RESOLUTION 14-2015

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, REVISING THE MAIDENCREEK TOWNSHIP PERSONNEL HANDBOOK RULES AND REGULATIONS FOR THE TOWNSHIP EMPLOYEES ADOPTED SEPTEMBER 15, 2010.

BE IT RESOLVED by the Board of Supervisors of the Township of Maidencreek, Berks County Pennsylvania, and it is hereby resolved by the authority of the same as follows:

WHEREAS, the Maidencreek Township Board of Supervisors adopted a Maidencreek Township Personnel Handbook and Rules and Regulations on September 15, 2010; and

WHEREAS, the Board of Supervisors desire to revise the Personnel Handbook and Rules and Regulations to include changes agreed to in the 2015 – 2017 Collective Bargaining Agreement concerning payment for unused vacation, inclusion of sick time and change to holidays; and

WHEREAS, the Board of Supervisors desires to add a section to govern safety in the workplace and formally install a procedure for accident investigations.

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein by reference, the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania, resolves as follows:

SECTION 1. That the Maidencreek Township Board of Supervisors hereby amends the Maidencreek Township Personnel Handbook and Rules and Regulations adopted September 15, 2010 by adopting the attached Exhibit A.

SECTION 2. All resolutions or parts of resolutions inconsistent with this Resolution are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

SECTION 3. The effective date of this Resolution shall be the date that the same is signed by the Board of Supervisors.

RESOLVED and ADOPTED by the Board of Supervisors of the Township of Maidencreek in lawful session duly assembled, this 5th day of January, 2015 A.D.

Board of Supervisors
Maidencreek Township
Berks County, Pennsylvania

_____
David Franke

_____
Joseph Rudderow III

_____
Claude Beaver

Attest:

_____
Diane Hollenbach

MAIDENCREEK TOWNSHIP
EMPLOYEE RULES & REGULATIONS

Adopted on

Board of Supervisors
Maidencreek Township

Claude Beaver
David Franke
Joseph Rudderow III

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MAIDENCREEK TOWNSHIP
EMPLOYEE HANDBOOK & RULES & REGULATIONS

101 GENERAL

A. Purpose

1. This document shall be known and may be cited as the Maidencreek Township Employee Personnel Rules and Regulations, and shall apply to all employees henceforth known as "personnel" of the Township except police officers, who shall be under the jurisdiction of separate rules and regulations of the Northern Berks Regional Police Department.

2. This document is designed to be a summary of personnel policies and practices as they apply to all Maidencreek Township personnel, unless otherwise provided in a valid and enforceable collective bargaining agreement. These policies apply to all areas of employment, including recruitment, appointment, hiring, training and development, promotion, transfer, termination, layoff, compensation benefits, and all other conditions and privileges of employment in accordance with applicable federal, state and local laws.

3. This document does not constitute a contract of employment.

B. Document Modification

1. Circumstances may arise requiring changes in the policies, practices and benefits described in this document. Accordingly, Maidencreek Township reserves the right to amend the contents as it deems appropriate.

2. Should any provision in this document be found to be unenforceable or invalid, such finding does not invalidate the entire document, but only that particular provision.

3. This document replaces and supersedes any and all other Maidencreek Township Personnel Rules and Regulations, or other Maidencreek Township policies, whether written or verbal, except valid and enforceable collective bargaining agreements.

C. Employer Objectives

Maidencreek Township desires to serve the taxpayers by creating a harmonious working relationship among all personnel. In pursuit of this goal, the Township has created the following personnel relations objectives:

1. Select and promote qualified people on the basis of skill, training, ability, attitude and character regardless of age, sex, color, race, creed, national origin, religion, marital status, ancestry, sexual orientation, physical or mental disability, or any other classification protected by law.

2. Review wages, benefits and working conditions regularly with the objective of being competitive in these areas consistent with sound business practices.

3. Assure personnel an opportunity to discuss any issue or problem with the Township Manager or the Board of Supervisors, and take prompt action to investigate and respond to all written complaints submitted to the attention of supervisory personnel to the extent practicable.

4. Provide a workplace that is comfortable, orderly and safe.

D. Employee's Responsibility

In order to serve the taxpayers, Maidencreek Township needs all their personnel's help in making each working day as satisfying and rewarding as possible by following these six Operating Principles:

1. *Responsive:* React timely to requests, concerns or inquiries. Establish and follow internal timelines for responding to citizens and set standards to make sure inquiries are not overlooked.

2. *Dependable:* Be reliable and steadfast in our duties, accept direction and perform all tasks promptly, correctly and pleasantly.

3. *Accessible:* Welcome comments, seek input and take into consideration suggestions. Cooperate with the Board of Supervisor and fellow personnel and maintain a good team attitude.

4. *Professional:* Treat citizens and fellow workers with politeness and respect. Hold ourselves accountable for our actions and promises. Act with integrity and honesty at all times in all situations. Treat and serve all equally and without favoritism. All Township personnel shall consider themselves a "Township ambassador" during their working hours as they interface with residents of the Township.

5. *Resourceful:* Strive to improve efficiency of service using all available resources and technology with minimal cost. Encourage cooperation and communication among Township departments and agencies.

6. *Stewardship:* Respect our past, conserve and enhance the assets of the Township for the future.

102 DEFINITIONS

Appointed Official – Person chosen by the Township Board of Supervisors to serve a fixed term of service as an employee of the Township or on a Board, Commission or Authority of the Township.

Board of Supervisors – The governing body of the Township of Maidencreek, Berks County, Pennsylvania.

Elected Official – Positions in Township government chosen by a vote of the residents of the Township. These positions include Supervisor, Auditor and Tax Collector.

Employee – A person providing regular or part-time services to the Township for a salary or wage for the purpose of these rules and regulations, except appointed and elected officials and police officers.

Induction – All action taken by the Township to examine, test, and evaluate applications for positions within the Township service. Induction begins at the time an applicant files his application and ends when the probationary period has been completed.

Outside Employment – Employment of any kind engaged in by a Township employee for which compensation is received from a source other than the Township.

Personnel – Full time and part time Township employees.

Regular Full Time Employee – An employee who has completed his/her designated probationary period, who has received a regular appointment to a regular full-time position, and who works at least 1750 hours per year.

Regular Part-Time Employee – An Employee who has completed his/her designated probationary period, who had received a regular appointment to a regular part-time position, and who works less than 1750 hours per year.

Regular Full-time Position – A group of duties and responsibilities requiring the full-time employment of one (1) person for the total number of hours in the week on a regular schedule every week in the year.

Probationary Employee - A newly appointed employee who has not completed his/her designated probationary period for the position he/she occupies. During such period, he/she may be separated from the service without recourse to appeal.

Probationary Period – A trial period considered as an integral part of the induction process during which a new employee is required to demonstrate his/her fitness for the position prior to receiving a permanent appointment.

Promotion – The movement of an employee to a position with a higher pay range.

Promotional Probationary Period - A trial period for a promoted employee during which he/she is required to demonstrate his/her fitness for his/her new position prior to receiving a regular appointment to the position.

Reclassification – The reappointment without the utilization of a probationary period of a former employee who resigned in good standing from the Township service.

Restoration – The return of a promoted probationary employee to his/her former position either during or at the completion of his promotional probationary period.

Suspension – The temporary removal with or without pay of an employee from his/her designated position.

Temporary or Seasonal Employee – An employee who occupies a temporary or seasonal position.

Transfer – The movement of an employee to either a different department or divisions within the same pay range.

103 ADMINISTRATION

The Board of Supervisors shall have the basic responsibility for the administration of the personnel rules and regulations contained herein. As provided in the Township Code, the Board of Supervisors as a whole shall appoint and remove the Township Manager. Upon the approval of the Board of Supervisors, the Township Manager shall appoint and remove employees of their respective departments. In addition to other duties and responsibilities specified throughout these rules and regulations, the Board of Supervisors shall be responsible for maintaining personal records, establishing a pay plan, and proposing amendments to these rules and regulations as may be required from time to time.

