheduled to work eight (8) hours per work day, not including a half (1/2) hour unpaid lunch break and two (2) paid fifteen (15) minute breaks each day.

All non-exempt employees, except certain Fire Department Employees discussed below, who actually work more than forty (40) hours in a workweek shall be entitled to overtime pay compensation in conformance with the Fair Labor Standards Act. The overtime pay rate will be one and one-half (1 ½) times the employee’s regular rate for all hours actually worked beyond forty (40) hours per work week.

Notwithstanding anything to the contrary contained herein, a Township employee shall work at such times as may, from time to time, be directed by the employee’s supervisor and/or a Trustee. This authority includes, but is not limited to, the right to change the employee's regular work schedule and hours and the right to require the employee to work overtime. Nothing in this Handbook shall be construed as a guarantee of a particular number of hours of work per week nor as a restriction on the Township's right to require overtime. Regular, predictable attendance is an essential function of each job.

Work Cycle and Overtime for Non-Exempt Firefighters

Firefighters ordinarily assigned to the 3-platoon system, for purposes of calculating eligibility for overtime pay, utilize an annual year calculated to be two thousand seven hundred fifty-six (2,756) hours per year, one hundred six (106) hours per fourteen (14)-day work period, an average of fifty-

three (53) hours per week. The regular workday for the 3-platoon members shall be twenty-four (24) hours beginning at 0800 and ending at 0800 the following calendar day followed by forty-eight (48) hours off during the work period.

The work period is hereby established to, and shall be understood to, refer to the regular recurring period of work consisting of fourteen (14) consecutive calendar days, one hundred six (106) hours, beginning at 12:01 a.m. and ending at 12:00 a.m. of the fourteenth (14th) consecutive calendar day next following that beginning morning. "Work period" is defined herein, pursuant to applicable provisions of the Fair Labor Standards Act codified at 29 USC § 207(k), as explained by 29 CFR §§ 553, *et seq.*

Forty (40) hour members will be entitled to overtime pay at time and one and one-half their regular rate for all hours worked in excess of forty (40) hours in a workweek. Platoon members will be paid to overtime pay at one and one-half (1½) their regular rate for all hours worked in excess one hundred six (106) hours in the fourteen (14)-day work period. During fourteen (14)-day work periods in which a member is regularly scheduled to work ninety-six (96) hours, members will be paid overtime pay at one and one-half (1½) their regular rate for all hours worked in excess of ninety-six (96) hours.

For purposes of calculating eligibility for overtime pay of non-exempt firefighters, the firefighter's actual hours worked as well as time on vacation or compensatory time, will be counted.

Time spent overnight on official Township business during which an employee is able to use their time freely shall not be considered time worked for purposes of calculating overtime.

No employee may work overtime without prior express approval from their supervisor or Department Head. Unauthorized overtime will result in disciplinary action up to and including termination of employment.

SECTION 3.06 COMPENSATORY TIME OFF (FIRE DEPARTMENT)

Non-exempt full-time employees of the Fire Department may choose to receive compensatory time off ("comp time") in lieu of actual cash compensation for any overtime hours worked by the employee. Comp time is a substitute for cash overtime. Comp time will be credited at the rate of one and one-half (1 ½) hours for each overtime hour worked. The non-exempt full-time firefighter may accumulate, not more than four hundred eighty (480) hours of compensatory time in their bank. An employee who has accumulated compensatory time to his or her credit may elect to be paid for some or all of the hours in his or her comp time bank at the last pay period in November, paid at straight time at the hourly rate in effect at the time of payment, one (1) hour of pay for each one (1) hour deducted from the comp time bank, or may elect to carry-over the unused comp time to the next year. In no event shall the total number of comp time hours in an employee's bank exceed four hundred eighty (480) hours.

The Township will permit use of comp time within a reasonable period after the employee makes the request, if such use does not unduly disrupt the operations of the Department. Comp time may be taken by forty (40) hour members in four (4) hour increments. Comp time may be taken in the

following increments for fifty-three (53) hour members, and must be requested seventy-two (72) hours in advance, except as approved by the Fire Chief:

- 9-hour day shift (08:00hrs-17:00hrs)
- 15-hour night shift (17:00hrs-08:00hrs)
- 12-hour increments (08:00hrs-20:00hrs or 20:00-08:00)
- 24-hour duty day increments

For comp time greater than twenty-four (24) hours, the request must be submitted by the 10th day of the preceding month.

To prevent undue disruption of Department operations, no more than one (1) member may utilize comp time at the same time.

Upon termination of employment an employee will be paid for the unused compensatory time at the highest of the following two rates: (A) the average regular rate received by the employee during the last three (3) years of the Township employment, or (B) the final regular rate received by the employee.

SECTION 3.07 EXEMPT EMPLOYEE PAY

Salaried-exempt employees receive their pre-determined full salary for any workweek in which work is performed. Their pay is not subject to deductions for variations in the quantity or quality of the work performed. Under federal law, exempt employee salaries are subject to certain deductions resulting in pay reductions in a workweek in which work was performed. Pay deductions in a workweek may include:

- Full day absences for personal reasons;
- Full day absences for sickness or disability;
- Full day suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others);
- Family and Medical Leave absences (either full or partial day absences);
- To offset amounts received as payment for jury and witness fees or military pay;
- Unpaid suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies;
- The first or last week of employment in the event the employee works less than a full week.
- Any other deduction permitted by law.

In any workweek, an exempt employee's salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability (however the employee's paid time off balances may be reduced by less than a full-day consistent with Township policy);
- Absence because the Township is closed on a scheduled work day;

- Absences for jury duty, attendance as a witness, or military leave in any week in which the exempt employee has performed any work;
- Any other deductions prohibited by state or federal law.

The Township adheres to the Fair Labor Standards Act and as such, does not intend to make improper deductions from exempt employees.

The Township may from time-to-time permit comp time for exempt employees, and set the parameters for comp time and whether unused comp time is paid-out. Exempt employees should check with their supervisor about whether they are eligible for exempt comp time.

SECTION 3.08 PAYROLL ERRORS

The Township intends to comply with all FLSA provisions. Improper deductions that are not in accordance with the FLSA are prohibited. Additionally, improperly classifying individuals as “exempt” from overtime is prohibited. Any deduction that is subsequently determined to be improper, or any exemption status later found to be improper, shall be reimbursed. Any employee who believes that he or she has had an improper deduction from his or her salary, or who believes he or she has been improperly classified under the FLSA, shall submit a complaint in writing to the employee’s Department Head and the Fiscal Officer will investigate the matter. The Fiscal Officer will investigate and see that a written response is provided in a timely manner to ensure a good faith effort to comply with the FLSA.

SECTION 3.09 GROUP HEALTH INSURANCE

The Board of Trustees may procure insurance policies that provide for hospitalization, surgical care, major medical care, disability, dental care, eye care, medical care, hearing aids, prescription drugs, and/or sickness and accident or other policies. If the Board procures any such policies, the Board will offer coverage to all full-time Township employees and their immediate dependents. Employees may be required to contribute a percentage of the premium of such plan.

Unless governed by federal or state law, the Township reserves the right to alter, modify, change, or cancel any of the benefit plans it offers to its employees, or their coverages, as it deems appropriate, with or without notice.

For purpose of this policy, a full-time employee is one who works an average of thirty (30) or more hours per week. An hour of service is each hour for which an employee is paid, or entitled to payment, for the performance of duties for the employer, and each hour for which an employee is paid, or entitled to payment by the employer for a period of time during which no duties are performed due to vacation, holiday, illness, incapacity, layoff, jury duty, military duty or leave of absence. The Township will make the determination of whether an employee is a full-time employee consistent with federal and state law.

It is the responsibility of employees to notify the Fiscal Officer of any change in family status, which may include birth of a child, death of a child or spouse, marriage, divorce, a spouse’s change in employment status, etc., as well as any beneficiaries, as these may affect benefit availability or

coverage. Family status changes must be made in writing within thirty (30) calendar days of the event.

Employees should contact the Fiscal Officer for more information about the benefits offered.

The Township may offer an insurance opt-out payment to employees who decline to participate in the Township's health plan. See the Fiscal Officer about whether such benefits are available.

SECTION 3.10 CONTINUATION OF GROUP HEALTH INSURANCE COVERAGE (COBRA)

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

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

SECTION 3.11 DEFERRED COMPENSATION

The Ohio Public Employees Deferred Compensation Program is a mandatory retirement savings program that allows an eligible public employee to save for retirement by depositing a portion of his or her wages in the program. An employee pays no current federal or state tax on money deposited in the program, or on the income earned on such deposits, until the funds are withdrawn from the program. The program is administered by the Ohio Public Employee Deferred Compensation Program. A copy of the Township's Deferred Compensation Policy is available with the Fiscal Office. To learn more or to enroll in this program, contact the Fiscal Officer.

SECTION 3.12 RETIREMENT

Unless exempted by applicable law, all Township employees shall participate in either the Public Employee Retirement System ("OPERS") or the Ohio Police and Firefighter Disability and Pension Fund ("OP&F"). OPERS and OP&F are mandated retirement withholdings that are taken from employees' paychecks at rates set by OPERS or OP&F, respectively. They are in lieu of Social Security withholding. Upon reaching an age established by OPERS or OP&F, employees will receive retirement benefits according to established schedules. The Township will pay its portion of OPERS and OP&F withholding only and will not be responsible for picking up any part of the employee's portion. Upon termination from employment with the Township, employees may have the option to cash out their withholdings, minus any taxes and penalties due according to applicable OPERS or OP&F rules.

Part-time and paid volunteer firefighting personnel pay Social Security Tax (“FICA”). With every contribution made by the employee, the Township contributes an amount set by the U.S. Government.

SECTION 3.13 PAID HOLIDAYS

The following nine (9) days and two (2) half-days (totaling eighty (80) hours) are recognized by the Township as paid holidays for which all full-time employees with at least six (6) months continuous Township service will receive the following hours of pay at the employee’s regular rate of pay:

Holiday	Date Observed
New Year’s Day	January 1 (8 hours)
Martin Luther King Day	Third Monday in January (8 hours)
Memorial Day	Last Monday in May (8 hours)
Independence Day	July 4 (8 hours)
Labor Day	First Monday in September (8 hours)
Veteran’s Day	November 11 (8 hours)
Thanksgiving	Fourth Thursday in November (8 hours)
Friday Following Thanksgiving*	Fourth Friday in November (8 hours)
Christmas Eve**	December 24 (4 hours)
Christmas Day	December 25 (8 hours)
New Year’s Eve**	December 31 (4 hours)

*In lieu of Presidents’ Day

**In lieu of Columbus Day

Saturday/Sunday Observance

Township holidays which fall on a Saturday will be observed on the preceding Friday. Township holidays which fall on a Sunday will be observed on the following Monday, with the exception of Christmas Eve and New Year’s Eve, which will instead be observed on the preceding Friday.

Holidays Occurring during an Employee’s Vacation/Sick Leave

A full-time employee shall receive holiday pay (i.e. eight (8) or four (4) hours of pay, whichever is appropriate, at the employee’s regular rate of pay), as opposed to paid sick leave or vacation pay, for any holiday that occurs during the employee’s scheduled vacation, or while the employee is absent on sick leave approved in advance by the Board.

Work on Holidays

Full-time employees required to work on a scheduled holiday will be paid holiday pay as set forth above in addition to one and one-half times their regular rate of pay for hours actually worked on the holiday. Holiday pay is not considered hours worked for purposes of calculating overtime.

Holiday Leave and Pay (FIREFIGHTERS)

Fifty-three (53) hour employees of the Fire Department shall be entitled holiday time and compensation for each of the holidays listed above, in accordance with the Fire Department’s Holiday Compensation Schedule for a given year.

Fifty-three (53) hour employees that actually work the holidays will receive holiday pay at one and one-half times (1.5x) their regular hourly rate for the hours actually worked on the holiday date starting at 00:00 hours until 23:59 hours, or may bank the holiday pay as paid time off, in accordance with the Fire Department’s Holiday Compensation Schedule. The employee can carry over to the next calendar year up to fifty-six (56) hours of holiday time.

The use of banked holiday time shall be scheduled in the same manner provided for the scheduling of vacation time; provided, however, that holiday time may, with the approval of the Fire Chief, be scheduled by an employee upon seventy-two (72) hours prior notice.

If an employee is credited with holiday time and subsequently leaves the employ of the Township, then all holiday time representing those hours for holidays occurring after such break in service shall be forfeited without compensation or payment therefor. In the event the employee has used all or any portion of such time prior to his or her break in service, then the time so used may be deducted from the employee's wages and/or other monies owed to the employee, and the Township is hereby authorized to automatically make such deduction. If the Township requests, an employee shall sign an authorization in favor of the Township reflecting this deduction.

To ensure that coverage is provided and shared across all full-time employees on holidays, the Township will not ordinarily approve leave time requested for a holiday. Exceptions to this rule include leave necessary for Family Medical Leave, to reasonably accommodate a disability, jury service, military leave and bona fide sick leave. Sick leave taken on a holiday will automatically require a doctor’s certification of the nature of the leave that it was needed for that day.

SECTION 3.14 VACATION

Full-time employees shall accrue paid vacation leave based upon hours in active pay status according to the following schedule:

Length of Continuous Township Service*	Annual Paid Vacation Leave Available	Amount Accrued Per 80 Hours in Active Pay Status
Less than eight (8) years of continuous service.	10 days (80 hours)	3.08 hours (bi- weekly)
Eight (8) to fourteen (14) years of continuous service.	15 days (120 hours)	4.62 hours bi-weekly)
Fifteen (15) to twenty-four (24) years of	20 days (160 hours)	6.15 hours (bi-weekly)

continuous service		
Twenty-five (25) or more years of continuous service	25 days (200 hours)	7.69 hours (bi-weekly)

* Approved paid and/or unpaid leave does not constitute interruptions in an employee's period of service.

Prior Service

A full-time Township employee is entitled to have the employee's prior full-time service with another Ohio township counted as service with the Township for the purpose of computing the amount of the employee's vacation leave. The employee's employment anniversary date for purposes of computing the amount of the employee's vacation leave shall be the anniversary date of such prior service.