A. **Personnel Records.** Personnel records shall be established for all personnel and maintained in the custody of the Township Manager. Public information shall include only the employee's name, job title, salary and fringe benefits. All other information in the file shall be available for review only to the following persons in the presence of the Township Manager or Board of Supervisors' designated representative: office personnel as officially required, members of the Board of Supervisors as authorized by the Board as a body, the individual employee at reasonable times or the employee's designated representative, and/or legal authorities when required by a subpoena, in which case the employee shall be notified of the information provided. The following information shall be a permanent part of the file and kept up-to-date:

1. Employee's most recent employment application,
2. Employee notifications regarding hiring, promotion, demotion, suspension, dismissal or other substantial change in employment or pay status,
3. Authorizations for deductions from pay, beneficiary designation,
4. Awards, certificates, recognitions, job related qualifications and licenses,
5. Form I-9, form W-4, Social Security number,
6. Most recent job description,
7. Emergency information including: home address, home telephone number, and person to contact in case of emergency
8. Letters of warning or reprimand – in a sealed envelope to be opened only by the Board of Supervisors and to remain in the file indefinitely.

The following information shall be temporary and shall be removed from the file and destroyed as indicated:

1. Leave and attendance records – two years old,
2. Performance evaluation reports – five years old

B. **Statements of Financial Interest.** Public employees responsible for contracting, procurement, administering or monitoring grants and subsidies, planning, zoning, inspecting, licensing, auditing are required to submit statements of financial interest to the governing body of Maidencreek Township by May 1st annually, until the year after leaving the service of the Township of Maidencreek. These statements are available for public inspection.

C. **Pay Checks.** The pay period is bi- weekly and begins Saturday and ends on Friday. Changes will be made and announced in advance whenever holidays or closings interfere with the normal pay schedule. Paychecks will include earnings for all work performed through the end of the previous pay period. Pay is subject to all deductions required by law, federal tax, social security payment, and state and local income taxes, as applicable. The amount of the deductions will depend on earnings and on the information furnished on the W-4 form regarding the number of exemptions claimed. If an employee wishes to modify this number, he must request a new W-4 form from the office. Only the employee may modify his or her own W-4 form.

104 APPOINTMENTS AND PROMOTIONS

A. **Equal Opportunity Employer** Maidencreek Township's continuing policy is to afford Equal Employment Opportunity to qualified individuals regardless of their race, color, sex, religion, age, creed, marital status, national origin, ancestry, physical or mental disability, sexual orientation, or any other classification protected by law. This policy of equal opportunity encompasses all aspects of the employment relationship, including applications and initial employment, promotion and transfer, selection for training opportunities, recruiting, hiring, reassignments, compensation, benefits, layoff and rehires, termination of employment, retirement, seniority, employee benefit plan policies and other terms and conditions of employment as provided by law.

B. **Recruitment Policy.** The induction policy of Maidencreek Township is to take whatever measures necessary in keeping with accepted personnel practices to provide assurance that the best qualified applicants are properly inducted into the Township service. The procedures outlined herein shall apply to all persons who wish to obtain employment with Maidencreek Township, except former Maidencreek Township employees who may be re-employed through the reinstatement process with the Board of Supervisors' approval.

C. **Hiring Procedure**

1. Immigration Law Compliance. All offers of employment are contingent on verification of the candidate's right to work in the United States. On the first day of work, the new employee will be asked to provide original documents verifying their right to work and, as required by federal law, to sign a Federal Form I-9, Employment Eligibility Verification Form. If at any time employees cannot verify their right to work in the United States, the Board of Supervisors may be required to terminate their employment and take such other action as required by law.

2. Hiring of Maidencreek Township employees shall be made by the Board of Supervisors.

3. A W-4 form must be on file prior to any person starting employment as a Maidencreek Township employee.

4. In the hiring of students, school work papers must be on file with the Township Manager prior to starting employment.

5. Any person under eighteen (18) years of age employed by Maidencreek Township shall be utilized in strict compliance with the Pennsylvania Child Labor Laws.

D. **Promotion and Transfers.** Vacancies within Maidencreek Township service will be filled by promotion of incumbent Maidencreek Township employees if appropriate. All promotional procedure shall be governed by these regulations.

1. Notice of Vacancies. Notice of vacancies will be posted in all applicable departments.

2. Criteria for Promotion. All employees must possess the qualifications necessary for the position to which they seek promotion. Upon the written recommendation of the Township Manager, the Board of Supervisors shall be responsible for determining whether or not an employee possesses the necessary qualifications for the promotion to a particular position. Appropriate tests may be

given to aid in this determination.

3. Promotional Probationary Period. The length of the promotional probationary period shall be 90 days except for any position whose duties, in the opinion of the Board of Supervisors, are of such a nature that no predetermined promotional probationary period is feasible, and who may be assigned, at the time when the position is filled, a promotional probationary period which the Board of Supervisors considered suitable.

4. Status During Promotional Probationary Period. During a promotional probationary period, a promoted probationary employee shall retain his status as a permanent employee, and may be restored to his former or to a similar position if his/her performance is unsatisfactory in his/her new position, or he/she requests to be restored to his/her former or a similar position either during or at the completion of his/her promotional probationary period. After a regular appointment is received in his/her new position, the promoted employee loses all rights to his/her former position.

5. Conditions of Regular Appointment After Promotion. A promoted employee will receive a regular appointment to his/her new position upon the successful completion of the probationary period and a recommendation from the Township Manager and the approval of the Board of Supervisors.

H. **Training.** It is the policy of Maidencreek Township to foster and encourage the upgrading of employee job-related skills through more comprehensive on-the-job training, by sponsoring vocational training, and by encouraging employees to utilize existing educational facilities to prepare themselves for greater responsibilities and proficiency. Employees wanting to take courses should submit in writing to the Township Manager, the date, time, subject and cost of the course for the Board of Supervisors consideration for approval at a regularly scheduled Board of Supervisors meeting.

I. **Employee Absenteeism.** An unexcused absence is defined as a failure to report and remain at work as scheduled without giving proper notification to the employee's immediate supervisor. If the employee's immediate supervisor is not available to report to, the employee must notify the Township Manager or the Board of Supervisors. This includes late arrival at work and leaving early. If an employee is absent for three consecutive days without providing notice, he or she will be subject to disciplinary action up to and including termination. If notice is given, and the absence is not justified, it will be considered unexcused and will be subject to disciplinary action. If an employee is absent for three consecutive days or more for medical reasons, the Township Manager may request written documentation from the employee's doctor stating that the employee is able to resume normal work duties before being allowed to return to work.

J. **Resignations.** All employees voluntarily resigning from the service shall provide two (2) weeks written notice to the Township Manager prior to their leaving. The notice should include the reasons for the resignation. Failure to provide proper notice may result in the loss of accrued benefits.

K. **Reinstatement.** As a general rule, any employee having resigned from the service and who is later reinstated will be considered as a new employee with no accrued rights, privileges or benefits with all such benefits being canceled when an employee leaves the service. Due to circumstances and particularly in the case of supervisory personnel, the Board of Supervisors may reinstate any employee to any position which will be in the best interest of the service, and may restore benefits

accrued in past employment. In case of an extended period of sickness necessitating absence from employment, it shall be the policy insofar as reasonably possible, to reinstate the employee in his/her former position or to a comparable position.

L. **New Employee Probationary Period and Performance Appraisals**. All new employees' probationary period shall be 90 days except for any position whose duties, in the opinion of the Board of Supervisors, are of such a nature that no predetermined promotional probationary period is feasible, and who may be assigned, at the time when the position is filled, a probationary period which the Board of Supervisors considered suitable. Employee's whose performance is not satisfactory may be terminated at any time during the probationary period. Upon completion of the probationary period, new employees shall receive a performance appraisal and review of their performance from their immediate supervisor.

M. **Performance Appraisals.** From time to time, the Board of Supervisors will initiate performance reviews of all employees. All Maidencreek Township employees will be reviewed at any other time upon their request. This review shall be comprised of several factors, including: evaluation by supervisor; the quality and quantity of work, strengths and areas for improvement, attitude and willingness to work, initiative and teamwork, attendance, customer service orientation, problem solving, ongoing professional growth and development. Any employee may request an executive session to discuss their review with the Board of Supervisors.