An employee who has retired in accordance with the provisions of any retirement plan offered by the State and who become reemployed with the Township thereafter, shall not have prior service with Berlin Township or any other Township or entity counted for the purpose of computing vacation leave.

A full-time employee who later transitions to part-time status involuntarily and then returns to full-time status, shall have that time while employed part-time counted toward seniority for purposes of vacation accrual.

Accrued vacation leave is not available for use until it is credited to the employee. An employee may carryover a maximum of ten (10) days (eighty (80) hours) of vacation leave to the following year. Vacation leave in excess of ten (10) days (eighty (80) hours) not used at the close of the year in which it is credited, shall be forfeited without compensation or payment therefore. Upon an employee's separation from employment with the Township, the employee shall be paid for all earned but unused vacation time to his/her credit at the time of separation.

Terms and Conditions of Use

With the approval of the Board, an employee may take vacation leave subject to the following terms and conditions:

- When vacation time is used, it shall be used in one (1) hour increments, and shall be deducted from the employee's credit on the basis of one (1) hour for every one (1) hour of absence from previously scheduled work;
- Should a Township paid holiday occur during an employee's scheduled vacation, the employee will receive holiday pay and the day will not count against the employee's vacation allowance; and
- Vacation schedules are subject to Board approval and shall be scheduled and submitted to the Fiscal Officer at least two (2) weeks in advance of requested time off; provided that vacation

requests of eight (8) hours or less may be submitted with as little as one (1) day (24 hours) notice.

Vacation Leave (FULL-TIME FIREFIGHTERS)

Full Time Fire Department Employee Vacation Accrual

Forty (40) hour members will accrue vacation at the annual rate set forth above, based on years of continuous active full-time service with the Township, and on the anniversary date of his/her employment.

Fifty-three (53) hour members will accrue vacation at the annual rate set forth below, based on years of continuous active full-time service with the Township, and on the anniversary date of his/her employment.

Years of Continuous Service	Hours of Vacation Earned (Per Year)	Shift Days of Vacation Earned (53 Hour Work Week)	Hours of Vacation Earned per Pay (26 pay periods)
Year 1 – Year 5	120	5 shift days	4.62 hours
Year 6 – Year 10	168	7 shift days	6.46 hours
Year 11 – Year 15	224	9 shift days	8.62 hours
Year 16 – Year 20	264	11 shift days	10.16 hours
Year 21 –	336	14 shift days	12.93 hours

Accrued vacation leave is not available for use until it is credited to the employee. No leave shall be taken until approval has been received by the Fire Chief or designee. No member shall be allowed to take more vacation, compensatory, or holiday time than what they have accrued.

Notwithstanding the foregoing, upon a break in service no vacation time shall accrue or be credited unless and until the employee is in active service with the Township.

Use

Vacation time shall be taken at such time or times at the discretion of and as may be approved by the Fire Chief or designee. Vacation leave may be taken in one (1) hour increments for forty (40) hour members. Vacation leave may be taken in the following increments for fifty-three (53) hour members:

- 9-hour day shift (08:00hrs-17:00hrs)
- 15-hour night shift (17:00hrs-08:00hrs)
- 12-hour increments (08:00hrs-20:00hrs or 20:00-08:00)
- 24-hour duty day increments

The employee may only take a maximum of two (2) consecutive weeks (120 hours) of vacation at any one time.

Scheduling.

For vacation leave less than and including eight (8) hours for forty (40) hours members, and twenty-four (24) hours for fifty-three (53) hour members, seventy-two (72) hour notice must be given. For vacation leave greater than twenty-four (24) hours, the request must be submitted by the 10th day of the preceding month. Scheduling of vacation for the upcoming year will begin to take place November 1, of the preceding year. Members may schedule vacation leave based on Department Seniority. By December 1 of the preceding year, each member must schedule at least two (2) consecutive shifts of vacation leave to be taken in the upcoming year.

Vacation Carry-Over

The employee shall have the option of carrying over up to one hundred sixty-eight (168) hours of vacation time into the next succeeding calendar year. The employee shall communicate this election to carry over one hundred sixty-eight (168) hours in writing, on a form approved by the Board of Trustees, to the Township Fiscal Officer no later than December 1 of the calendar year in which such time is accrued. Vacation that is not used or carried over by the end of the calendar year shall be forfeited.

Payout on Separation

A member who is to be separated from the Township service for any reason and who has accrued but unused vacation leave shall be paid in a lump sum for such unused vacation leave to the employee's credit. In the event of an employee's death, earned but unused vacation leave shall be paid to the employee's spouse, children, or parents in that order, or to the employee's estate.

CHAPTER IV – ATTENDANCE & LEAVES OF ABSENCE

SECTION 4.01 SICK LEAVE

Each full-time employee shall accrue paid sick leave at the rate of approximately 4.62 hours of sick leave per bi-weekly pay period, for a maximum of fifteen (15) days (120 hours) of sick leave per

calendar year. Fifty-three (53) hour members of the Fire Department shall accrue paid sick leave at the rate of twelve (12) hours per work period, for a maximum total of three hundred twelve (312) hours for each calendar year during full-time active service. An employee may use sick leave as it is earned without any waiting period.

Carry Over

Employees who do not use all of their sick leave by the end of the calendar year in which it was accrued may carry that leave forward to following years, provided that employees shall not be permitted to accumulate more than four hundred eighty (480) hours of accrued but unused sick leave. Members of the Fire Department may carry-over unused sick leave from year to year to a limit of nine hundred and thirty-six (936) hours. If an employee has a break in service, the employee's previously accumulated sick leave shall be placed to the employee's credit upon re-employment with the Township on a full-time basis, provided that such re-employment takes place within five (5) years of the date on which the break in service occurred, and the employee did not previously cash-out any amount of sick leave upon retirement or transfer it to another agency. Each quarter, a member of Fire Department who has more than four hundred eighty (480) hours of accrued, unused sick time, may exchange up to twenty-four (24) hours of unused sick leave from their balance for an equal amount of pay at the member's then-current regular hourly rate.

Charge of Sick Leave

Sick leave shall be used in one (1) hour increments. Employees shall be charged sick leave only for the day and hours that they have otherwise been regularly scheduled to work.

Uses of Sick Leave

With the approval of the Board, sick leave may be used by an employee for the following reasons:

- Illness, injury, or pregnancy-related conditions of the employee;
- Exposure of an employee to a contagious disease that could be communicated to and jeopardize the health of other employees;
- Examination of the employee, including medical, psychological, dental or optical examination, where such examination could not be scheduled off-duty;
- Illness, injury, or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary. For present purposes, and for purposes of the following paragraph, "immediate family" shall include the employee's: spouse, grandparents, parents, brothers, sisters, and children (including step-children, foster children, and legal guardianship children);
- Examination, including medical, psychological, dental, or optical examination of a member of the employee's immediate family where the employee's presence is reasonably necessary. An employee using sick leave for a medical, dental, or vision

examination must report to work at the earliest time practicable following completion of the examination, provided that the employee is medically released by the physician to resume work; and

- For a reasonably necessary time, in no event to exceed five (5) days, for bereavement purposes for the death of a member of the employee's immediate family. For purposes of bereavement "immediate family" shall include the employee's: spouse, parents, children (including step-children, foster children, and legal guardianship children), grandparents, siblings, grandchildren, parents-in-law, step-siblings, or a legal guardian or other person who stood in the place of a parent. For funeral attendance purposes in the event of the death of a person other than a member of the employee's immediate family, an employee may not use sick leave, but may use vacation leave.

Evidence of Use

Any sick leave used should be reflected on the employee's time sheet.

The Township may require the employee to furnish a satisfactory written, signed statement to justify the use of sick leave. The Board may also require the employee to furnish the Township a certificate signed by a licensed physician or health provider stating the nature of the illness or injury in order to verify proper use of sick leave.

In the case of a condition that requires an employee to take a leave exceeding three (3) consecutive scheduled work days, a physician's statement specifying the employee's ability to work and the probable date of recovery may be required. If a township employee is sick for a period of five (5) or more consecutive days a doctor's release will be required to return to work.

Notification

An employee who is unable to report for work and who is not on a previously approved day of sick leave shall be responsible for personally notifying the employee's supervisor, the fiscal officer and/or a Board member that the employee will be unable to report for work unless the employee is unable to communicate. The notification must be made within one-half (1/2) hour after the time the employee is scheduled to report for work unless emergency conditions prevent such notification.

If an employee knows that the employee will be unable to work for more than one day, the employee should inform the employee's supervisor and/or a Board member as soon as possible. Should an employee become ill during the work day, the employee should notify the employee's supervisor, Fiscal Officer and/or a Board member of the illness before using sick leave and leaving the work site.

Notification (FIRE DEPARTMENT)

Any Fire Department employee who is unable to report for work and who is not on a previously approved day of sick leave shall be responsible for personally notifying the Fire Chief or then on-duty supervisor by telephone that the employee will be unable to report for work, unless the

employee is unable to communicate. In the event the Fire Chief or appropriate officer cannot be reached, Employee shall attempt to notify the Trustee Liaison by telephone. The notification must be made at least one (1) hour before the time the employee is scheduled to report for work unless emergency conditions prevent such notification. If, despite these efforts, the member is unable to reach the Fire Chief, on-duty supervisor or Trustee Liaison, the member shall leave a phone or text message or email with the Fire Chief. Should an employee become ill during the workday, the employee must notify the employee's supervisor of the illness before using sick leave and leaving the work site.

Unauthorized Use of Sick Leave

Employees will be subject to discipline up to and including termination for unauthorized, inappropriate, and/or fraudulent use of sick leave, including but not limited to the following: falsifying sick leave forms; failure to provide physician's verification when required; falsifying physician's verification; misrepresenting the grounds for a sick leave request; and failure to notify the employee's supervisor, fiscal officer and/or a Board member of sick leave.

Death of Employee

Upon the death of an employee, unused accumulated sick leave shall be paid to the employee's spouse, children, or parents, if any, in that order, or to the employee's estate as provided for in this section. Payment for sick leave accumulated while in the employ of the Township shall be based on the employee's regular rate of pay in effect at the time of death and will be paid in cash for one-fourth (1/4) of the value of the employee's accrued, but unused, sick leave balance, up to a maximum payment of one hundred twenty (120) hours.

Light Duty

The Township may, in its discretion, order an employee to temporary light duty assignment consistent with the employee's medical restrictions. The Township shall have the right to require one or more medical examinations (which, if required, shall be paid for by the Township) of an employee in order to ensure that the employee is able to perform the duties of the position. In the case of any medical examination, the employee shall authorize the release to the Township or designee(s) of the results of each examination. Nothing in this section shall restrict or otherwise modify the rights granted to cancel and/or deny sick leave consistent with this Policy.

SECTION 4.02 CIVIC DUTY LEAVE

Jury Duty

Employees will be excused from regularly scheduled work for jury duty. Upon receiving a jury duty notice, an employee shall provide a copy to the employee's supervisor, Fiscal Officer and/or a Board

member within seven (7) days or give reasonable notice to the Township prior to the commencement of the employee's service as a juror. If an employee's jury duty is concluded prior to the completion of the employee's regularly scheduled workday, he or she must return to work for the remainder of the workday. Employees scheduled for jury duty immediately following the conclusion of their shift will be released from their shift sufficiently in advance to allow the employee to timely travel to the courthouse in time for the scheduled jury service. The Township will compensate an employee who is called to, and reports for, panel and/or jury duty, at the employee's straight-time hourly rate for the hours he or she was scheduled on that day. The employee must give the Township prior notice of jury duty, and pay his or her jury duty fee to the Township, in order to receive his or her regular pay. Jury duty pay is considered hours worked for purposes of calculating overtime.

Work Related Proceedings

Employees who are required by the Township to appear in court or other proceedings on behalf of the Township, will be paid at their appropriate rate of pay for hours actually worked. Employees must obtain prior approval from their supervisor before appearing in court or administrative proceedings on behalf of the Township.

Personal Matters

Employees who are required to appear in court on personal matters, or on matters unrelated to their employment with the Township, must seek an approved vacation leave or unpaid leave of absence.

SECTION 4.03 MILITARY LEAVE

Military leave is governed by O.R.C. Chapters 5903, 5906 and 5923 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Permanent public employees who are members of the Ohio National Guard, the Ohio Defense Corps, the Naval Militia or members of other reserve components of the Armed Forces of the United States are entitled to military leave from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to exceed a total of twenty-two (22) eight (8) hour work days (176 hours) in any one (1) calendar year, or a total of seventeen (17) twenty-four (24) hour days (408 hours) in the case of public safety employees pursuant to Section 5923.05 of the Ohio Revised Code. Additional military leave may be granted by special action of the Board.

If the military leave exceeds an employee's entitlement of twenty-two (22) calendar days (176 hours) of military leave in any one (1) calendar year, the employee may request to use accrued vacation or sick leave during such period of service.

During this leave of absence, employees are entitled to be paid a monthly amount equal to the lesser of: (1) the difference between the employee's gross monthly wage and his/her gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee's gross wages from the Township for that period.

Employees must turn in a training schedule for the year as soon as it is received. Only requests for military leave, including a copy of the order or statement from the appropriate military commander as evidence of the employee's duty, shall be submitted to the Board for approval. There is no requirement that the service be in one continuous period of time. Official orders will be accepted. Memorandum-in-lieu-of orders will not be accepted. The Township will request verification for the file that the individual was in service for the requested dates.

SECTION 4.04 FAMILY MEDICAL LEAVE

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the federal Family and Medical Leave Act of 1993, as amended.

DEFINITIONS

As used in this policy, the following terms and phrases shall be defined as follows:

1. **Family and/or medical leave of absence:** An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
 - a. Upon the birth of an employee's child and in order to care for the child.
 - b. Upon the placement of a child with an employee for adoption or foster care.
 - c. When an employee is needed to care for a family member who has a serious health condition.
 - d. When an employee is unable to perform the functions of his or her position because of the employee's own serious health condition.
 - e. Qualifying service member leave.
2. **Service Member Leave:** The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on "covered active duty" or receiving a "call to covered active duty". In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a "single twelve (12)-month period" to care for a service member with a "serious injury or illness" sustained or aggravated while in the line of duty on active duty. The "single twelve (12)-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.