105 SUSPENSION, DEMOTION AND DISMISSAL

A. **Disciplinary Suspension.** The Board of Supervisors may, for disciplinary reasons, suspend with or without pay an employee at any time. An employee, who is suspended, except probationary, temporary and seasonal employees, shall be given a written statement of the reasons for the action and a copy of such notice shall be made a part of the employee's personal record.

B. **Suspension During an Investigation.** During investigation, hearing or trial of an employee or any civil or criminal charge when suspension would be in the interest of the Township, an employee may be suspended by the Board of Supervisors with or without pay for the duration of the proceeding. The suspension shall terminate within ten (10) days after completion of the case for which he/she was suspended by resignation or dismissal of the employee, by reinstatement or by other appropriate action. If an employee is suspended and then exonerated of all blame, he/she may be reimbursed for all pay withheld due to the suspension, and for all purposes of employee benefits, the suspension will be considered not to have taken place, as determined by the Board of Supervisors.

C. **Demotions for Cause.** An employee may be demoted by the Board of Supervisors for just cause in the interest of good discipline, or for the good of the service, including but not limited to upon their return to work from a disciplinary suspension. In making a demotion, length of service and personnel record shall be given due consideration. Demotion may be accomplished by reducing the employee's pay within the pay range on the position being held and/or by assignment to a position in the lower class. An employee who is demoted shall be given written notice by the Board of Supervisors of the reasons for the action at the time of demotion and a copy shall be made a part of the employee's personal history record.

D. **Voluntary Demotions.** An employee may request or accept voluntary demotion when the position occupied by the employee is allocated to a lower class or when assignment to less difficult or responsible work would be to the advantage of the employee and in the interest of the service.

E. **Dismissal.** The Board of Supervisors may dismiss any employee at any time his/her service or the conduct of his/her office becomes unsatisfactory, including but not limited to receiving a positive result on a drug and/or alcohol test, falsifying documents or misrepresenting information to the Board of Supervisors or when the need for the employee's service to Maidencreek Township no longer exists. An employee, who is dismissed, except probationary, temporary or seasonal employees, shall be given a written statement of the reasons for the action and a copy of the notice shall be made a part of the employee's personal record.

106 COMPLAINTS, APPEALS AND GRIEVANCES

A. **Complaints.** Any employee, who wishes to make a complaint about the conduct of a fellow employee, manager, supervisor or a complaint about working condition, unsafe equipment or practices shall submit the complaint in writing, on forms provided by the Township, within three days of the occurrence to the Township Manager. Upon review, the Township Manager may 1.) refer the issue to the Union Shop Steward, 2.) take action in regard to the complaint if it is within the Manager's ability to do so, or 3.) refer the matter to the Board of Supervisors for further investigation and action.

B. **Sequence of Appeals.** An employee, who wishes to appeal the decision of the Board of Supervisors, or a grievance, must first file an appeal or grievance with the Union Shop Steward.

C. **Board of Review.** Any employee may petition the Board of Supervisors for review of the decision made by the Township Manager. Such review shall be final.

D. **Employee Representation.** Employees shall be entitled to representation of their own choosing in appealing any grievance. Employees shall be entitled to one (1) representative at the first step of the grievance procedure and any reasonable number of representatives thereafter.

E. **Decision Time Limits for Appeals.** The decision in an appeal to the Board of Supervisors shall be rendered within forty-five (45) days of the filing of the appeal.

107 BENEFITS

A. **Anniversary Date.** The first day an employee reports to work becomes their "official" anniversary date. Employees hired on a temporary basis and converted to permanent status, anniversary date will be the first day that they were paid by Maidencreek Township as a regular, full-time employee. The anniversary date is used to compute various conditions of employment and benefits described in this document unless otherwise provided in a valid and enforceable collective bargaining agreement.

B. **Benefit Eligibility.** The first 90 days of employment are considered an employee's training period or probationary period. An employee is eligible for benefits on the 91st day of employment.

C. Vacation Leave.

1. General. Vacation leave with pay shall be granted as prescribed herein. Employees must schedule vacation days at least seven (7) days prior to commencement of vacation period. Notification of all vacation days must be provided to Township Manager and approved by the Manager or Board of Supervisors, unless an emergency situation makes this requirement difficult or impractical.

2. Eligibility for Vacation Leave. Only regular full-time employees who have been employed for a minimum of 200 days shall be eligible for vacation leave upon accrual of time. Vacation is available January 1st for time accrued the previous year. Only regular full time employees who have been employed for a minimum of 200 days (hired on or before June 15th of the previous calendar year) shall be eligible for vacation leave upon accrual of time. All eligible employees shall receive vacation on January 1st based on their accrual of time as follows:

a. Zero (0) to 199 days	0 days
b. 200 days to Two (2) Years	5 days
c. Three (3) Years to Seven (7) Years	10 days
d. Eight (8) Years to Fourteen (14) Years	15 days
e. Fifteen (15) Years and More	20 days

Vacation leave is to be utilized by a half day or whole day basis. No vacation will be granted by use of hours. Half day vacations must be approved in advance, as provided in Section 107(A) (1) for whole day vacations.

Employees hired prior to January 1st, 1997, accrue vacation as follows:

a. 1 year	40 hrs
b. 2 years	70 hrs
c. 3 years	80 hrs
d. 4 years	100 hrs
e. 5 years	120 hrs
f. 15 years	160 hrs

Vacation days that are not used by December 31st of the current year will be forfeited except for forty (40) hours of vacation, for which the employee may receive payment in the current year or may carry forward to the next year.

Vacation leave / pay shall be pro rated and rounded off to half (½) day increments if an employee quits or employment is terminated during the year in which he earns his entitlement

to vacation for the following year. For example: if an eight (8) year employee quits or is terminated effective July 1, 2000 then on January 1, 2001 he shall only be entitled to vacation pay for seven and one-half (7 ½) days not the entire fifteen (15) days.

An employee entitled to vacation pay at the time of his resignation or termination shall be paid the amount of vacation pay due to him as part of his final paycheck from the Township.

D. **Personal/Sick Days.** Full time employees shall have thirty-two (32) hours of personal time and twenty-four (24) hours of sick time. For a personal or sick day to be utilized notification must be provided to the employee's immediate supervisor prior to the start of the work day. In the absence of the supervisor, the employee must notify the Township Manager or Board of Supervisors of their absence prior to the start of the work day. If notification of use of a personal/sick day is not provided as described above prior to the start of the work day, the employee will not be compensated for that time and the absence will be considered unexcused. 16 hours of personal/sick day time may be used in hour increments.

E. **Leaves of Absence.** Leaves of Absence with or without pay shall be decided at the discretion of the Board of Supervisors. All requests for leaves of absence shall be submitted in writing to the Board of Supervisors. Failure to return to work as scheduled from an approved leave of absence or to inform the Board of Supervisors in writing of the need for an extension of the leave of absence will be considered a voluntary resignation of employment.

F. **Holidays.** Full time employees shall be provided the following ten and one half (10-1/2) paid holidays:

New Years Day	Good Friday	Memorial Day
Fourth of July	Labor Day	General Election Day
Thanksgiving Day	Day after Thanksgiving	Christmas Eve Day
Christmas Day	New Year's Eve Day	

H. **Jury Duty.** Any full-time employee serving jury duty shall receive the difference between his regular pay and what he receives for jury duty upon presentation to the Township Manager of a receipt or paycheck showing the amount paid for jury duty by the Court. The regular pay shall be defined as forty (40) hours per week or eight (8) hours per day at straight time.

I. **Funeral Leave.** A funeral leave of three (3) days with pay shall be granted to employees (except employees on vacation or sick leave) in the case of death in the immediate family. The immediate family shall be defined as husband, wife, children, stepchildren, mother, father, mother-in-law, father-in-law, brother or sister; and one (1) day of pay for the day of funeral of grandparents, aunts and uncles, brother-in-law or sister-in-law.

J. **Hospitalization, Major Medical, Eye and Dental Insurance.** All regular full time employees, spouses and children are covered by hospitalization and medical, eye and dental insurance unless the employee chooses to waive their right to the coverage. The program shall be administered by an insurance carrier determined by the Board of Supervisors.

K. **Worker's Compensation.** All employees are covered by worker's compensation insurance program for injury and illness sustained on the job. The program shall be administered by an insurance carrier

determined by the Board of Supervisors. The program provides for payment of medical expenses required as a result of work related accidents or illness and payment of a percentage of the employee's wages due to absence as a result of such accident or illness. Maidencreek Township, as specified in Pennsylvania law, requires employees to choose a physician from a list determined by the Board of Supervisors for treatment if any benefits are to be paid through workman's compensation. A written release from the doctor to return to regular duty is required.

L. **Disability Income.** All regular employees, meeting the short and long term disability's policy definitions of a member are covered by a short term and long term disability insurance. The program shall be administered by an insurance carrier determined by the Board of Supervisors.

M. **Life Insurance.** All regular employees, meeting the life insurance policy's definition of a member are covered by $50,000.00 life insurance policy while employed by Maidencreek Township. The program shall be administered by an insurance carrier determined by the Board of Supervisors.

N. **Pension.** All regular full time employees whom work 1750 hours each year shall become a part of the Maidencreek Township Non uniform Pension Plan as described in Resolution 2000-18 and the Maidencreek Township Non Uniform Pension Plan, itself.

O. **Unemployment Compensation.** Depending upon the circumstances, employees may be eligible for unemployment compensation upon termination of employment. Eligibility for unemployment compensation is determined by the Division of Unemployment Insurance of the Pennsylvania Department of Labor.

P. **Social Security.** The United States Government operates a system of mandated insurance known as Social Security. Maidencreek Township contributes a set amount of an employee's weekly wages to the trust fund from which benefits are paid. As the employer, Maidencreek Township, deducts this amount from each paycheck. In addition, Maidencreek Township matches the employee's contribution dollar for dollar, thereby paying one-half of the cost of an employee's Social Security benefits.

Q. **National Guard or Military Leave.** Personnel that are members of a National Guard or Reserve Unit may take the time required for training. Leave is normally for two weeks, but in exceptional cases may be as long as seventeen calendar days. Leave of this nature is unpaid. However, employees may elect to use paid time off. Personnel may also take military leave in accordance with applicable law if inducted into or enlisted in the Armed Forces of the United States or are called to active duty as a member of a Reserve Unit. Personnel shall inform their supervisor of their absence for National Guard or Military Reserve Leave, as far in advance as possible.

According to this policy, and consistent with state and federal law, time spent on military leave will be counted as continuous service for the purpose of computing service awards and determining eligibility for various benefits plans. However, unless otherwise provided in a valid and enforceable collective bargaining agreement, some benefits may be affected by leave, as follows:

Job Reinstatement

Following a military leave and application for reinstatement, every effort will be made to reinstate personnel to the same job or job level they would have reached had military leave not occurred.

This is in accordance with applicable federal and state laws. If no such position is available, the Board of Supervisors will re-employ them on an overstaff basis until an appropriate position is available with the Township.

R. **Fire and Ambulance Calls.** Employees who are active members of the Blandon Volunteer Fire Company or the Blandon Ambulance Association are permitted to respond to fire calls as long as there is no undue interruption of the immediate task or job being performed at the time in the opinion of the Township Manager. Employees responding to an emergency call will be paid for their normally scheduled hours while serving in their emergency capacity.

108 MISCELLANEOUS

A.Hours of Work.

1.Regulations pertaining to daily start times.

a)The employee scheduled to start at an earlier time than other scheduled employees on any given day shall spend that time in readying the materials and equipment to be used so work can commence when other employees scheduled arrive.

b)Procedures for calling-out of employees for work under either normal or emergency conditions shall be by qualifications, seniority, capabilities and geographic location.

c)No Township employee shall drive more hours than the D.O.T. regulations allow in a shift. In emergency situations, the road crew may take exception to this requirement if authorized by the Township Road Master. In no case, shall state laws be superseded.

2. Hourly workers time sheet procedures. Daily recording procedures are as follows:

a)Record actual starting time when workday starts.

b)Record actual time when leaving work area for lunch break.

c)Record actual time when work commences after lunch break.

d)Record actual time when work day ends.

e)There may be a ten (10) minute work break taken after two (2) hours work in AM and PM.

f)Time sheets shall be signed by the employee as being accurate before submitting them to the Township Manager.

3.Lunch Period. A lunch period shall normally be taken approximately midway in the working day. The duration of the lunch period shall be uniform within each department and shall be approved by the Township Manager or Board of Supervisors. The lunch period shall be not less than one-half (½) hour nor more than one (1) hour.

B. Maidencreek Building Regulations.

1. The Township Building is to be used for conducting Township business. Any use of the Township Building or Township equipment for personal use is prohibited unless prior approval from the Township Manager or Board of Supervisors is received.

2. All doors in the Township Building are to be secured/locked when personnel leave sight of the building and no other authorized employee is in charge of their work area.

3. Only Township employees or officials may enter the garage area of the Township Building.

4. Only vehicles owned by the Township or Township personnel are permitted in the garage or driveway.

5. Printed materials and other paraphernalia not essential to Township work may be prohibited at the discretion of the Board of Supervisors.

C. Regulations pertaining to all Township equipment.

1. Only Township employees, contractors, personnel on Township business and officials are permitted in Township vehicles unless authorized by the Board of Supervisors, but in cases of emergencies, Township employees may use their discretion and inform the Supervisors at the next opportunity.

2. The use of employer paid postage for personal correspondence is prohibited.

3. Falsifying records/documents, embezzling, stealing, blatant or flagrant violations of the above rules can result in immediate dismissal at the discretion of the Board of Supervisors. Three (3) minor violations, documented with the employee's knowledge, accumulated within a twelve (12) month period can result in dismissal.

D. **Telephone Policy.** Employees may not carry their personal cell phone during working hours and shall keep all personal cell phones in their vehicles or in the absence of a vehicle, in their locker. Personal phone calls of short duration, i.e., 1 to 2 minutes, may be received and made at an employee's desk or work station. No long distance personal calls will be tolerated unless prior permission to make such a call is received, and the necessity is apparent. Personal telephone call privileges are subject to change or termination at any time.

Employees may be issued a cell phone by the Manager for work use. Employees shall not make or answer cell phone calls while driving a Township vehicle. Direct connect and truck radio calls may be answered while driving.

E. **Internet, Email and Instant Message Policy.** The e-mail system is provided at the expense of Maidencreek Township to assist in carrying out the business of the municipality. The e-mail system permits authorized users to communicate with each other internally and with selected outside individuals, business, and other service providers. The Board of Supervisors may block email from senders for any legitimate reason including but not limited to email that is considered spam or unsolicited advertising; poses a threat to the security of the email system; or is not related to Township business. The Board of Supervisors considers the e-mail system to be for business use only. While it is possible that employees may decide to send personal messages, the Board of Supervisors assumes no responsibility for their content or for maintaining their privacy, and employees have no expectation that such privacy will be maintained.

In order to ensure that the system functions properly and that the Board of Supervisors and/or its employees are not liable for improper use of Internet and other connections, the Board of Supervisors considers all messages sent, received or stored as business messages, and thus, property of Maidencreek Township. Conducting business unrelated to Maidencreek Township, other than incidental personal traffic, is expressly prohibited. Because of the Township's intent to operate within the law, the Board of Supervisors reserves the right to access, review, copy, or delete all e-mail messages for any purpose and to disclose them to any party (inside or outside Maidencreek Township) as it deems appropriate. This includes the right to install software that monitors e-mail

and Internet usage.

No e-mail messages or information should be created, sent, or forwarded which may reasonably be deemed to be intimidating, hostile or offensive in nature, or which is discriminatory on the basis of race, color, religion, sex, national origin, sexual orientation, disability, or any other basis that is unlawful under applicable state and federal law. Nor should any obscene, profane, abusive, or offensive language be transmitted. Any violation of this policy is grounds for disciplinary action up to and including discharge.

No e-mail or other electronic communication may be sent which hides the identity of the sender or represents the sender as someone else. All messages communicated on Maidencreek Township e - mail system should contain the sending employee's name. The Board of Supervisors bears no responsibility for any consequences resulting from any employee who uses the e-mail system for any fraudulent, or other illicit purpose, or contrary to the provisions of this Policy.