3. **Per year**: A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Township will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.
4. **Serious health condition**: Any illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care.
 - b. Any period of incapacity of more than three (3) consecutive calendar days that also involves:
 - i. Two (2) or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
 - ii. Treatment by a health care provider on one (1) occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - c. Any period of incapacity due to pregnancy or for prenatal care.
 - d. A chronic serious health condition which requires at least two (2) “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
 - e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
 - f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three (3) days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
5. **Licensed health care provider**: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.

6. **Family member**: Spouse, child, parent or a person who stands “*in loco parentis*” to the employee.
7. **Covered Service Member**: Means either:
 - a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - b. A covered 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 National Guard or Reserves Member, at any time during the five (5) years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
 - i. Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five (5) year period for covered veteran status.
8. **Outpatient Status**: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
9. **Next of Kin**: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
10. A **serious injury or illness**, for purposes for the twenty-six (26) week military caregiver leave means either:
 - a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that 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 covered veteran, means an injury or illness that was incurred by the member in the 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 manifested itself before or after the member became a veteran, and is:

- i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
- ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

11. **Covered Active Duty or call to covered active duty:**

- a. In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country.)
- b. In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.

12. **Deployment to a foreign country:** means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.

13. **Qualifying Exigency:** (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:

- a. Up to seven (7) days of leave to deal with issues arising from a covered military member's short notice deployment, which is a deployment on seven (7) or fewer days notice.

- b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
- c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
- d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
- e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of fifteen (15) calendar days from the date the military member commences each instance of Rest and Recuperation leave.
- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood "*in loco parentis*" to the military member when the member was under eighteen (18) years of age, when the parent requires active assistance or supervision to provide daily self-care in three (3) or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
- i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

Leave Entitlement.

To be eligible for leave under this policy, an employee must meet all of the following conditions:

1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
2. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
3. Work at a location where the Township employs fifty (50) or more employees within a seventy-five (75) mile radius.
 - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
 - b. Spouses who are both employed by the Township are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

Use of Leave

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

1. **Generally:** An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
2. **Birth of An Employee's Child:** An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. *(Note: See section E below for information on disability leaves.)*
3. **Placement of a Child for Adoption or Foster Care:** An employee who takes leave for the placement of a child for adoption or foster care must first use all available

accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

4. **Employee's Serious Health Condition or Family Member's Serious Health Condition:** An employee who takes leave because of his or her serious health condition or the serious health condition of his or her family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

FMLA and Disability/Workers' Compensation

An employee who is eligible for FMLA leave because of his or her own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the Township may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can the Township require him or her to do so, while the employee is receiving compensation from such a program.

Procedures For Requesting FMLA Leave

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the Township receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the Township. The Township will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the Township's operations.

Certification of Need for FMLA Leave for Serious Health Condition

An employee requesting FMLA leave due to his or her family member's serious health condition must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

The Township, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The Township may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the Township. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the Township. If the first and second opinions differ, the Township, at its own expense, may require the binding opinion of a third health care provider approved jointly by the Township and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Township periodic written reports assessing the continued qualification for FMLA leave. Further, the Township may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the Township receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Township within fifteen (15) days.

Certification for Leave Taken Because of a Qualifying Exigency

The Township may request that an employee provide a copy of the military member's active duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

Intermittent/Reduced Schedule Leave

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Township Administrator or Board of Trustees. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the Township establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Township Administrator or designee to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Township's operations.

Employee Benefits

Except as provided below, while an employee is on FMLA leave, the Township will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The Township will not continue to pay the Township portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his or her portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Township may seek reimbursement from the employee for any amounts paid by the Township for insurance benefits the employee received through the Township during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are

based on length of service. However, specific leave times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

Reinstatement

An employee on FMLA leave must give the Township at least two business days notice of his or her intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Township.

An employee will not be laid off as a result of exercising his or her right to FMLA leave. However, the Township will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during his or her FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of his or her position, with or without reasonable accommodation.

Records

All records relative to FMLA leave will be maintained by the Township as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential. Records and documents created for purposes of FMLA containing family medical history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.

SECTION 4.05 UNPAID LEAVES OF ABSENCE

Employees may request an unpaid leave of absence from the Board for educational, personal, or health related reasons. The decision of whether to grant the requested leave is left to the Board in its sole and unfettered discretion. Unpaid leaves of absence may be granted for up to six (6) months, as determined by the Board. At the expiration of each six (6) months leave, the Board may renew an employee's leave for an additional six (6) months, if warranted. A physician's certificate stating the start date of said leave, the nature of the illness and return date must be attached to the application of all medical leaves of absences.

Where an employee is unable to pre-determine the exact length of the employee's leave, an indefinite leave, not to exceed six (6) months, may be approved, renewable at the Board's discretion. The employee may be permitted to return to work at any time during the six (6) month period, provided that the employee gives the Board at least two (2) weeks' written notice of the employee's desire to return to work. If a leave of absence is granted for a definite period of time, the employee may be reinstated prior to the expiration of the leave only upon written approval of the Board.

While on an unpaid leave of absence an employee does not earn sick leave or vacation, nor is the employee entitled to holiday pay. The employee's anniversary date will be adjusted to exclude the time spent on leave without pay. An employee on an unpaid leave of absence must pay the full premium for the employee's health insurance (and dependent coverage, if applicable) in order to maintain coverage during the leave.

Unpaid leaves of absence shall not be granted to an employee for the purpose of engaging in political activity.

SECTION 4.06 ATTENDANCE EXPECTATIONS

Regular and predictable attendance is an essential function of every position within the Township. Employees shall report to work on time and begin work promptly. Employees shall not sign-in or begin work before their scheduled start time, and shall not sign-out or stop work after their scheduled quit time, except with supervisory approval or in emergency situations or pre-approved leave.

Employees may utilize the categories of paid and unpaid leave available to them upon approval and so long as properly reporting such absences is consistent with this Handbook.

Any employee who fails to report to work without notification to his or her supervisor for a period of three days or more will be considered to have voluntarily abandoned his or her employment relationship and may be terminated.

SECTION 4.07 LATE FOR WORK/TARDINESS

For tardiness, there is a seven (7) minute grace period in the morning and when coming back from lunch. Supervisors will track when this grace period is used in excess. Once an employee has used 10 grace period allowances, he or she will forfeit use of a grace period, and any tardiness will result in an unexcused absence.

SECTION 4.08 REPORTING ABSENCES AND TARDINESS

An employee must provide timely notification to a supervisor if he or she will be late for work or absent. This notification does not excuse the absence or tardiness but simply notifies the supervisor so that work and schedules can be properly distributed. For unplanned absences, an employee must notify the immediate on-shift supervisor no later than sixty (60) minutes before the regular starting time. The employee must notify the immediate supervisor by phone as soon as the employee is

aware that he or she will be tardy. Individual departments may require a different absence or tardiness reporting procedure.

SECTION 4.09 REQUESTING LEAVE

Unless otherwise provided in this Handbook or an applicable collective bargaining agreement, “Request For Leave” (RFL) forms are to be completed by any employee who is requesting time off for any purposes permitted by the Township, paid or unpaid, and are to be submitted to a Board member, the Fiscal Officer and/or the employee’s supervisor for approval two (2) weeks prior to the commencement of the requested leave. In the event of an unexpected illness or injury, an RFL must be completed by the employee and submitted within twenty-four (24) hours of the employee’s return to work. Except as otherwise provided, a Board member, the Fiscal Officer and/or the employee’s supervisor may approve vacation and sick leave without the approval of the entire Board. The Board must, however, approve in writing all sick leave exceeding three (3) consecutive scheduled work days, vacation leave exceeding eight (8) hours, and unpaid leaves of absence.

CHAPTER V – WORKPLACE SAFETY AND INJURIES

SECTION 5.01 SAFE WORKPLACE

The Township strives to provide the safest working conditions possible for its employees and will comply with applicable state and federal laws and regulations. In order to assist the Township in this goal, it is necessary for all employees to follow appropriate and accepted Township safety practices and work rules and to be observant as to potential hazards in their work environments.

In the event that an employee feels that an unsafe and/or hazardous condition exists within the workplace, or if an employee is injured during the course of his or her employment, the employee shall report such a condition to supervisor, Department Head or Trustee.

The safety of Township employees and the public depends on the alertness and personal commitment of all. The Township provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, and other written communications. Further, employees and supervisors receive periodic workplace safety training. This training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. The extent and type of training will depend upon the position of each employee.

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

In the case of accidents, regardless of how insignificant the injury or damages may appear, employees must **immediately** notify a Board member, the Fiscal Officer and the employee’s supervisor. An employee, or in situations when the employee is not able to communicate or does not have access to a computer, the employee’s supervisor, is required to email a summary of details of

any work-related incident to the Fiscal Officer at clerk@berlintwp.us and to copy to all Board members and that employee's supervisor on the date of the incident. In the case of a traffic accident during township time, employees must immediately also notify law enforcement.

The employee and supervisor shall also submit a written report to the Fiscal Officer by the following business day. The report may be supplemented with further information (e.g. law enforcement report, witness statements, etc.) as it becomes available. Such reports are necessary to comply with applicable laws and initiate insurance and workers' compensation benefits procedures. A copy of the Incident Report may be obtained from the Fiscal Officer.

Checklist For Employees Involved in Motor Vehicle Accident

Employees involved in a motor vehicle accident while traveling for Township business, whether in their personal vehicle or a Township vehicle, must:

1. Take steps to assure the safety of the employee and any passengers;
2. Call an ambulance if anyone needs medical attention;
3. Call law enforcement to the scene, even if there does not appear to be any injuries, and await their arrival (unless the employee must seek immediate medical attention away from the scene);
4. Await the completion of law enforcement's investigation of the accident unless excused by law enforcement from the scene or taken for medical treatment;
5. Immediately notify the Trustee Liaison, Fiscal Officer or Department Head by phone or text of the details of the accident (this must be done while still on the scene of the accident, unless the employee is unable due to medical reasons);
6. No later than the next business day, provide the Fiscal Officer with a written summary of the accident, by writing or email.

SECTION 5.02 WORKPLACE VIOLENCE

Zero Tolerance

The Township is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the Township enforces a zero-tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect employees, or which occur on Township property or at a worksite, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline and possible criminal prosecution, depending on the nature of the offense.

Prohibited Acts of Violence

Prohibited acts of workplace violence include, but are not limited to, the following: (1) hitting or shoving; (2) threatening harm to an employee or his or her family, friends, associates, or property; (3) intentional destruction of property; (4) harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and website postings; (5)

intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule; (6) willful, malicious and repeated following of another person, also known as “stalking” and/or making threats with the intent to place another person in reasonable fear for his or her safety (7) suggesting or otherwise intimating that an act to injure persons or property is “appropriate”, without regard to the location where the suggestion or intimation occurs; and (8) unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Township property.

Warning Signs and Risk Factors

The following are examples of warning signs, symptoms and risk factors that may indicate an employee’s potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following: (1) hinting or bragging about a knowledge of firearms; (2) making intimidating statements such as: “You know what happened in Oklahoma City,” “I’ll get even,” or “You haven’t heard the last from me.”; (3) keeping records of other employees the individual believes to have violated departmental policy; (4) physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech; (5) acting out violently either verbally or physically; (6) excessive bitterness by a disgruntled employee or an ex-employee; (7) being a “loner,” avoiding all social contact with co-workers; (8) having a romantic obsession with a co-worker who does not share that interest; (9) history of interpersonal conflict; (10) domestic problems, unstable/dysfunctional family; and (11) brooding, depressed, strange behavior.

SECTION 5.03 WORKPLACE INJURIES

Berlin Township strives to provide safe workplaces for our staff and to promptly investigate workplace accidents and injuries to prevent reoccurrence. We also have an interest in maintaining accurate records and ensuring that employees are reporting work-related injuries and illnesses in a prompt manner. We require participation by each employee in this effort, through both prompt workplace accident or injury reporting and full-cooperation in the Township’s efforts to investigate the same.

In the event of a workplace accident, illness or injury, employees must follow these requirements:

1. The safety of employees, visitors and the public is of paramount importance. An employee’s first obligation upon a workplace accident, injury or illness is to secure his or her own safety.
2. In the event of an illness or injury that could be life-threatening, employees must seek emergency treatment at the nearest emergency department or call 911.
3. In non-emergency medical situations, employees should first use the Township’s designated medical provider to evaluate and treat workplace injuries or illnesses that require medical attention:

4. Employees must notify the health provider that he or she is seeking treatment due to possible injuries from a workplace accident.
5. All workplace accidents, and all workplace injuries or illnesses, no matter how minor, must be reported to an employee's supervisor or Department Head **at the time of their occurrence** by phone, text or in-person. This information must immediately be relayed to the Fiscal Officer. If it is not possible to immediately report the injury due to incapacitation caused by the injury or illness, or due to the need to seek emergency medical attention, employees must report the injury/illness without delay once no longer incapacitated due to medical treatment.
6. Within 24 hours of an employee's initial report of the workplace accident, injury or illness, employees must complete and provide to the Department Head or Fiscal Officer both of the following forms:
 - A. **Employee's Report of Injury Form**
 - B. **Incident Investigation Report**

Supervisors must complete the **Supervisor's Accident Investigation Form** and return to the Department Head or Fiscal Officer. Each of these forms are in **Appendix A** to this Handbook or available from the Department Head or Fiscal Officer. These forms may be returned either in-person, or by fax or email, but must be completed in their entirety and must be signed by the employee(s).
7. Employees must cooperate with the Township's attempts to investigate the circumstances of the workplace accident, injury or illness. This may include collecting information such as documentation, photographs or videos, correspondence, treatment records or other information to document the circumstances. Failure to cooperate with the Township's investigation may be considered insubordination and subject you to discipline up to and including discharge.
8. If employees receive work restrictions from their doctor, they must contact their supervisor or Department Head immediately so it can be evaluated whether modified duty is available within those restrictions.
9. If employees need workers' compensation forms, they may obtain them from the Fiscal Officer, or from the Ohio BWC (www.bwc.state.oh.us). There will be no punitive action against any employee because the employee filed a claim or instituted, pursued or testified in any proceedings under the workers' compensation act for an injury or occupational disease which occurred in the course of and arising out of their employment.

Nothing in this policy is to be interpreted to deter or discourage employees from accurately reporting a workplace injury or illness. Employees will not be discharged or otherwise discriminated or retaliated against for reporting a workplace injuries or illnesses in a non-fraudulent manner.

Employees will not be disciplined for failing to report a work-related injury or illness before they realize they sustained a work-related injury or illness or for failing to report "immediately" when they were medically incapacitated because of the injury or illness. If anyone, including a supervisor, attempts to interfere with or discourage employees from reporting a workplace accident, injury or illness, such attempts are unauthorized and must be reported to their Department Head or a Trustee Liaison immediately.

Any employee who suspects workers' compensation fraud, or received information about suspected workers' compensation fraud, must immediately notify the Department Head or Fiscal Officer. Examples of workers' compensation fraud include, but are not limited to:

- Making a false or misleading statement to receive workers' compensation benefits (Example: reporting an injury that does not exist);
- Misrepresenting or concealing a material fact to receive workers' compensation benefits (Example: reporting an off-duty injury as a work-related injury);
- Fabricating, altering, concealing or destroying a document to receive workers' compensation benefits (Example: withholding a doctor's release to return to work form); or
- Conspiring to commit an act described above (Example: helping another employee stage or fake a work-related injury).

Berlin Township may investigate any allegation of workers' compensation fraud and as such will cooperate fully with federal, state and local law officials, to identify and refer to law enforcement or the BWC any employee who commits or conspires to commit workers' compensation fraud.

Berlin Township may engage legal representation for the purpose of obtaining legal guidance, advice and counseling in the use and enforcement of this policy.

Failure to comply with this Policy will subject employees to disciplinary action, including termination from employment.

CHAPTER VI - DRUG & ALCOHOL-FREE WORKPLACE POLICY

Introduction

Berlin Township is committed to the health and safety of its employees, elected and appointed officials, citizens, and visitors. The presence of alcohol or illegal drugs at work or in an employee's system while on the job can negatively affect the productivity, safety, and stability of the workplace, and will not be tolerated. For the purposes of this policy, any reference to "employees" includes both management and non-management employees, elected officials and appointed officials.

The Township is a drug and alcohol-free workplace. Alcohol and illegal drug use, and abuse of legal drugs, is strictly prohibited. All employees must report to work in an unimpaired mental and

physical condition to perform their jobs in a satisfactory manner without posing a risk of injury to themselves or others.

In addition to complying with the terms of this Policy, employees are expected to abide by all federal, state and local laws and regulations. For example, an employee holding a commercial driver's license is expected to abide by the regulations of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration.

Prohibited Substances

For the purposes of this policy, alcohol is defined to include beer, wine, and spirits. Employees who are “under the influence” of (as defined in this policy under the influence is 0.02% BAC or greater), sell, receive, purchase, possess, distribute, or manufacture alcohol while on the job are in violation of this policy.

For purposes of this policy, an illegal drug is any chemical substance: (a) that is not legally obtainable; (b) that is legally obtainable but has been obtained, or is intended to be used, illegally; or (c) that is not used or intended for the purpose for which it is prescribed or manufactured. Illegal drugs include those in the Schedule of Controlled Substances of the U.S. Drug Enforcement Agency, the illegal or unauthorized use of prescription drugs, or any other substance which is determined to be illegal by state or federal law. Illegal drugs may include the following: amphetamines (speed, uppers), barbiturates, benzodiazepines, cocaine (including crack), opiates (codeine, morphine, oxycodone, heroin), phencyclidine (PCP, “angel dust”), methamphetamine, ecstasy (MDMA), marijuana (including medical marijuana), propoxyphene, methadone and other illegal drugs.

All employees who are under the influence of illegal drugs or alcohol while at work are still subject to corrective action as described in the Township’s Drug and Alcohol-Free Workplace Policy. Employees who are using marijuana are not exempt from this policy in any way. An employee’s use of marijuana will be treated the same as the use of all other illegal drugs or the abuse of legal drugs.

Medical Marijuana is Prohibited. Ohio Sub HB 523 was enacted on June 8, 2016, which authorizes limited types of medicinal marijuana to qualifying patients. The Township’s Drug and Alcohol-Free Workplace Policy is not affected by Ohio Sub HB 523. Medical Marijuana remains prohibited. The Township does not permit or accommodate an employee’s use, possession, or distribution of medical marijuana. The Township may refuse to hire or may discharge, discipline, or take other action against an individual or employee because of that person’s use, possession, or distribution of medical marijuana. An employee who tests positive for or refuses to submit to a drug test may be disqualified for compensation and benefits under the Ohio Workers’ Compensation Act. Furthermore, because the use, possession, or distribution of marijuana is a violation of the Township’s Drug and Alcohol-Free Workplace Policy, employees who are discharged for these reasons will be considered to be discharged for just cause for purposes of unemployment compensation, any applicable collective bargaining agreement, or other post-termination pay or benefits.

The Drug and Alcohol-Free Workplace Policy continues to apply regardless of whether the employee's use, possession, or distribution of marijuana was obtained/conducted in Ohio or other states.

Use of Cannabidiol or CBD. Under the Agricultural Improvement Act of 2018, hemp-derived products containing a concentration of up to 0.3% THC are not controlled substances. THC is the primary psychoactive component of marijuana. Any product, including "Cannabidiol" (CBD) products, with a concentration of more than 0.3% THC remains classified as marijuana, a Schedule I drug under the Controlled Substances Act. Berlin Township does not currently test for CBD, but continues to test for marijuana pursuant to the testing schedule in this Policy. The use of Cannabidiol or CBD products is not a valid explanation for a positive marijuana result under this Policy.

Prohibited Conduct

While performing work on behalf of the Township or while on Township property (including in vehicles), no employee may manufacture, use, possess, distribute, sell, solicit, or be under the influence of alcohol or illegal drugs, or abuse legal drugs. For the purposes of this policy, being under the influence means:

- a. To have a presence of an illegal drug or alcohol in the employee's system at or above the cut-off levels defined in this policy;
- b. Being determined by a federal, state, or local authority to have been intoxicated or impaired by alcohol or illegal drugs within the meaning of the law;
- c. Being unable, based on critical observations made by management or others, or by admission, to carry out one's work duties safely and effectively; or
- d. Admitting to conduct which is a violation of this Policy.

The use of legal prescription drugs or over-the-counter drugs/medications is restricted to permitted or prescribed use by the person for whom any such prescription was written. All employees have the responsibility to report any violations of this policy to a Department Head, including reasonable suspicion that an employee, contractor or visitor is under the influence of alcohol or drugs.

Safety Sensitive Positions

For the purposes of this policy, "safety sensitive positions" include firefighters and emergency medical technicians in the fire department, and all personnel whose positions require them to hold a CDL licensure. To the extent not superseded by a collective bargaining agreement, safety sensitive employees may be subjected not only to reasonable suspicion testing but also to random and post-accident testing.

Prescription Medication

Safety Sensitive employees must inform their Department Head if they are taking any medication that may impair their ability to perform their job duties safely. Employees on such medications must provide a written release from their treating licensed medical practitioner indicating that they are

capable of safely performing their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any Township function or duty while taking legal drugs that adversely affect their ability to safely perform any such function or duty.

Employee use of prescription or over-the counter drugs must be utilized for medical reasons, taken at the dosage, timing and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner.

Requests for Accommodations

Employees requiring accommodations for disabilities, or having questions regarding this policy, are to contact their Department Head consistent with the Reasonable Accommodations Policy in Section 2.03 of this Handbook.

Off-Duty Use

Illegal drug use, possession, sale, or other such activity while off-duty could adversely affect an employee's job performance, jeopardize the safety of other employees, and jeopardize the Township's equipment, property, and reputation, as well as endanger the general public. While the Township has no intention of unreasonably intruding into the private lives of employees, we do expect that an employee's off-duty conduct does not negatively or otherwise impact the Township and its reputation in the community, or disrupt the employee's ability to perform his or her work safely and effectively. Consequently, any off-duty use, possession, sale, trade, and/or offer for sale of illegal drugs, or use of alcohol in a manner which negatively impacts the Township or its reputation, is considered a violation of this policy. Employees who may be called-in to work outside of their normal shift unexpectedly must notify their immediate supervisor/manager if they are impaired and unable to perform their job.

Grounds for Testing

Testing is intended to detect problems, deter usage, and allow appropriate corrective action. In addition to alcohol, employees may be tested for amphetamines (speed, uppers), barbiturates, benzodiazepines, cocaine (including crack), opiates (codeine, morphine, oxycodone, heroin), phencyclidine (PCP, "angel dust"), methamphetamine, ecstasy (MDMA), marijuana, propoxyphene, methadone, and other drugs.

Employees will be tested for the presence of drugs and/or alcohol in any or all of the situations outlined below:

- a. **Post-Offer/Pre-Employment Drug Testing** - As part of the Township's employment procedures, all applicants for safety-sensitive positions who are given an offer of employment will be required to undergo a post-offer, pre-employment drug screen/test conducted by a designated vendor.

- b. **Reasonable Suspicion Testing** - Reasonable suspicion testing will occur when management has reason to suspect that an employee may be in violation of this policy. Reasonable suspicion testing may be based upon, among other things:
- Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to: slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;
 - A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;
 - The identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance;
 - A report of use of alcohol or a controlled substance provided by a reliable and credible source.
 - Repeated or flagrant violations of the Township’s safety or work rules, that are determined by the employee’s supervisor to pose a substantial risk of physical injury or property damage, and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.

Reasonable suspicion testing does not require certainty, but mere “hunches” are not sufficient to justify testing.

An employee required to submit to reasonable suspicion testing will be removed from his or her job duties, with pay, until the results of a test are returned. However, the Township may separately proceed with disciplinary or pre-disciplinary processes to address employee misconduct or behavior that violates Township policy, without awaiting the test results.

- c. **Post-Accident Testing for Safety-Sensitive Employees-** Post-accident testing will be conducted for employees in safety sensitive positions when, in the Township’s judgment, the employee causes or contributes to an on the job accident where 1) the employee sustains an injury requiring medical attention or lost time from work; 2) the accident causes death or injury requiring medical attention or lost time from work; 3) the employee commits workplace violence, or intentional or reckless damage to property at work; 4) the accident results in vehicular or property damage deemed by the Township to be substantial (ex., more than \$1,000); 5) the Township has reasonable suspicion that the employee was impaired at the time of the accident; or 6) the accident occurred while operating a Township vehicle, or operating a rental or personal vehicle while performing job duties authorized or required by the Township.

Post-Accident Testing for CDL/DOT 49 CFR Part 382.303 – The driver is subject to testing in accordance with the rules of the Department of Transportation, such as

when 1) there is a fatality; or 2) the driver is cited for a moving violation AND either: a) the vehicle is towed from the scene; or b) someone is medically evacuated from the scene.

Supervisors must promptly report any concerns about workplace behavior to Human Resources for evaluation.

An employee must submit to a post-accident alcohol test within 8 hours after an injury and to a drug test within 32 hours after an injury.

- d. **Random Drug and Alcohol Testing for CDL/DOT 49 CFR Part 40** - All CDL drivers are subject to random drug and/or alcohol testing at an annual rate set by the Federal Motor Carrier Safety Administration (FMCSA);

Random testing is conducted on an unannounced basis. An independent, non-Township testing organization will utilize objective computer software that ensures a truly random selection process in which all employees in the testing pool have an equal statistical likelihood of being selected for testing.

When the next random draw is conducted, all employees are again included in the pool with an equal chance of selection, regardless of whether an employee was previously selected.

The Township will provide employee identification numbers to be used in the random selection drawing. The contractor will, in turn, furnish the Township with a list of individuals to be tested at the beginning of each selection period. It shall be the responsibility of the Township to notify each employee who was selected with the date, time and location for that random test. Once the employee is notified of the selection to submit to random testing, it shall be the responsibility of the employee to appear for testing as soon as possible and to provide a urine specimen for drug testing and or submit to breath-alcohol testing.

An employee's failure to timely comply with the request for a specimen for random testing will be considered a refusal to submit to testing and will result in termination of employment.

Notice About Workers' Compensation

Employees are hereby notified that refusal to test or a positive test result following a workplace injury may, under Ohio law, result in denial of worker's compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the injured worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

Testing Process

The testing process consists of an initial screening conducted by trained collection personnel, who meet quality assurance and chain-of-custody requirements for urine collection and breath-alcohol testing, followed by a confirmation test conducted at sites certified to conduct such testing as required by law.

Any individual subject to testing under this policy shall be permitted to provide specimens in private, but subject to strict scrutiny by collection personnel to avoid any adulteration or substitution of the provided specimen. Breath alcohol testing will likewise be done in an area that affords the individual privacy. Confidentiality is required from all service providers. There are many other protections for employees that are built in to the testing process.

Test results will be reviewed by a Medical Resource Officer (MRO), who is a licensed physician. If an employee has a legitimate medical explanation for a positive test (such as a current and valid prescription for the substance), and the MRO has verified the explanation, the test will be reported to be a negative. A failure to provide documentary evidence, or contact the MRO in a timely manner, will result in the issuance of a positive by the MRO.

The tests will analyze the following drugs in the body in quantities which are at, or greater, than the specified “cut-off” levels below. Illegal drug detection thresholds (or cut-off levels) are standards that have been established by the federal agencies for each of the below drugs after years of research. These levels will be used to interpret all drug screens/tests.

Initial test analyte	Initial test cutoff	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites (THCA)	50 ng/mL	THCA	15 ng/mL.
Cocaine metabolite (Benzoylecgonine)	150 ng/mL	Benzoylecgonine	100 ng/mL.
Codeine/ Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL. 2000 ng/mL.
Hydrocodone/ Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL. 100 ng/mL.
Oxycodone/ Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL. 100 ng/mL.
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamine/ Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL. 250 ng/mL.
Methylenedioxymethampheta-mine	500 ng/mL	MDMA	250 ng/mL.