Privileged Communications Some of the messages sent, received or stored in the e-mail system may be privileged communications between Maidencreek Township Supervisors, their employees and its attorneys, or other entities. Upon receipt of any such message, do not forward it or its contents to others inside Maidencreek Township without the authorization of all parties. Never forward such messages or contents to any outsiders. To the extent practicable, all efforts should be made to send such privileged communications in an encrypted form.

Viewing and Protecting E-Mail Messages In order to guard further against dissemination and disclosure of Proprietary Information, employees should exercise caution when accessing their messages in the presence of others. E-mail windows should not be left open on the screen when the computer is unattended. Users shall not allow any other person to use their name and password to gain access to an e-mail system. Passwords are required and should be changed regularly. The Board of Supervisors reserves the right to impose guidelines requiring mandatory password changes and encryption measures to provide additional measures of security.

E-Mail Etiquette Please bear in mind that your e-mail messages may be read by someone other than the addressee, and may even have to be disclosed to outside parties including courts in connection with litigation. Accordingly, please take care to ensure that your messages are courteous, professional, businesslike, and tasteful.

Voice Mail, Facsimile, & EDI Systems To the extent applicable, all above policy provisions related to e-mail systems shall apply to any voice mail, facsimile, or EDI (Electronic Data Interchange) system owned by Maidencreek Township. Restrictions on access of these systems by others will only apply where password controlled access is established (i.e.; it is permissible for someone to leave a message in your voice mailbox, but other persons should not be given password access to your voice mailbox). EDI is defined as any electronic exchange of data, including modem-to-modem transfers.

Municipality Internet, Intranet and Extranet Guidelines As with e-mail, the Board of Supervisors provides Internet access solely to facilitate the conduct of Maidencreek Township business as a public service provider. Access to the Internet may be limited at the Board of Supervisors sole

discretion. This includes the use of filtering software to bar access to certain addresses. Employees are expected to use the Internet, Intranet, and Extranet at all times in the manner that benefits Maidencreek Township. Setting up Internet services such as World Wide Web (WWW), Home Pages, File Transfer Protocol (FTP), GOPHER, SMTP gateways, etc. on any computer connected to a Maidencreek Township network requires prior approval from the Board of Supervisors.

The following activities on the Internet, Intranet and/or Extranet are specifically prohibited and may result in disciplinary action up to and including discharge:

Using the Internet, Intranet or Extranet for personal gain or for commercial activity unrelated to Maidencreek Township. Sending Privileged Information or Maidencreek Township Restricted Information. Sending material that is threatening, intimidating, hostile, offensive, or discriminatory on the basis of race, color, religion, sex, national origin, sexual orientation, disability, or any other basis prohibited by applicable law. In addition, the receipt of such material and/or showing such materials to co-workers is strictly prohibited. Copying or otherwise converting protected electronic information. Violating copyright or trademark laws. Making any unauthorized attempt to break into another organization's computer system. Using the Internet, Intranet or Extranet for any activities not specified here that are in violation of Federal, state, or local law.

F. **Smoking Policy.** In order to comply with the Clean Air Act and other state, and federal laws governing smoking in the workplace, smoking is prohibited in the following areas: township meeting rooms, any township office, kitchen areas and restrooms, any township vehicle or equipment when shared with another employee except with the consent of employees riding in the vehicle, and any area where smoking is prohibited for safety reasons.

G. **Political Activity.** Township employees may neither be appointed to nor retained in service as a result of their political activities and affiliations. They are expected to exercise their right of suffrage as citizens and may engage in normal political activities; however, while employed by Maidencreek Township, they;

1. May not run for Maidencreek Township Board of Supervisors, or Maidencreek Township Auditor.
2. Shall not use their official position to influence the outcome of any election. However, they may include their township position as part of their resume on campaign literature, provided it is done in a way that does not imply the Township endorsed their candidacy. Literature should say, "Candidate is not endorsed by Maidencreek Township."
3. May not engage in any political activity during their working hours.

H. **Outside Employment.** Employees may not engage in outside employment which might in any way hinder their objectives and impartial performance of their public duties, embarrass the Township government, or impair their efficiency on the job.

I. **Acceptance of Gifts.** Acceptance of a gift by an employee, when given under circumstances indicating the hope or expectations of receiving a favor or better treatment than that accorded the public generally is prohibited.

J.**Review.** This document shall be reviewed on an annual basis by a committee comprised of the Board of Supervisors and three (3) employees elected by a majority of the employees and appointed by the Board of Supervisors.

K. Additional Work Regulations.

1. It is not permitted for an employee to argue, harass, agitate or otherwise provoke ill will toward a Township resident during working hours. All employees shall consider themselves a "Township ambassador" during their working hours as they interface with residents of the Township. An incident of this nature will require testimony from the residents, the employee and possible witnesses, but the final decision as to the merits of any complaint and the jurisdiction of the discipline shall remain solely with the Board of Supervisors.

2. The physical touching by an employee of a Township resident is strictly prohibited. Also, any threatening actions or behavior is, likewise, prohibited. Nothing in this section is intended to take away a person's right to self defense.

3. The use of alcohol or illegal drugs at any time during an employee's working hours is strictly prohibited. All employees are also prohibited from being under the influence of illegal drugs or alcohol at any time during their working hours.

4. Dishonesty, insubordination and the deliberate and inexcusable refusal to obey a reasonable and lawful order by an employee undermines the authority of the Board of Supervisors and will not be tolerated. Employees shall not engage in the silent withholding of services. Employees may not decide for themselves which instructions they will follow and which they will not. Employees must first follow the order and then turn to the grievance procedure if they feel the order was improper. Merely protesting an assignment is not insubordination. Acts of insubordination and dishonesty can result in immediate dismissal.

109 DRUG AND ALCOHOL POLICY

109.1 PURPOSE

A. To provide regulations for the testing of illegal drug, alcohol and intoxicant use of all employees to ensure a safe and healthy workplace for employees and efficient delivery of service to the residents of Maidencreek Township.

B. Establishing effective means to detect drug, alcohol and intoxicant abuse while respecting the rights of employees.

C. To comply with the requirements of employers pursuant to the federal legislation concerning commercial drivers licenses (CDL) and the Omnibus Transportation Employee Testing Act of 1991 as amended and the federal regulations thereto insofar as they apply to this Township.

D. To conform the employment policies of Maidencreek Township to the requirements of said law and regulations.

E. To comply with other applicable state and federal laws.

109.2 APPLICATION

This policy shall apply to all Maidencreek Township regular full time, part time and seasonal employees as a condition of employment under this policy and the program established between Maidencreek Township and WORKNET Occupational Medicine whereas all employees will be tested prior to employment with Maidencreek Township, subject to testing for reasonable cause and post accident, and may be subject to random testing, subject to any collective bargaining agreement in place.

109.3 TERMS AND DEFINITIONS

For the purpose of this policy, the following terms and definitions are provided.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Test Positive means an alcohol test will be considered "positive" when the alcohol concentration level registers 0.02 or greater.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

BAT refers to a Breath Alcohol Technician which is a person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles that:

(1) Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

(2) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Consortium/Third party administrator (C/TPA) means a service agent that provides or coordinates one or more drug and/or alcohol testing services to Department of Transportation (DOT)-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not "employers" for purposes of this part.

Controlled substances mean the following six drugs or classes of drugs in a DOT drug test. The "DOT specimens" may not be tested for any other drugs.

- Marijuana metabolites.
- Cocaine metabolites.
- Amphetamines.
- Opiate metabolites.
- Phencyclidine (PCP)
- Methylenedioxymethamphetamines (MDMA aka Ecstasy)

Designated employer representative (DER) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the Township.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- Exclusions.
    - Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
    - Tire disablement without other damage even if no spare tire is available.
    - Headlight or taillight damage
    - Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT Agency means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382 , and 655), in accordance with part 40 of this title.

Driver/Employee means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; part time and seasonal drivers; leased drivers and independent owner-operator contractors.

Initial breath alcohol test is an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Initial drug test (also known as a "Screening drug test") means a test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial specimen validity test is the first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

MRO refers to a Medical Review Officer who is a Licensed Medical practitioner and who is in compliance with all certification and continuing education requirements.