(MDMA) Methylenedioxyamphetamine (MDA)		MDA	250 ng/mL.
Barbiturates	300 ng/mL	Barbituates	300 ng/mL
Benzodiazepines	300 ng/mL	Benzodiazepines	300 ng/mL
Methadone	300 ng/mL	Methadone	300 ng/mL

The Township also expressly reserves the right to add or delete substances on the list above, especially if mandated by changes in existing federal, state, or local regulations or legislation. Thresholds for additional substances shall be established by the chosen laboratory in accordance with appropriate scientific standards.

A test result will be considered “positive” in each of the following situations:

- The test result shows a presence of the alcohol or illegal drug in the employee’s system that is at or above the levels prohibited by the Township (“cut-off levels”), and is without explanation sufficient to satisfy the Medical Review Officer within the deadline provided by the laboratory or MRO to provide such information;
- The employee refuses to participate or submit to testing and/or to release the results of the same;
- The employee adulterates, attempts to adulterate, substitutes, or dilutes a specimen collected for testing; (a result of “negative dilute” may require retesting);
- The employee fails to fully cooperate with the laboratory in the collection of a specimen for testing, including failing to sign necessary consent and release forms required by the facility;
- The employee fails to appear for testing when scheduled, purposely delays, or does not immediately report directly (no stops or detours) to the testing facility upon the Township’s request and in the manner directed by the Township; or
- The employee engages in other conduct which demonstrates the employee has interfered with the testing process or report of results to the Township.

The employee has an additional option to request and pay for a re-test of the original specimen if he or she believes there has been a mistake by the lab. This request must be made within 72 hours from the notification of the positive test result from the MRO.

The Township reserves the right to make all final employment decisions regardless of test results as provided by law.

Employees Voluntarily Seeking Assistance

Employees who believe that they may have a drug or alcohol addiction problem are encouraged to seek professional treatment and assistance.

If an employee voluntarily reports a substance abuse problem to their Department Head before any violation of policy, the employee will not be terminated but must agree to a course of action, which may include a last-chance agreement, paid/unpaid time off, or a leave of absence to undergo counseling and/or rehabilitation under appropriate Township leave policies, and subject to the leave provisions of any applicable collective bargaining agreement.

Employees may seek outside professional rehabilitation services, including services available through the Township's Employee Assistance Program (EAP) and their health insurance for approved sites. The Township will endeavor to keep such requests confidential to the extent possible. Employees will be responsible for the costs associated with drug and alcohol treatment.

Provided an employee's performance is satisfactory, the Township will attempt to maintain his or her current position during professional treatment and assistance. An employee who seeks such assistance may still be subject to corrective action for other performance, attendance, or behavioral problems.

Any continued employment following the completion of the last chance agreement will be conditioned, and include testing, before the employee can return to work, and will be subject to ongoing random testing for a period of one year following the employee's return to work. In such situations, the failure of the employee to strictly adhere to the agreed-upon course of action, including a failed test result, will result in immediate termination, unless otherwise provided by law.

Employee Education

Employee awareness of the dangers of substance abuse in the workplace will help facilitate a drug- and alcohol-free workplace. Employees may receive annual education on: 1) the dangers of alcohol and drug use in relationship to the workplace; 2) this policy and the consequences for violating it; and 3) availability of employee assistance from the Township or its vendors. For more information on education resources, resources available through the employee assistance program, and how alcohol or drug test results or refusals might impact eligibility for workers' compensation, contact a Department Head.

Supervisor/Manager Training

Supervisors/managers maintain a key role in establishing and monitoring a drug-free workplace. The Township may provide annual training to assist supervisors/managers in recognizing and addressing alcohol and illegal drug use by employees. Training may also include information about testing procedures, supervisor/manager responsibilities, and making referrals for help. Training for supervisors/managers will occur before supervisors/managers are given responsibilities associated with testing.

Confidentiality

The Township is committed to keeping all test results and requests for employee assistance related to an employee's substance abuse problem private, and will not disseminate individual test results without authorization from the tested individual, unless subject to a valid court order or otherwise required by law. Test records will be stored separately from the employee's general personnel documents. Access is limited to Township management staff and designated Township officials. The information contained in these files will be utilized only to properly administer this Policy. Any breach of confidentiality regarding these records may be an offense resulting in corrective action, up to and including termination.

Corrective Action

Violations of this policy may lead to corrective action and can include termination. In certain instances, violations of this policy may also implicate the involvement of law enforcement authorities.

Termination Notices

In those cases where violation of this policy results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause."

CHAPTER VII – EMPLOYEE APPEARANCE AND BEHAVIOR

SECTION 7.01 PROFESSIONAL DEMEANOR

Behavior and Public Relations

It is the policy of Berlin Township to provide the public with the best possible service; consequently, all employees are expected to treat members of the public, co-workers and other governmental employees in a courteous, respectful manner. Employees should always remember that our primary purpose is to serve the public. Complaints from co-workers and other governmental employees or the general public are taken seriously and investigated immediately. Any complaints about co-workers should be taken immediately to the appropriate Supervisor/Department Head. Any complaints regarding a Department Head should be taken immediately to the Trustee Liaison. A Trustee Liaison has the authority to place a Department Head or any employee on paid administrative leave until it is brought to the attention of the Board of Trustees at the next Board meeting. Under normal working conditions, employees who have a job-related problem, question or complaint from the public that they cannot readily answer should discuss it with their Supervisor and/or a Board member.

Additional Rules of Behavior also applicable to the Fire Department

Department members shall exhibit courtesy and respect to all officers and acting officers. While on duty, all officers should be referred to by their appropriate rank when in the eye of the public. Supervisors shall exhibit courtesy and respect to their subordinates and shall treat all members in a fair and impartial manner. Members shall treat one another with due courtesy and shall not engage in horseplay or disrespectful conduct while on duty.

Members are required to speak the truth at all times, in giving testimony in connection with official orders and official duties, whether or not under oath. Members shall not make false reports concerning department business or personal character or conduct of any members.

Members shall be courteous and respectful to the public and other Township employees and are required to give their names and rank whenever requested by the public.

SECTION 7.02 PERSONAL APPEARANCE AND ATTIRE

Township employees represent the Township when they are on duty and/or in a Township uniform. Dress and personal grooming communicates professional image to our citizens, potential employees and community visitors and helps to instill confidence in our ability to provide a high quality of services. The Township respects the individuality of its employees, but certain standards are necessary to assure a professional, appropriate workplace. Employees must observe the following standards:

- a. **Attire - Uniforms**. If the Township issues a uniform, the employee is expected to wear it. Uniformed employees shall comply with the grooming standards and wear department uniforms in accordance with department guidelines. Uniforms shall only be worn in conjunctions with official duties.
- b. **Attire – Non-Uniforms**. Business casual attire is ordinarily permissible. It must be properly fitting in size and shape, neat, clean and in conformance with safety standards. Anything that would be worn to a gym, beach or to do yard work is not considered appropriate attire for the workplace. In determining your attire, it is important to keep your job tasks in mind. More formal business settings may require more formal attire. When in doubt, ask a Department Head or supervisor about the expected dress and when in doubt dress as professionally as possible. How an employee dresses is a reflection upon that employee and the Township.

With the approval of the Trustees, Departments may designate casual or dress-down days or policies when non-uniformed employees may wear more casual clothing. Casual clothing must also be properly fitting, neat and clean.

Appropriate attire: business suits, slacks and sport coat, dress boots and shoes, business dresses, pant suits, blouses, skirts, sweaters/cardigans, knit golf shirts, polo shirts, Township logo clothing, neat jeans and/or tennis shoes, tunics, skirts. Do not assume it is appropriate to wear shorts without first checking with a Department Head.

Always inappropriate: sweat or wind suits, flip-flops, crocks, slippers, form fitting stretch pants such as sweats, yoga pants, exercise tights, leggings, any clothing with profanity or profane or obscene words or images, clothing not properly laundered or not in good condition (e.g. having tears, wrinkles or holes), provocative or tight clothing that exposes undergarments or mid-drift, see-through clothing, mini-skirts.

- c. **Grooming and Appearance.** Personal hygiene is essential. It is necessary that all employees maintain a clean, presentable appearance. Employees should be free from offensive odors such as tobacco, alcohol or body odors. The Township prohibits body ornamentation that is obscene, sexually explicit, advocates or symbolizes sexual acts or conduct, symbolizes prejudice or discrimination based on race, color, national origin, ethnicity, religion, gender or age. Any such ornamentation must be covered in the workplace. Hairstyles and makeup must be neat and professional in appearance.

Employees who report to work in inappropriate attire or with inappropriate grooming or appearance, may be sent home to change and/or may be subject to discipline.

- d. **Accommodations.** If these policies cause concern due to sincerely held religious beliefs, medical conditions or any other legally protected characteristic, please contact the Township Administrator to discuss appropriate options for accommodation.

SECTION 7.03 TOBACCO AND NICOTINE FREE WORKPLACE

Berlin Township is a Tobacco-Free workplace. This prohibition includes both smoke and smokeless tobacco products. This policy addresses various issues concerning the provisions of Ohio’s Smoke-Free Workplace Act, and the Township’s policy on tobacco and nicotine usage of its employment applicants and employees. The Smoke-Free Workplace Act prohibits the Township from permitting employees to smoke in public places and places of employment. The Township can be fined for an employee’s failure to adhere to this policy. In addition to the specific restrictions in the Smoke-Free Workplace Act, the Township has adopted this policy to address issues pertaining to employment and the application of this law.

Township employees are prohibited from smoking or use of tobacco products in any “protected area”. A “protected area” is either of the following:

1. Any “enclosed area” under the direct or indirect control of the Township that employees use for work, or for any other purpose, including, but not limited to: offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. “Enclosed area” means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind on all sides or on all sides but one, regardless of the presence of windows, doorways, vents, or other openings.
2. Any doorway, entrance way, or other area immediately adjacent to locations of ingress or egress to an “enclosed area”.
3. Any area in which tobacco smoke could enter into an area defined under “1.” or “2.”, above, through entrances, windows, ventilation systems, or other means. To assure that smoke does not enter any protected area, employees may not smoke within a

forty (40)-foot radius of any protected area, or within such greater radius as needed to prohibit smoke from entering an “enclosed area.”

No employee shall smoke or use tobacco products in any of these protected areas at any time, regardless of the presence of other employees in the area.

Tobacco- and Nicotine- Free Workforce - It is the policy of the Township to provide a safe, healthy, smoke-free and tobacco-free work environment for all employees and citizens visiting Township facilities. Tobacco and nicotine usage tends to have an adverse impact on employee health and wellbeing, to increase health insurance and other costs. Berlin Township will only hire tobacco and nicotine free applicants. Employees shall not use nicotine or tobacco products at any time, on or off-duty, for the duration of their employment with the Township.

Tobacco and Nicotine Cessation - Current employees are strongly encouraged to participate in smoking, tobacco, and nicotine use cessation programs sponsored by the Township or other approved programs.

Definition - Tobacco and nicotine use generally means inhaling, exhaling, burning, vaping, any lighted cigar, cigarette, and e-cigarette or pipe, chewing or any other type of tobacco or nicotine use. The definition is intended to include all products that deliver nicotine for purposes other than cessation.

Applicant’s Certification - All applicants for hire must certify pre-hire that they do not use tobacco or nicotine. Berlin Township’s employment application will require the following certification by each applicant for hire:

“Tobacco and Nicotine-Free Hiring Policy: By signing this application for employment, I hereby certify that I am not a tobacco or nicotine user, and this certification is material to Berlin Township’s hiring decision. I understand that Berlin Township may require me to undergo tobacco and/or nicotine testing pre-hire and during my employment, and that, if hired, I may be disciplined or terminated for such use.”

Pre-Hire Test - Berlin Township reserves the right to test applicants for tobacco and/or nicotine use after a conditional offer of employment. If an applicant tests positive, they will either not be hired or will be tested or re-tested for tobacco and/or nicotine use within 21 days of the end of their probationary period, or within the first 6 months of their employment if they have no probationary period. The Township will not retain an employee who tests positive for tobacco and/or nicotine during this period. Applicants who test negative for tobacco and/or nicotine will be required to remain tobacco and/or nicotine-free during their employment.

Reasonable Suspicion Testing - Upon reasonable suspicion that an employee hired on or after July 1, 2020 is engaging in tobacco and nicotine use, said employee may be subject to reasonable suspicion tobacco and nicotine use testing. Employees may be subjected to reasonable suspicion testing when there is a belief based on objective facts that the employee is engaged in tobacco and nicotine use. Examples of conduct or information that may constitute reasonable suspicion include, but are not limited to: tobacco odor on breath or clothing or lingering after an employee’s use of a

Township vehicle; the employee's admission of tobacco use; or information obtained from a person with personal knowledge. The Township will make a written record of the circumstances leading to a reasonable suspicion test.

Employees will be returned to their work site at the conclusion of the reasonable suspicion test for tobacco or nicotine use.

Refusals to comply with a request for tobacco testing, submission of false information regarding a test, or attempts to falsify test results through tampering, contamination, adulteration, or substitution, or in any other way attempts to interfere with the test shall be considered a refusal to submit to testing and will be treated the same as a positive test result. Refusal to submit to testing can include an inability to provide a specimen or sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Positive Results - Employees who admit to or who test positive for the presence of tobacco or nicotine use will be evaluated by a Substance Abuse Professional (SAP). An SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor. The SAP will evaluate the employee to determine what assistance, if any, the employee needs to resolve their problems associated with tobacco and nicotine use.

After a positive tobacco and nicotine test, employees will be required to undergo treatment for tobacco or nicotine cessation. If an employee is not discharged, they must properly follow the tobacco or nicotine cessation program prescribed by the SAP and may be subject to unannounced follow-up tests for a period of up to five (5) years as determined by the SAP.

After five (5) years from the date of an employee's positive reasonable suspicion test for tobacco and nicotine use, if the employee has not had a second positive tobacco and nicotine use test, the first confirmed positive reasonable suspicion test for tobacco and nicotine use shall be removed from the employee's personnel file upon the request of the employee and shall not be considered in subsequent determination of discipline. To comply with the Ohio Public Records Act, that document may be kept in another file.

Any employee who refuses tobacco or nicotine cessation treatment when required, or fails to comply with the regimen prescribed by the SAP for treatment, aftercare, or return to duty tests, shall be subject to disciplinary action, up to and including discharge. An employee who refuses to comply or to submit to a test may be disciplined.

Policy Administration and Enforcement - This policy will ultimately be administered by the Board of Trustees, but will be enforced by the Trustee Liaisons, Department Heads and supervisors.

SECTION 7.04 EMPLOYEE COMMUNICATION

Effective Communications

In order to be highly effective and efficient, it is in the best interest to have accurate and timely communications among Township departments and employees. All Township employees shall

distribute communications to their intended recipients and act upon communications received within a reasonable amount of time so as not to reduce the effectiveness and/or usefulness of the communication.

Complaint Handling Procedure

Employee complaints should be directed to a Board member, the Fiscal Officer and/or the employee's supervisor.

Information Regarding Unlawful Activities

Any Township employee having information that another Township employee or official may have violated a law or regulation of the State or Federal Government should bring such information to the immediate attention of the Fiscal Officer or any member of the Board. No employee may be discriminated against for reporting violations or suspected violations of the law to a public body or participating in an investigation, hearing, or inquiry held by the public body, or for participating in a court action. Employee cooperation in reporting any suspected violations will be treated with confidentiality, professionalism and the utmost urgency.

Applications

Employees shall not solicit applications for open positions. Inquiries regarding applications shall be referred to the Fiscal Officer or approval by a Trustee Liaison.

SECTION 7.05 POLITICAL ACTIVITY

Township employees are prohibited from participating in any political activity, including soliciting political contributions from Township employees or others, during work hours, during the performance of official Township duties, or in those areas of a public building where official Township business is transacted or conducted. No township employee shall expend public funds for any type of political activity.

SECTION 7.06 ETHICS

Conflicts of Interests

Township officials and employees must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Chapters 102 and 2921 of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. Officials and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

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:

- Solicit or accept anything of value from anyone doing business with the Township;

- Solicit or accept employment from anyone doing business with the Township, unless the official or employee completely withdraws from Township activity regarding the party offering employment, and the Township approves the withdrawal;
- Use his or her 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, unless the official or employee qualifies for the exception, and files the statement, described in R.C. 102.04(D);
- Hold or benefit from a contract with, authorized by, or approved by, the Township, (the Ethics Law does accept some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met);
- 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;
- Solicit or accept honoraria (see R.C. 102.01 (H) and 102.03 (H));
- During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the Township;
- Use or disclose confidential information protected by law, unless appropriately authorized; or
- Use, or authorize the use of, his or her title, the name “Berlin Township”, or “Township”, or the Township’s logo, in a manner that suggests impropriety, favoritism, or bias by the Township or the official or employee.

For the purposes of this policy:

- “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 the 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 the Township.

The Ohio Ethics Commission is available to provide advice and assistance regarding the application of the Ethics Law and related statutes.

Failure of any employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes, will result in discipline, as well as any potential civil or criminal sanctions under the law.

SECTION 7.07 REPORTING FRAUD AND MISUSE OF PUBLIC MONEY

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or the United States mail. Contact information is as follows:

Telephone: 1-866-FRAUD OH (1-866-372-8364)
US Mail: Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
Web: www.ohioauditor.gov

SECTION 7.08 NEPOTISM & WORKPLACE RELATIONSHIPS

As stated in the Township's Ethics Policy, Ohio Revised Code §§ 102.03 and 2921.42 prohibit public employees from using their influence to benefit themselves or their family members. Nonetheless, the Township may employ relatives of current employees. The following situations shall prevent the Township from hiring a relative of a current employee:

1. If one relative would have supervisory or disciplinary authority over another.
2. If one relative would audit the work of another.
3. If the hiring of relatives could result in a conflict of interest.

Generally, an employee is not permitted to work in a position where his or her supervisor or anyone within his or her chain of command is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees may be transferred or an accommodation acceptable to the Township must be established. Termination of employment will be a last resort. If two employees marry, they will be subject to the same rules listed above as other relatives.

CHAPTER VIII: TOWNSHIP PROPERTY, EQUIPMENT AND FACILITIES

SECTION 8.01 INVENTORY

In order to identify, classify, and record all fixed and tangible assets of the Township, each Township office and department shall conduct an inventory of assets on the second Monday of January each year. Each asset shall be assigned an asset identification number by the Fiscal Officer, and shall be identified by description, model number, serial number, manufacturer, cost, acquisition date, department or office, location, and any other pertinent descriptive information.

SECTION 8.02 NO EXPECTATION OF PRIVACY IN TOWNSHIP PROPERTY

Where Berlin Township provides lockers, desks, cabinets, vehicles and other facilities for the use and convenience of Township employees, Berlin Township retains ownership and all rights thereof.

No personal locks are to be used on any Township equipment or facilities. Master keys are to be maintained by Berlin Township. Berlin Township lockers, desks, cabinets, vehicles and other facilities are subject to inspection and there is to be no expectation of privacy by employees in their use of the same.

Employees shall not have personal mail, packages or deliveries be sent to any Township facility or office. Employees who violate this policy may be disciplined. The Township assumes no responsibility for any personal items that are left with or delivered to any Township facility.

SECTION 8.03 TOWNSHIP IDENTIFICATION CARDS

Township employees may, from time-to-time, with the approval of the Board, be provided with an identification card providing access to Township buildings and facilities for work-related purposes. Employees should contact the Fiscal Officer immediately to replace lost, stolen, or damaged cards. If, at no fault of the employee, an identification card should stop working, the Fiscal Officer will issue a new card to the employee at no charge. If the identification card should become lost, one new card will be issued by the Fiscal Officer per calendar year at no charge (additional cards will require a payment of \$10.00).

SECTION 8.04 TOWNSHIP DRIVING AND VEHICLE OPERATION

Berlin Township has adopted a driving and vehicle operation policy. All employees have the responsibility to be aware of, and comply with, this policy. A copy of the policy is attached to this Handbook as **Appendix B** and made a part hereof.

SECTION 8.05 TECHNOLOGY USE POLICY

For the purposes of this policy, the Township's computer/information systems include: the computer hardware and software, internal and external networks and backup systems, electronically stored data in any format, programs and related peripherals provided by the Township, as well as electronic mail (e-mail), voice mail, and Internet access from Township computers. This policy also applies to personally owned computers, tablets, or communication devices used to access Township data.

The Township computer/information system, including the e-mail system, voice mail system, and Internet access, are the property of Berlin Township, and documents, messages, or other communications are subject to monitoring without notice to employees. Employees should not maintain any expectation of privacy with respect to the Township computer/information system. The Township can and will monitor activity on its computer/information systems, with or without employee knowledge. Employee use of the Township computer/information system constitutes the employee's consent to the Township reviewing computer and internet history and use, including password-protected websites/email and deleted material, so that the Township may ensure compliance with this policy and protect its business and proprietary information.

Township computers/information systems are provided to employees for business use. However, employees may use such computers/information systems from time to time for personal use but it must be limited to off-duty times, and must not interfere with the conduct of Township business or

distract from work duties or the work of others. Under no circumstances should the Township's computer/information systems be used to:

- Send, access, receive or store any material of a discriminatory, harassing, threatening, obscene, pornographic, or defamatory nature;
- Forward or transmit chain letters, emails containing large graphics files, emails containing unknown attachments or .exe files;
- Conduct any illegal activities, conduct any business that is against Township policy, conduct any business for the financial benefit of the employee or anyone acting with or on behalf of the employee;
- Solicit others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations;
- Distribute or print copyrighted or trademarked materials, where such distribution of printing infringes on any copyright or trademark rights of others;
- Access or disseminate without prior express authority any confidential information or protected health information; or
- Violate the privacy rights of the Township, employees, or residents.

Employees are responsible for keeping their passwords unique and secure at all times and are prohibited from disclosing such passwords to outsiders or to other employees. Employees are required to give their passwords to the Fiscal Officer and are prohibited from changing passwords without approval of the Fiscal Officer or Department Head. All computers must be secured with password-protected screensavers with the automatic activation feature set at 15 minutes or less, or by logging off when the computer will be unattended.

Employees who have been authorized by the Trustees or a Department Head to receive email on their personal cell phones or Township-issued cell phones must secure the device with a secured Personal Identification Number (PIN). The device must not be used to enter or store passwords, combinations, PINs, or Township confidential information. Employees must immediately inform their Department Head or Trustee Liaison should the device be lost or stolen.

Intentionally introducing malicious programs into the network or servers (e.g., viruses, worms, Trojan horses, email bombs, etc.) is strictly prohibited and grounds for immediate termination.

The purpose of e-mail is to facilitate communicating work-related data in a timely and efficient manner. E-mail is a written means of communication. Employees may not transmit anything in an e-mail message that they would not be comfortable writing in a letter or memorandum. In composing a message, employees should not let the opportunity for an instantaneous comment or response cloud their judgment in a situation in which they may later regret what they wrote or said. All users should exercise good judgment and common sense when creating and distributing e-mail messages.

Forgery (or attempted forgery) of e-mail messages is prohibited. Unauthorized actions or attempts to read, copy, modify, or delete e-mail messages of other users are also prohibited. No messages may be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Sending unsolicited junk mail or "for profit" messages is prohibited.

Use of the Township computer systems in attempts to gain unauthorized access to remote systems or offensive sites, as determined by the Township, is prohibited. Prohibited sites include, among others, sites containing obscenity, pornography, and harassing or derogatory comments directed at race, color, gender, religion, national origin, age, disability or military status. Use of the Internet must not disrupt the operation of the Township's network or the networks of other users. It must not interfere with an employee's productivity.

Because of the prevalence of viruses or other malware on the Internet, and because of the potential for downloaded software to interfere with the Township's network, downloading of any programs, except as expressly approved by the Township, is prohibited. When approved, downloading of programs must be done on an employee's specific PC's hard drive and not to the Township network servers.

Postings to an internet or online forum or social media using a Township email address, postings on a web site that in any way implies an employee's representation of the Township, or knowingly allowing an employee's opinions or endorsements of any product or vendor to be posted on the Internet that in any way implies that they are the opinions or endorsements of the Township is prohibited.

Personal use of chat software on the Township's network is prohibited.

SECTION 8.06 SOCIAL MEDIA

This policy applies to both Township sponsored social media and personal use as it relates to Berlin Township. Social Media is any tool or service that facilitates conversations over the internet, such as Facebook, Twitter, Snapchat, YouTube, Flickr, blogs or other forms of online publishing or discussion.

Berlin Township supports the free exchange of information and camaraderie among employees on the internet off-duty. However, when internet blogging, chat room discussions, messages or other forms of electronic communication extend to employees revealing confidential information, or in harassing or bullying another employee, the employee who posts such information or assists in posting such material may be subject to corrective action, up to and including termination.

As with email, social media provides an opportunity for an instantaneous comment or response. A post or message can go viral in seconds. This makes it difficult to fix an inaccurate or inappropriate post after it is made. Before posting a comment or message, employees should provide themselves opportunity for reflection. When using social media, observe the following requirements:

- Use of social networking mediums must not occur during an employee's work time or on Berlin Township computer/information systems.
- Posts, including personal blogs, should clearly state that the views expressed by the author are the author's and do not represent the views of Berlin Township or any of its employees or elected/appointed officials. Consider the following example: "The postings

on this site are my own and do not necessarily represent Berlin Township's positions or opinions."

- Employees may not make maliciously false statements about Berlin Township officials, employees, agents or volunteers.
- Employees may not disseminate confidential information obtained in the course of employment with Berlin Township through social media or anywhere else.
- Employees should assume that anything posted may become public.
- Harassment, bullying, discrimination, retaliation, or intimidation that would not be permissible in the workplace is not permissible between or toward coworkers online, even if it is done afterhours, from home and on home computers.

Violating the provisions of this policy may result in corrective action up to and including termination of employment.

The users of Township network and computer systems are responsible for respecting and adhering to local, state, federal and international laws related to the access and use of computer systems and software. Failure to observe copyright or license agreements may result in corrective action or legal action by the copyright owner. Berlin Township will cooperate fully with appropriate authorities to provide information related to actual or suspected activity not consistent with the law.

SECTION 8.07 PUBLIC RECORDS

Berlin Township is an open government. We welcome participation by our citizens. We believe openness leads to a better-informed public, which leads to more transparent and better public policy. Citizens are entitled to access Township records pursuant to the Ohio Public Records Act, O.R.C. 149.43. Berlin Township has established a Public Records policy, consistent with O.R.C. 149.43. If an employee intends to request to inspect copies of Township records, they must contact the Fiscal Officer for processing.

SECTION 8.08 CREDIT CARD POLICY

Purpose

Credit Cards allow employees to pay allowable Work-Related Expenses effectively and efficiently. Ohio Revised Code Section 505.64 permits the Board to authorize an employee of the Township to use a Credit Card Account held by the Board. This Policy is enacted to govern the use of any Credit Card Accounts and their related Presentation Instruments, including Credit Cards and checks, held by the Board and to establish consistent rules and regulations for the proper, safe, and secure use of Credit Cards by employees.

DEFINITIONS

1. **Authorized User:** An officer, employee, or appointee of the Township that has received authorization from the Board to use a Credit Card Account held by the Board.

2. **Board:** The Board of Trustees of Berlin Township, located in Delaware County, Ohio.
3. **Credit Card:** A card or any other Presentation Instrument linked to, associated with, or related to a Credit Card Account held by the Township and which can be used to purchase goods or services, including online purchasing accounts.
4. **Credit Card Account or Account:** Any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. It also includes online purchasing accounts (e.g., Amazon Business) and store gift cards (not related to the receipt of grant monies). It does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.
5. **Credit Card Information:** Includes, but is not limited to, the Credit Card number, expiration date, security code, passwords, and any and all other similar numbers, codes, words, and/or other information used to identify the Credit Card, make purchases and/or access credit using the Credit Card, and/or access the Credit Card Account.
6. **Debit Card Account:** A card account issued by a financial institution which allows the holder to transfer money electronically to another bank account when making a transaction. It includes a single-use cash gift card (not related to the receipt of grant monies), which is a debit card account with a set dollar amount and may be accepted by any retailer, similar to a debit card and is void upon spending the balance or expiration. It also includes a prepaid gift card (not related to the receipt of grant monies), which is a debit card account that is reloadable, unlike the cash gift card.
7. **Employee:** Any officer, elected official, trustee, fiscal officer, employee (fulltime or part-time), seasonal employee, and/or appointee of the Township.
8. **Fiscal Officer:** The Berlin Township Fiscal Officer or the Fiscal Officer's designee.
9. **Issuer:** A bank, savings and loan, credit union, other financial institution, or vendor (i.e. store or gas station) that issues the Credit Card.
10. **Township:** Berlin Township, Delaware County, Ohio.
11. **Personal Expense:** Any cost or expenditure other than a Work-Related Expense and which is not incurred as a direct result of the Authorized User's employment with the Township. Examples of Personal Expenses include, but are not limited to, gasoline

for personal vehicles, cash advances, any amount in excess of meal allowances, alcoholic beverages, tobacco, gambling, and personal goods.