Positive result is a result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the confirmatory cutoff concentration.

Reconfirmed is the result reported for the split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Refuse to submit (to an alcohol or controlled substances test) means that the employee does any one or more of the following:

- admits to the collector that he or she adulterated or substituted their specimen,
- behaves in a confrontational way that disrupts the collection process,
- fails to follow the observer's instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process,
- possesses or wears a prosthetic or other device that could be used to interfere with the collection process,
- refuses to wash his or her hands – after being directed to do so,
- fails to provide adequate breath for an alcohol test without a valid medical explanation,
- fails to submit to a test as directed,
- engages in any conduct which clearly obstructs the testing process,

- fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer,

- fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test,

- fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test,

- in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen,

- fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure,

- fails or declines to take a second test the employer, MRO or collector has directed the driver to take,

- fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment,

- fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process, refuse a direct observation test, refuses to wash hands when directed by the collector), or

- is reported by the MRO as having a verified adulterated or substituted test result.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- All time at an employer property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer,

- All time inspecting equipment as required by §§392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time,

- All time spent at the driving controls of a commercial motor vehicle in operation,

- All time, other than driving time, in or upon any commercial motor vehicle,

- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle; and

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

Split specimen collection is a collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the spilt specimen (Bottle B).

Under the Influence means, with respect to drugs, the presence in an employee's system of any detectable amount of a drug, or its metabolites, and speech, actions or an appearance which leads supervisor to reasonably suspect the employee's ability to perform his or her job safely and effectively has been impaired by drugs.

109.4 POLICY ESTABLISHED

The regulations of the Federal Highway Management Administration are hereby adopted by reference insofar as they apply to this Township and this Policy.

The Board of Supervisors will not tolerate the manufacture, distribution, possession, use, sale, receipt or presence in the body of alcohol or any controlled substance [or illegal drug] or intoxicant which may impair safety or job performance of an employee while an employee is on duty, on Maidencreek Township property, utilizing Maidencreek Township vehicles or equipment, during a work day (including lunch and breaks), or performing township business. Illegal drugs or substances are those, which cannot be legally obtained, including controlled dangerous substances and controlled substance analogues, as well as those drugs, which, although legal, have been obtained illegally (i.e., prescribed drugs not being used as prescribed). Drug testing will be performed through urinalysis and will test for the presence of drug and/or metabolites of the following controlled substances: Marijuana metabolites (THC), Cocaine metabolites, Opiates, Amphetamines, Methylenedioxymethamphetamine (MDMA aka Ecstasy and Phencyclidine (PCP). Intoxicants shall be defined as substance which when taken into a body by one mean or another produces a condition of diminished mental and physical ability, hyper excitability, or stupefaction.

Specifically, no employee shall:

- Report to duty or remain on duty while having an alcohol concentration of .02, or when the employee uses any drug or intoxicant which remains in their system and would result in a positive outcome on a drug test.

- Use, sell, distribute or possess alcohol, illegal drugs or intoxicants while on duty, on Maidencreek Township property, or conducting Maidencreek Township business.

- Distribute or sell any prescription drug while on duty, on Maidencreek Township property, or conducting Maidencreek Township business.

- Consume alcohol, including consuming medications which contain alcohol, within four hours of

reporting to work.

- Consume alcohol, including consuming medications which contain alcohol, for at least eight hours after accident, if required to take a post-accident drug and alcohol test.

- Engage in off-the-job illegal drug use which could adversely affect an employee's job performance, jeopardize the safety of others, the public, or Township equipment, or adversely impact the Township's reputation. This proper cause for disciplinary action up to and including termination of employment. Employees who are convicted of off-the-job drug or alcohol-related activity may be considered to be in violation of this policy. In deciding what action to take, management will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the Township and other factors relating to the impact and circumstances of the employee's arrest.

- Claim the ingesting of hemp food products will not be an acceptable defense of a positive in a drug test.

- Violate any applicable federal and/or state requirement governing the use of drugs or alcohol. In the event of any situation, circumstance, or result not addressed in this Drug & Alcohol Policy, the Township will defer to the rules and regulations of the US Department of Transportation (DOT).

- Do anything to obstruct the Township's goals with respect to drug and alcohol testing.

Employees are required, as a condition of employment, to submit to a Post-Accident/Incident/Injury, Reasonable Suspicion/Cause, Random alcohol and/or drug test when required. Refusal to test or violation of this policy will result in immediate dismissal pursuant to Section 109.7 of this policy, subject to any applicable provisions and procedures of the collective bargaining agreement in effect, if any.

The only exception is for the use of prescription drugs which an employee obtained through a valid prescription. Prescription drugs must be kept in their original container identifying the drug, dosage, date of prescription and physician. An employee shall inform his/her supervisor, prior to commencing work, if he/she is taking any prescription or over-the-counter medications, which could interfere with their ability to perform his/her job functions safely. If the employee does not notify the supervisor, this shall be grounds for termination.

It is the employee's responsibility to make sure that the medication that is prescribed to the employee will not have adverse effects that will comprise the employee's safety while working. If the employee is taking a prescription or over-the-counter medication that has warnings on the medication, the employee will be sent for a fit for duty physical. The employee also will need a letter from the prescribing physician that the employee is capable and safe to work along with the fit for duty physical from a physician that is chosen by the Township. If the employee is not capable of working safely then the Township shall try to find an alternate job for the employee, if one exists. If one does not exist, the employee will be required to take time off and the employee may use any time off the employee has accrued until the

employee is safe to return to work.

109.5 TEST ESTABLISHED

All employees and applicants may be subject to the following drug and alcohol tests. Testing for drugs will require employees to provide a urine sample. Testing for alcohol will require a breath sample. The following is a list of circumstances and procedures under which applicants and employees will be tested. An employee must report for testing immediately upon being notified to report for testing.

- **Pre-Employment Testing.** All applicants for employment with Maidencreek Township shall be tested for drugs prior to acceptance of employment by the Board of Supervisors. Any applicant testing positive shall not be considered for employment. The Township will reimburse the applicant for the cost of this test if the test is negative and if employment is accepted by the applicant. All driver (CDL) applicants for employment with Maidencreek Township are required to provide the Board of Supervisors with written authorization to obtain all information from previous employers relating to drug and alcohol testing. The Board of Supervisors will obtain drug and alcohol testing information from the applicant's previous employers not longer than fourteen (14) calendar days after the applicant has begun employment with the Township performing a safety sensitive function.

- **Reasonable Cause.** Any employee giving reasonable cause to believe that he or she is in violation of the Policy established in Section 109.4 above shall be subjected to township-paid drug and alcohol testing immediately upon observation of such reasonable cause by trained supervisory personnel. Immediately upon observation of actions which amounts to reasonable cause by a trained supervisor, the supervisor must remove the employee from the performance of safety sensitive functions and drive the employee to the appropriate location to be tested under this section. Reasonable cause shall be limited to behavior or conduct observed at a workplace, en route to a workplace, on Township property, while on duty, or while performing Township business. Observation shall be by supervisory personnel who have received at least one hour of training in drug use detection and one hour of training in alcohol use detection. Supervisory personnel making reasonable cause observations shall make and file with the Township a written report on a form provided by the Township of the attendant circumstances within twenty-four hours of the determination. Such reports shall be confidential. If testing does not occur at all, the supervisor must explain the reasoning of the failure to test. Employees who refuse to be tested shall be terminated.