12. **Policy or Credit Card Account Policy:** Means this Policy and all exhibits, amendments, and supplements.
13. **Presentation Instrument:** Any card, check, or account number which can be used to purchase goods or services, including online purchasing accounts.
14. **Work-Related Expense:** Any cost or expenditure of Township funds incurred for work-related goods and/or services authorized by the Board and related to the official business of the Township, including, but not limited to, gasoline for Township vehicles, meal allowances, or equipment purchased on behalf of the Township or for a Township project in which the Authorized User is directly participating and involved.

ARTICLE I **USE OF A CREDIT CARD ACCOUNT**

SECTION 1 -AUTHORIZED USERS

- A. Only an Employee may be designated as an Authorized User.
- B. Only Authorized Users may use a Credit Card Account held by the Board.
- C. Only the Board, in its sole discretion, may designate an Employee as an Authorized User of a Credit Card Account held by the Board. At any time and for any or no reason at all, the Board, in its sole discretion, may revoke or terminate the designation of an Employee as an Authorized User. If the Board revokes or terminates an Employee's designation as an Authorized User, such Employee shall receive notice of such revocation or termination and shall no longer be an Authorized User and may not use Township Credit Cards. Such authorization, revocation, or termination shall be by resolution.
- D. The list of Employees designated as Authorized Users is attached to this Policy as Exhibit A ("Authorized User List"). The Authorized User List contains the name of each Employee designated as an Authorized User, the title or position of the employee, the name of the Issuer of the Account for which the employee is designated an Authorized User, the type of Credit Card, the last 4 digits of the Account number, the date of designation as an Authorized User, and the number of the resolution making such designation. If the Employee's designation is revoked or terminated, the date of such revocation or termination and the number of the resolution revoking or terminating such designation are also contained on the Authorized User List.
- E. The Authorized User List shall be kept by the Fiscal Officer and updated by the Fiscal Officer each time the Board authorizes, revokes, or terminates authorization of an Employee as an Authorized User.

- F. Authorized Users shall not transfer a Township Credit Card to anyone, including other Employees.
- G. Authorized Users shall not allow anyone else, including other Employees, to use a Township Credit Card.

SECTION 2 - AUTHORIZED EXPENSES

Authorized expenses are as follows:

- A. Work-Related Expenses. Credit Card Accounts, regardless of Board approval, shall only be used to pay Work-Related Expenses incurred on behalf of the Township.
- B. The Board may authorize, by resolution, individual Employees to incur obligations on behalf of the Township up to, but not exceeding, the dollar limit permitted by the current version of R.C. § 507.11. The established dollar limit of such authority shall apply to the aggregate of all obligations, including Credit Card Account transactions, incurred and outstanding at any one time by the Employee. In no event shall obligations incurred by an Employee exceed such limit. Any obligations incurred on behalf of the Township by an Employee acting pursuant to any such resolution shall be subsequently approved by the adoption of a formal resolution of the Board.
- C. No single transaction on a Credit Card Account may exceed \$2,000.00. The single transaction limit shall not exceed any limit established by the Board pursuant to R.C. § 507.11 (See Art. 1, Sec. 2(B)).
- D. In the event an Authorized User needs to spend an amount in excess of the single transaction limit in Art. 1, Sec. 2(C), an Authorized User shall first notify and receive prior approval from the Fiscal Officer. In no event shall an Authorized User be permitted to exceed any limit established by the Board pursuant to R.C. § 507.11 (See Art. 1, Sec. 2(B)).

SECTION 3 -UNAUTHORIZED EXPENSES

Any purchase or expenditure made beyond specific authorization limits imposed by the Board, if any, or what is authorized in this Policy, is an unauthorized expense (“Unauthorized Expense”). A Credit Card shall not be used to pay for any Unauthorized Expense, including, but limited to, the following:

- A. Credit Cards shall **NOT** be used to pay for any Personal Expense or for any personal purpose or purchase.
- B. Credit Cards shall **NOT** be used to obtain cash advances, cash withdrawals, or to obtain cash back from a transaction.
- C. Credit Cards shall **NOT** be used to obtain personal services.

- D. Credit Cards shall **NOT** be used to pay for entertainment, except as otherwise authorized by the Board.
- E. Credit Cards shall **NOT** be used to purchase alcohol or tobacco.
- F. Credit Cards shall **NOT** be used for casino gaming, betting, wagering, or gambling and shall not be used to obtain cash advances for such purposes.
- G. Credit Cards shall **NOT** be used for any transaction not approved in advance by the Board.
- H. Credit Cards shall **NOT** be used for any purpose or to pay for any expense prohibited by federal or state law or by any Township policy or practice. This includes the payment of state sales tax of which townships are exempt. The Fiscal Officer shall provide an Authorized User with a “Sales and Use Tax Blanket Exemption Certificate” to present to the merchant or vendor. Employees shall be personally responsible for the payment of sales taxes when using the credit card.

SECTION 4 -ACQUISITION, USE, AND MANAGEMENT

- A. **Acquiring a Credit Card Account.** Only the Board may request and open a Township Credit Card Account with an Issuer. Approval to request and open an account shall be by resolution.
- B. **Internal Control Model.** The Fiscal Officer does not maintain physical custody and control of the Credit Card Accounts and Presentation Instruments, but shall be responsible for the following:
 - 1. Upon prior Board approval, apply for and obtain a Credit Card Account and/or obtain Credit Cards or other Presentation Instruments associated with the Credit Card Account from the Issuer;
 - 2. Oversight and management of all Credit Card Accounts;
 - 3. Maintain the Authorized User List;
 - 4. Upon prior approval and instruction of the Board, distribute Credit Cards to Authorized Users authorized to use the Credit Card Account and keep records of distribution and return of Credit Cards;
 - 5. Monitor usage of Credit Cards issued to Authorized Users, to include, but not limited to, reviewing all Credit Card statements as soon as possible to ensure compliance with this Policy;
 - 6. Assure that funds to pay expenses incurred by use of a Credit Card are appropriated for such purpose and allocated to the correct Township fund;

7. Immediately report to the Board any unauthorized charges, charges for Unauthorized Expenses or Personal Expenses, or other charges that are inconsistent with this Policy;
 8. Respond per this Policy to reports of loss, theft, fraud, or possible unauthorized use of a Credit Card; and,
 9. Generally oversee compliance with this Policy.
- C. **Acquisition of Credit Card by Employee.** The Board must authorize an Employee to use a Credit Card Account before an Employee may become an Authorized User and acquire access to a Credit Card or other Presentation Instruments associated with a Credit Card Account. Upon authorization or at any other time, the Board may, in its sole discretion and with notice to the Authorized User, limit by resolution the terms of use of a Credit Card Account by an Authorized User. Upon the Board's authorization, the person receiving authorization must sign a copy of attached Exhibit B, acknowledging receipt of a copy of this Policy, agreeing to bound by it, and agreeing to be an Authorized User.
- D. **Permitted Uses.** Authorized Users may use a Credit Card Account for Authorized Expenses, as described in Art. I, Sec. 2 of this Policy, incurred only by the Authorized User. An Authorized User may not transfer the Credit Card or make purchases on behalf of any other person or entity, including other Township Employees, even if the purchase is for or on behalf of the Township.

Authorized Users may, unless otherwise prohibited by the Board, use a Credit Card in person, online, over the telephone, by mail, or through facsimile (fax). All purchases must be evidenced by an itemized receipt. If purchasing goods online, the Authorized User must use reasonable care and judgment regarding the authenticity and security of a website.

Credit Card Accounts shall only be used in accordance with this Policy and all applicable Credit Card rules and regulations and in accordance with all state and federal laws.

- E. **Reasonable Care.** Use of a Credit Card is an expenditure of Township funds. Employees should use common sense and reasonable care when using a Credit Card and shall follow the same procedures as used with all expenditures of Township funds.
- F. **Notification of Purchase.** Prior to using a Credit Card the Authorized User should make a good faith effort to notify the Fiscal Officer of the intended purchase.
- G. **Assurance of Funds.** Authorized Users are responsible for assuring funds for any Credit Card expenditure or purchase have been properly appropriated by the Board for the expenditure or purchase prior to using the Credit Card.

- H. **Approval of Expenditure.** Any obligation on a Credit Card incurred on behalf of the Township by an Authorized User shall be subsequently approved by the adoption of a formal resolution of the Board. (R.C. § 507.11).
- I. **Storage.** Authorized Users must take measures to ensure Credit Cards, checkbooks, and any other Presentation Instruments associated with a Credit Card Account are kept in a secure place at all times.
- J. **Receipts.** Authorized Users shall obtain from the vendor and produce to the Fiscal Officer an original itemized receipt for all expenditures or purchases made using a Credit Card. Original itemized receipts shall be provided to the Fiscal Officer as soon as reasonably possible, but not later than the next Board meeting following the expenditure or purchase. The receipt should include the customer copy of the receipt, any invoice from the vendor, the cost of the individual goods or services purchased, a total cost, and the date of the purchase. The Authorized User should also submit documentation verifying the purchase was made on behalf of the Township, if necessary to describe the purchase.
- K. **Payment.** Payment of Credit Card Accounts shall be made in accordance with the following:
1. The debt incurred as a result of the legitimate use of a Credit Card shall be paid from moneys appropriated by the Board for such expenses.
 2. In accordance with R.C. § 507.11(B)(1), no money belonging to the Township shall be paid out, except upon an order signed by at least two (2) of the township trustees, and countersigned by the Fiscal Officer. This includes money paid to Issuers to satisfy obligations incurred on a Credit Card.
 3. When applicable, as required by R.C. § 5705.41(D), the Fiscal Officer shall certify the existence of sufficient unencumbered funds to pay for expenditures made by Credit Card.
 4. Credit Card balances shall be paid in-full each month so as not to incur interest or late fees. Credit Cards shall not be used to defer all or any part of the purchase price or create an installment payment plan for any expenditure. (See OAG 84-050).
- L. **Responsibility of Fiscal Officer, Department Heads, and Supervisors.** The Fiscal Officer and all department heads and supervisors are responsible to ensure that Employees and Authorized Users under their supervision are adequately trained, fully understand, and comply with this Policy.
- M. **Prohibition on Use and Return of Credit Card on Revocation of Authorization.** An Employee shall not use a Credit Card after revocation or termination of the Employee's authority to use a Credit Card and shall immediately return and relinquish any Township Credit Card in the Employee's possession to the Fiscal Officer.

- N. **Prohibition on Use and Return of Credit Card on Termination of Employment.** An Employee shall not use a Credit Card after termination of the Employee's employment or service with the Township. Upon termination of employment or service with the Township, an Employee shall immediately return and relinquish any Credit Card in the Employee's possession to the Fiscal Officer.
- O. **No Destruction.** Employees shall not intentionally destroy any Township Credit Card. When no longer needed, upon revocation or termination of authority, or upon termination of employment or service with the Township, Credit Cards shall be returned to the Fiscal Officer.

SECTION 5 -LIABILITY

The Authorized User shall be personally liable for reimbursing the Township for any of the following:

- A. In person and upon any official bond the Authorized User has given to the Township to reimburse the Township treasury the amount for which the Authorized User does not provide itemized receipts in accordance with this Policy;
- B. Expenses charged to the Credit Card that are not documented and submitted to the Fiscal Officer;
- C. Expenses that exceed the scope of the authorization allotted by the Board of the Authorized User's use of the Credit Card;
- D. Unauthorized Expenses charged to the Credit Card;
- E. Personal Expenses charged to the Credit Card;
- F. Purchases the Authorized User allowed an unauthorized user to make; and/or,
- G. Any other purchases made with the Credit Card that are in violation of this Policy, and the amendments and supplements thereto.

The Delaware County Prosecuting Attorney is authorized and shall recover the amount of any Unauthorized Expenses and associated costs incurred by the Authorized User or Employee who either uses a Credit Card, or allows another person to use a Credit Card, in an unauthorized manner and fails to immediately and voluntarily make restitution to the Township for the total amount of the unauthorized purchase(s) and costs. This Policy does not limit any other liability of the employee or officer for the unauthorized use of a Credit Card.

SECTION 6 -MISUSE

The use of a Credit Card account for expenses beyond those authorized by the Board or for Unauthorized Expenses, as defined in Art. I, Sec. 3, constitutes misuse of a Credit Card Account.

Failing to submit receipts, or submitting false or incomplete information, within a reasonable time after making a purchase also constitutes misuse of a Credit Card Account.

Any Employee or public servant, as defined in R.C § 2921.01, who knowingly misuses a Credit Card Account held by the Board violates R.C. § 2913.21. Misuse may also be a violation of other federal and/or state criminal laws. Misuse will be prosecuted accordingly.

In addition to any criminal charges and/or any civil actions for recovery, misuse of a Credit Card or Credit Card Account may result in disciplinary action, up to and including termination.

SECTION 7 -ISSUING OR REISSUING A CREDIT CARD

A Credit Card may only be issued or reissued at the direction of the Board. Issuance or reissuance shall be approved by resolution.

SECTION 8 -CANCELLATION

A Credit Card Account or an individual Credit Card connected to a Credit Card Account shall be cancelled upon determination of the Board that such Account or Credit Card should be cancelled. Such determination shall be made by resolution.

SECTION 9 -SECURITY – LOST OR STOLEN CREDIT CARD

- A. Authorized Users shall only disclose Credit Card Information as is necessary or to make an authorized expenditure or purchase. Credit Card Information shall not be disclosed to any unauthorized person or entity. Questions regarding disclosure of Credit Card Information should be directed to the Fiscal Officer.
- B. Authorized Users shall keep secure and protect all Credit Card Information from unauthorized disclosure and shall maintain such information as confidential as it if were the Authorized User's own personal credit card information.
- C. All Credit Card transactions shall be reviewed by the Board and Fiscal Officer.
- D. All online or internet expenditures or purchases using a Credit Card shall only be made using a computer protected by updated and current anti-virus/anti-malware software and only through a secure network where transmitted information is encrypted.
- E. In the event a Credit Card is lost or stolen, or an Authorized User suspects or has reason to believe a Credit Card is lost or stolen or that theft, fraud, or possible unauthorized use of a Credit Card has occurred, the Authorized User shall immediately notify the Fiscal Officer in-person or by telephone after such activity or suspected activity becomes known to the Authorized User. Upon receipt of such notice, the Fiscal Officer shall immediately take any action that the Fiscal Officer considers prudent and necessary to prevent or arrest any possible or additional unauthorized use of the Credit Card including, but not limited to,

immediately notifying the Issuer and/or law enforcement, as appropriate, and shall notify the Board of such action.

- F. The Authorized User shall immediately follow verbal notice to the Fiscal Officer by written notice to the Fiscal Officer and Board of the lost or stolen Credit Card or suspected loss, theft, fraud, or possible unauthorized use of the Credit Card.
- G. The Authorized User shall fully cooperate in any investigation by the Fiscal Officer, Board, the Issuer, and/or law enforcement of any loss, theft, fraud, or possible unauthorized use of the Credit Card and shall provide any and all necessary information required by the Fiscal Officer, Board, the Issuer, and/or law enforcement relating to the loss, theft, fraud, or possible unauthorized use of the Credit Card.

SECTION 10 -CREDIT CARD ACCOUNT LIMITS

The maximum credit limit on each Credit Card Account held by the Board and/or Township is included on the attached Exhibit C. Credit Card limits shall be updated upon any change of limits or additional credit lines.

ARTICLE II **RULES FOR TOWNSHIP CREDIT CARD ACCOUNTS**

SECTION 1 -CREDIT CARD ACCOUNT INSTRUMENTS

The Board is and shall remain the holder of all Credit Cards issued to the Board. The Credit Cards remain the property of the Issuer. The name of the Township shall appear on each Presentation Instrument related to the Credit Card Account, including but not limited to, Credit Cards and checks.

SECTION 2 -MONTHLY PRESENTATION OF TRANSACTION DETAIL

The Fiscal Officer monthly shall present to the Board credit card account transaction detail from the previous month. The Board shall review the credit card account transaction detail and the chairperson of the Board shall sign an attestation stating the board reviewed the credit card account transaction detail.

SECTION 3 -SEMI-ANNUAL REPORT

The Board at least once every six (6) months shall review the number of Credit Cards and Accounts issued, the number of active Credit Cards and Accounts issued, the Credit Cards' and Accounts' expiration dates, and the Credit Cards' and Accounts' credit limits.

SECTION 4 -ANNUAL REPORT - REWARDS

The Fiscal Officer annually shall file a report with the Board detailing all rewards received based on the use of the Township's Credit Card Account.

SECTION 5 -PROHIBITION ON DEBIT CARD ACCOUNTS

Pursuant to R.C. § 9.22, no political subdivision may hold or utilize a Debit Card Account, except for law enforcement purposes. Possession or use of a Debit Card Account by a political subdivision except for law enforcement purposes is a violation of R.C. § 2913.21. R.C. § 9.22 does not apply to Debit Card Accounts related to the receipt of grant moneys.

ARTICLE III **MISCELLANEOUS**

SECTION 1 -SCOPE AND COMPLIANCE

This Policy applies to all Employees. All Employees and Authorized Users are responsible for compliance with this Policy and shall comply with this Policy.

SECTION 2 -EFFECTIVE

- A. This Policy shall be in full force and effect immediately upon adoption and shall remain effective until repealed or superseded.
- B. This Policy supersedes any previously issued credit card account or use policy or other policy or writing regarding the use of Credit Cards.

SECTION 3 -AUTHORITY

This Policy is enacted pursuant to R.C. § 506.64.

SECTION 4 -DISTRIBUTION

This Policy shall be distributed to all Authorized Users. Each Authorized User shall complete, sign, and return Exhibit B to the Fiscal Officer prior to using a Credit Card. The Fiscal Officer shall hold and maintain the signed Exhibit B for as long as the Authorized User remains an Authorized User and, in addition thereto, in accordance with the applicable retention schedule.

SECTION 5 -SALES AND USE TAX

Purchases made with Township credit cards are tax-exempt. If tax is charged inappropriately, the Authorized User should present a tax exemption certificate to the vendor, and receive credit for the unnecessary tax. Employees must obtain tax exemption certificates from the Fiscal Officer. Employees are responsible for unnecessary unauthorized expenses, such as sales tax.

SECTION 8.09 PURCHASE REQUISITIONS

Employees shall abide by the Township's Purchase Requisition Policy, a copy of which is attached to this Handbook as **Appendix C** and made a part hereof.

SECTION 8.10 TRAVEL AND REIMBURSEMENT

Travel can be defined in three (3) categories:

Routine Business Travel

Travel by an official or Township employee in the administration of a particular program or activity, or travel which occurs in the performance of job-related duties and does not include overnight lodging.

Training Travel

Travel by an official or Township employee to participate in educational and/or staff development programs separate from a conference or convention and does not include overnight lodging.

Conference Travel

Travel by an official or Township employee in:

- traveling out of the area on township business, requiring overnight lodging; or
- attending a conference or convention of a job-related professional association.

Routine Business Travel requires no formal written authorization as it is usually part of an employee's job description or authorized directly by the Board.

An employee wishing to travel for Training Travel or Conference Travel is required to obtain approval of the Board prior to relevant registration deadlines. Overnight stays must be previously approved by the Township.

Reimbursement

An employee incurring expenses from travel (mileage, parking, lodging, etc.) may apply for reimbursement by completing an Expense Report, attaching original receipts for all expenses, and presenting the report to the Board for approval no later than three (3) days following the end of the month in which the expense(s) occurred. Employees purchasing Township items on personal credit cards must report any warranty information to the Fiscal Officer and cooperate with attempts to transfer the warranty to the Township. Employees must also communicate any recall information to the Fiscal Officer. All approved expense reports shall immediately be given to the Fiscal Officer. Reimbursement for mileage will be at the current IRS rate for mileage traveled, plus actual parking fees incurred. Valet parking will not be reimbursed. Employee reimbursement for meals will be for a maximum of \$50 per diem upon submission of receipts. The Township will not reimburse for alcohol purchases.

The Township will not reimburse employees for travel to and from an employee's home and a Township facility or job site, whether such job site be a home office or field assignment and the

Township will not reimburse employees for travel expenses in the event that the employee is not authorized by the Board to drive on Township business. Sales tax in Ohio will not be reimbursed; employees must obtain a sales tax exemption form from the Fiscal Officer before incurring the expense.

CHAPTER IX – WORKPLACE INVESTIGATIONS AND MEDICAL EXAMINATIONS

SECTION 9.01 WORKPLACE INVESTIGATIONS

It may be necessary for the Township to collect facts, documents, statements, evidence, and information and to otherwise conduct investigations into incidents that either occur at the workplace or arise out of, affect, or are related to the functions, operations, policies, and practices of the Township. All Township employees are required to fully cooperate in these investigations. Failure to cooperate in an investigation, such as the withholding of information, refusing to respond, providing false statements, and other similar acts of intransigence or deceit, shall be cause for serious disciplinary action.

SECTION 9.02 EMPLOYEE FITNESS FOR DUTY EXAMINATIONS AND DISABILITY SEPARATION

When the Township has a reasonable basis to question whether an employee is fit for duty the Township may require an employee submit to medical and/or psychological examinations for purposes of determining the employee's physical or mental capability to perform the essential functions of the employee's position. The Township or designee shall select one or more licensed practitioners to conduct the examinations. The Township and the employee shall receive the results of any examination.

The Township shall pay the cost of the examination unless the employee fails to appear for the examination without justification, refuses to submit to the examination, or refuses to release the results of the examination. An employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination and subject to discipline for insubordination up to and including removal.

If the employee disagrees with the Township's determination, the employee may be examined by a physician of the employee's choice at the employee's expense. If the two (2) reports conflict a third opinion shall be rendered by a neutral practitioner chosen by the first two (2) practitioners within fifteen (15) calendar days of the report by the employee's physician. If the physicians cannot agree, the Township will select a practitioner from an independent occupational health practice to offer the third opinion. The third practitioner's opinion shall be final. The neutral physician's cost shall be borne by the Township.

If an employee, after examination, is found to be unable to perform the material and substantial duties of the employee's position, then the employee may utilize accumulated unused sick leave for up to three months, including any available FMLA leave to which the employee is eligible. Once all sick leave (up to three months) and FMLA leave has been exhausted, the Township may place the employee on disability separation.

Pre-Separation Conference

Prior to making a final determination whether to separate the employee pursuant to this Article, the Township shall conduct a pre-separation conference. The Township shall provide the employee at least forty-eight (48) hours advance notice of the conference and shall provide the employee with documentation upon which it may implement an involuntary disability separation. At the conference, the employee and/or their representative shall be given the opportunity to respond to the documentation presented by the Township.

Reinstatement from Disability Separation

An employee placed on disability separation, either voluntarily or involuntarily, has the right to reinstatement for two (2) years from the date the employee went on leave (either paid or unpaid) due to the medical or psychological condition. Employees requesting to return from disability leave must submit medical and/or psychological certification of the employee's ability to perform the essential functions of the position. The Township may require an examination prior to return to work at the Township expense.

CHAPTER X – DISCIPLINE

SECTION 10.01 EMPLOYEE MISCONDUCT, CORRECTIVE ACTION AND DISCIPLINE

Township employees are expected to act in a professional and courteous manner, to fulfill their job duties, abide by Township policies, and refrain from any conduct reflecting poorly on the Township. Township supervisors and managers are held to a higher standard of conduct.

The following categories of misconduct constitute grounds for disciplinary action: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, failure of good behavior including a violation of laws or policy about ethics of public employment, failure to maintain licensing requirements or other certifications necessary for Township employment, and any other acts of misfeasance, malfeasance or nonfeasance. The following constitutes a non-exhaustive list of prohibited behavior:

- A. Tardiness.
- B. Unauthorized absences -or- being absent from work without leave.
- C. Failure to properly and timely report absences.
- D. Disregarding safety regulations or policies.
- E. Fighting.
- F. Horseplay.
- G. Workplace violence or threats of violence.
- H. Harming oneself or others, or damaging property, due to negligent or intentional behavior or failure to act.

- I. Insubordination, whether failure to obey and order of a supervisor or displaying insubordinate/disrespectful behavior toward a supervisor or supervision.
- J. Neglecting job tasks or duties.
- K. Sleeping on the job.
- L. Discourteous treatment of the public or co-workers.
- M. Dishonesty.
- N. Falsification of reports or records.
- O. Stealing.
- P. Working overtime without prior approval.
- Q. Soliciting or accepting bribes or gratuity in connection with Township business.
- R. Disseminating, forwarding, displaying or viewing pornographic or violent materials at work or with Township equipment, unless required in the performance of your job duties.
- S. Harassment.
- T. Bullying.
- U. Discrimination.
- V. Retaliation.
- W. Failing to comply with a uniform, dress, or grooming policies and standards.
- X. Violating federal, state or local law or ordinance.
- Y. Using tobacco products on the job, in Township buildings or in Township vehicles.
- Z. Accessing, copying or disseminating Township records without prior approval.
- AA. Conducting private business while at work for the Township or through Township equipment.
- BB. Violating Township policies.
- CC. Failing to report a known violation of Township policies or the law or Ordinance.

Violations of this policy may result in one of the following forms of disciplinary action, or others: Verbal warning, written warning, suspension, or discharge. In arriving at a decision for proper action, the Township will consider all relevant circumstances about the events in question, the seriousness of the infraction, the past record of the employee, and any other factors it deems appropriate. The Township may use or implement any form of discipline, at any level, at any time it deems appropriate.

The Township may convene a pre-disciplinary conference or hearing prior to the removal of a firefighter or fire chief pursuant to O.R.C. 505.38 or an applicable collective bargaining agreement.

SECTION 10.02 AUTHORITY TO DISCIPLINE

Supervisors may, in appropriate circumstances, impose discipline on employees. A Trustee Liaison has the authority to place a Department Head or other employee on administrative leave until it is brought to the attention of the Board of Trustees at the next board meeting. However, only the Board of Trustees shall impose discipline in the form of a suspension or/termination of employment.

ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK

I hereby acknowledge that I have received the Berlin Township Employee Handbook, and its appendices, which describes the Township’s policies and the benefits that it grants to eligible employees. I understand that I am responsible for reading, understanding, and complying with the policies contained in the Handbook.

I understand that the Township’s Employee Handbook is presented for informational purposes only and is not a contract of employment, and the Township has the exclusive and unlimited right at any time, and with or without notice, to unilaterally change, revise, modify or eliminate all or any portion of the Handbook and any benefit or procedure outlined therein.

I am also fully aware and understand that, unless otherwise required by law or collective bargaining agreement, my employment is AT-WILL, meaning that I am not employed for a definite term and that either Berlin Township or I have the right to terminate my employment at any time, without cause or justification, and for any or no reason whatsoever. No employee, supervisor, officer, or other Township representative, whether orally or in writing, has the right or authority to vary my EMPLOYMENT-AT-WILL status.

Employee Signature: _____

Employee Printed Name: _____

Date: _____

APPENDIX

Appendix A: Injury Reporting Packet:

- Employee's Report of Injury Form;
- Incident Investigation Report;
- Supervisor's Accident Investigation Form.

Appendix B: Driving and Vehicles Operation Policy

Appendix C: Purchase Requisition Policy

Appendix D: Public Records Policy

Appendix E: HIPAA Privacy Policy