- **Post Accident/Injury/Incident.** Any employee involved in an accident as defined herein shall be tested at the Township's expense for drugs as soon after an accident, injury or incident occurs as is possible, but no later than thirty-two (32) hours, and for alcohol as soon after an accident as possible, but no later than eight (8) hours. Provided:

  - Testing should not take precedence over needed medical treatment or other needed emergency measures;

  - If for any reason the tests cannot be obtained within the times provided, the tests shall not be administered. However, if as a consequence of an accident, the employee is seriously injured

and cannot provide a specimen at the time of the accident; the driver must provide the necessary authorization for obtaining hospital records and other documents that will indicate whether there were any controlled substances or alcohol in his system at the time of the accident. Refusal to submit to a test or interfering with the successful completion of such a test shall be deemed a positive test result in accordance with Section 109.6 below;

- No employee shall consume alcohol, illegal drugs or intoxicants between the time of the accident and the test administration;

- An accident shall include any occurrence involving a Township vehicle or during the course of conducting Township business where the following conditions occur:

  a)there is a fatality regardless of fault,

  b)citation and bodily injury that requires any person involved in the accident to be transported away from the scene for medical treatment,

  c)citation and damage to any vehicle that requires the vehicle to be towed away from the scene by a tow truck or another vehicle,

  d)there is issuance of a citation to the Township employee under state or local law for a moving violation arising from the accident, and bodily injury that requires any person involved in the accident to be transported away from the scene for medical treatment, and damage to any vehicle that requires the vehicle to be towed away from the scene by a tow truck or another vehicle,

  e)Any accident involving Township equipment, vehicles or while conducting Township business.

109.6 TEST STANDARDS

Any refusal or failure by the Employee or Applicant to submit to any test required by this policy or the applicable law shall be deemed to be a positive result. Refusal to submit to a test under this Policy shall include any act or omission which prevents, thwarts, or frustrates the objectives of this Policy, including without limitation the following: (1) refusal to submit in a timely fashion to testing; (2) refusal or failure by the employee or applicant to complete, sign or initial the required testing form; (3) refusal or failure without good cause to provide any sample or provide an adequate sample for testing; (4) use or attempt to use someone else's urine for the purpose of having drug-free urine: and (5) failure or refusal to otherwise cooperate with the testing process in a way which prevents the completion of any required test.

Alcohol Testing. All alcohol tests conducted under this Policy require that the employee provide a breath specimen. The employee must take either a breath or blood specimen, as directed by a law enforcement officer after an accident.

Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician (BAT) using an approved breath testing device (EBT), except in cases of on-scene post-accident testing conducted

by federal, state or local officials.

Before being tested, each employee will be required to present his/her personal identification, and execute an Alcohol Testing Form provided by the BAT. An employee, who refuses to provide his/her identification, refuses to execute the DOT Alcohol Testing Form, or who otherwise refuses or fails to cooperate, will be treated as though he or she has tested positive and will be terminated.

Prior to each alcohol breath test conducted, the BAT will instruct the employee on how the test will be performed. To protect each employee, the BAT will attach to the testing device an individually sealed mouthpiece in the employee's view. The employee will then be directed to blow forcefully into the breath-testing device until an adequate amount of breath has been maintained.

In the event that an employee is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts to do so, the employee will be required to submit to an evaluation by a licensed medical physician to determine whether a valid medical condition exists. If the physician determines that a valid medical condition does exist, the test result will be reported to the Township as "Cancelled". If the physician determines that a valid medical condition does not exist, the result will be reported to the Township as a "Refusal".

In the event that the employee provides an adequate breath specimen and the initial test registers as alcohol concentration level that is less than 0.02, the test result will be recorded, as a "negative" and no additional test will be required at that time.

In the event that an employee provides an adequate breath specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a confirmatory test will be performed. In the event that the employee provides an adequate breath specimen and the confirmatory test registers less than 0.02, the test result will be reported to the Township as "negative". In the event the employee, on the basis of the EBT, has blood alcohol content (BAC) of .02 to .039, the test result will be reported to the Township as "positive" and the employee will be removed from duty for 24 hours. Prior to returning to work another EBT must be completed. If the employee receives a test result greater than .02 on this return to duty test, they will be subject to immediate dismissal. Any result greater than .04 breath alcohol level shall be considered a positive test and shall subject the employee to immediate dismissal pursuant to Section 109*.7 of this Policy.

Drug Testing

Drug testing will be performed through urinalysis and will test for the presence of drugs and/or metabolites of the following controlled substances: Marijuana (THC), Cocaine, Opiates, Amphetamines/Methamphetamines, Methylenedioxymethamphetamine (MDMA aka Ecstasy), and Phencyclidine (PCP).

	Initial Level	**Confirmatory Level**
1. Marijuana Metabolites	50 ng/ml	15 ng/ml
2. Cocaine Metabolites	150 ng/ml	100 ng/ml
3. Opiates	2000 ng/ml	2000 ng/ml
4. Amphetamines	500 ng/ml	250 ng/ml

5. MDMA (Ecstasy)	500 ng/ml	250 ng/ml
6. Phencyclidine	25 ng/ml	25 ng/ml

Split sample urine specimens will be collected at a designated collection site in accordance with 49 CFR Part 40 designed to prevent adulteration, substitution and tampering. Urine specimens will be sealed in the presence of the applicant/employee and sent to the designated United States laboratory certified by Health and Human Services (HHS) under the National Certification Program along with the custody and control form (CCF) for testing. Detailed records will be kept to prevent misidentification of samples.

The following protocol will apply to all specimen collections:

- The applicant/employee will provide a urine sample at the assigned collection site at the appointed time.

- The applicant/employee will participate in the custody and control procedures in order to insure accurate collection by providing photo identification and following the DOT Urine Specimen Guidelines and in accordance with 49 CFR Part 40 for all urine collection procedures in cooperation with the site.

Under split specimen procedures, the donor must provide 45 ml. in a specimen container. The collector will pour 30 ml. into one bottle and seal it; the remaining sample of 15 ml. will be sealed in a second bottle. Both bottles will be sent to the laboratory. The bottle with the 30 ml. will be the primary specimen and the second bottle will be held by the laboratory and analyzed only after a verified positive by the MRO and the employee requests the analysis within 72 hours of notification by the MRO. If the applicant/employee refuses to provide the specimen for the drug testing, the situation will be considered equal to a positive test and the same consequences will apply.

On all "positive" drug screen results, the MRO/MRO Assistant will make three attempts within a twenty-four hour period to contact the applicant/employee and review his findings. If the applicant/employee cannot be reached during the above-mentioned time frame, the Township will be contacted and informed to contact the applicant/employee and have such a person make themselves available to be contacted by the MRO to review his findings. If the applicant/employee does not make themselves available to be contacted by the MRO, the consequences to the applicant/employee will be equal to that of a positive test result, which is immediate termination.

Individual test results will be released to the Township and will be kept confidential, an individual who has submitted to drug testing under this policy is entitled to receive the tests results. Requests should be made in writing.

All specimens shall be collected and split into two vials (split specimen collection). Employees testing positive may request to have the split specimen tested at another HHS certified laboratory. The testing of the split specimen will be will be for the presence of the drug that was deemed positive, with no cut-off levels. If the result of the split specimen test is negative the MRO will cancel the test. Such requests must be made within 72 hours of the individual being notified of the positive result. This testing is done strictly at the employee's and/or potential employee's expense for non-mandated employees. The Township is responsible for the payment of the split specimen for CDL drivers. The Township will seek reimbursement

from the CDL driver for this test after the fact.

Dilute Specimen
When the Township receives a result from the MRO that states Positive Dilute, the Township shall treat the result as a verified positive result. The employee shall not be able to take another drug test based on the fact that the specimen was dilute.

When the Township receives a result from the MRO that states a Negative Dilute drug test the Township shall do the following:

- If the MRO directs the Township to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, the Township shall have the employee do so unannounced and immediately.

- If the MRO reports the result as a negative dilute and when the creatinine concentration of the dilute specimen is greater than 5 mg/dL, the Township shall direct the employee to take another unannounced test immediately.

Recollection of the specimen shall not be collected under direct observation unless there is another basis to support a directly observed collection.

When the Township receives the second result after the initial Negative Dilute result and the result is again Negative Dilute the Township shall accept this result, unless the MRO asks for another collection under direct observation. If the MRO requires another recollection the employee must do so immediately.

The employee shall comply with the MRO and the Township or this shall constitute a refusal to test with immediate termination.

109.7 POSITIVE TEST DISCIPLINARY ACTION.

Any employee who tests positive for any intoxicant, drug and/or alcohol test conducted under this policy in accordance with the standards established in Section 109.6 of this Policy is subject to immediate dismissal by the Township. An employee who tests positive for drugs or intoxicants may within seventy-two (72) hours of learning of a positive test result request a split specimen test be conducted. The employee will be removed from safety sensitive duty by the Township Manager upon their learning of the positive test result. If the split specimen results in a positive result, the employee will be subject to immediate dismissal by the Board of Supervisors. If the split specimen results in a negative result, the test will be deemed negative and the employee will be reinstated to his/her prior employment position. The Township will pay for a split test and will seek reimbursement after the fact.

109.8 FOLLOW-UP
[Open]

109.9 TEST RESULTS

Employees and Applicants will be notified of their positive test results. Those persons testing

positive for alcohol and/or prohibited substances shall also be advised as to what drugs, intoxicants or amount of alcohol was or were discovered present in their system in the testing. Employee/applicant must notify their supervisor upon learning their test result.

109.10 Confidentiality of Documents and Results

All files, documents and records of Maidencreek Township related to the application of this Policy to individual employees and applicants shall be deemed and kept confidential. Said results and documents relating there shall be held in strictest confidence and shall be accessible only to the employee, the employer, and such other persons authorized by law and shall not be released to any other person except with the written consent of the employee or upon the employee's opening of the file by contesting any Township decision related to the outcome of any test conducted under this policy.

109.11 RECORD KEEPING

All of the records relating to the administration and result of the Township's alcohol and drug testing program for its employees will be maintained for a period of five (5) years, except that individual negative tests results will be maintained for a minimum of twelve (12) months.

The Township Manager shall retain in the employee's personnel file information indicating only the following:

1. The employee submitted to a drug and/or alcohol test;
2. The date of such test
3. The location of the test;
4. The identity of the person or entity performing the test; and
5. The test result (e.g., "positive or negative").

The Township Manager will also maintain an annual calendar year summary of the records related to the administration and results of the testing program for its drivers under the federal regulations. In addition to the above, the Township Manager will also maintain an annual calendar year summary of the records relating to the administration and results of this testing procedure for all of its employees.

109.12 ACCESS TO TEST RESULTS AND FINDINGS

Results of tests may be obtained only with donor's written consent, unless a subpoena is received.

109.13 EMPLOYEE ASSISTANCE PROGRAM

The Board of Supervisors shall establish the following voluntary employee assistance program:

A. A list of consultative and treatment services available in the area for drug, intoxicant and alcohol abuse problems. Said list shall be given to each employee or posted at a place readily accessible to employees.

B. A list of educational and training resources available in the area for drug, intoxicant and alcohol abuse problems. Said list shall be given to each employee or posted at a place readily accessible to employees.

C.A place or service for referring employees who test positive for drugs, intoxicant or alcohol for consultation and treatment.

D.A one (1) hour training each in drug, intoxicant and alcohol detection and related matters for supervisory personnel. Said training programs shall include the following components:

1.Effects of drug, intoxicant and alcohol abuse on health and safety;

2.Manifestations of abuse and abuse detection;

3.Documentation of training and implementation of this Policy.

109.14 OTHER REGULATIONS

A.This Policy shall be implemented with the constitutional and legal rights of the employees subjected to it.

B.This Policy shall not be deemed to be a covenant of employment or other form of covenant or contract between Maidencreek Township and any employee.

C. Any collective bargaining agreement entered by the Maidencreek Township Board of Supervisors subsequent to the adoption of this Policy shall conform to the provisions of this Policy.

D.Any agreement for the sharing, leasing, lending, or other transfer of CDL employees between Maidencreek Township and any other municipality or private enterprise shall address in writing the status of said employees as to whether they are employees of the receiving entity during the period of the transfer.

E.Any contract for services involving CDL employees shall expressly state whether the contracting party is an independent contractor or employee/agent of Maidencreek Township.

F.The definition of terms shall be as contained in the relevant federal regulations.

G.A copy of this Policy shall be delivered to every employee and applicant for employment who is subject to it and to all supervisory personnel. Such employee shall sign on acknowledgment of receipt of the Policy.

H.A copy of the controlling law and federal regulations shall be maintained in the Maidencreek Township offices and shall be accessible to employees, upon request.

I.This Policy will be limited by any applicable federal or state law or municipal ordinance, and by any applicable collective bargaining agreements. Any portion of this Policy which directly conflicts with such a law, ordinance, or agreement will not be implemented in that jurisdiction of bargaining unit, but shall be severable and shall not affect the validity and enforcement of the remainder of the Policy.

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

109.15 CDL EMPLOYEES ADDITIONAL REGULATIONS

Note: In addition to being subject to the normal Township Drug, Alcohol, and Controlled Substance Policy & Procedures, some employee's jobs require additional provisions and compliance with Department of Transportation Regulations. This addendum serves to supplement the Township's overall policy to clarify these additional requirements.

Prohibited Conduct

Employees may not report to work under the influence of alcohol. **"Under the influence"** means reporting for duty or remaining on duty with an alcohol concentration of .020 or greater.

Employees may not report to work with an illegal drugs or substances in his/her system.

Employees performing "safety-sensitive functions" shall not use alcohol while performing such functions or during the four hours prior to performing such functions. **"Safety-sensitive functions"** include all on-duty time, i.e., the entire time from the moment an employee begins to work or is required to be in readiness for work until the time he/she is relieved from work and all responsibilities of work.

Employees are required to take a Post-Accident drug and alcohol test. Employees are prohibited from using alcohol for eight hours following an incident or until the testing procedure has been completed.

Testing

Pre-Employment

The applicant will be informed to report for a drug test. All offers to hire an applicant or transfer an existing employee to a driving position are contingent upon the applicant/employee taking the required drug test and having negative result, passing required physical exams, and complying with any other conditions or requirements of the Township.

A Pre-employment Negative result must be obtained prior to driving any CDL vehicle either from a driver-applicant or an existing non-DOT employee who is transferring into a DOT safety sensitive position.

All driver applicants will be required to give written authorization to the Township to obtain information regarding drug and alcohol testing from previous employers for the past three years. This information will be obtained no later than 14 calendar days after the applicant first begins performing safety-sensitive functions.

Random

The Township conducts random drug and alcohol testing for all employees that fall under the regulations of the DOT FMCSA. The random selection provides an equal chance for each employee to be selected each time a random selection occurs. Random selection shall be conducted throughout

the year. The Township is a member of WORKNET Drug & Alcohol Services [herein and referred to as the Consortium]. The Consortium, which is comprised of many different companies, shall select the drug test(s) at a minimum of 50% of the average number of employee positions in each calendar year. The Consortium shall select a minimum of 10% of the average number of employees for the random alcohol testing.

Random selection, by its very nature may result in drivers being tested in successive random selections or more than once in a calendar year. Alternatively, some drivers may not be selected in a calendar year.

Individuals selected for Random testing will be notified by the Township. Once notified, every action the individual takes must lead to a collection. If a randomly selected individual engages in conduct, which does not lead to urine collection and/or breath sample, the Township may consider this a refusal to test.

Post-Accident

A driver must submit to a post-accident drug and alcohol test as soon as possible after an accident which:

An employee is in (1) an accident involved in the loss of human life, (2) is issued a Citation for an accident involving bodily injury with immediate medical treatment away from the scene of the accident, or (3) is issued a Citation for an accident that involves disabling damage to any motor vehicle requiring to be towed away. The employee is required to submit to an alcohol test within the first two hours following an accident. If this is not possible, then the employee must be tested within eight hours after the accident. The employee is required to submit to a controlled substance test within 32 hours.

Any driver who is subject to this policy and subject to post-accident testing and fails to remain readily available for such testing, including, but not limited to, notifying the supervisor of his/her location if he/she leaves the scene of an accident prior to such testing, will be considered as having refused to submit to testing. A driver who is seriously injured and cannot be tested at the time of the accident must provide the necessary authorization for the Township to obtain hospital reports and other pertinent documents that might indicate whether there were drugs in his/her system.

This post-accident testing requirement is NOT intended to delay necessary medical treatment for injured people following an accident or to prohibit a driver subject to this policy from leaving the scene of an accident to obtain medical assistance for others or for personal medical assistance.

In the event that an employee is so seriously injured that he/she cannot provide a specimen at the time of the accident, the employee gives consent and authorization to the Township to obtain medical records or other documents that may be necessary in a attempt to determine whether controlled substances or alcohol were present in the employee's system at the time of the accident that would indicate that he/she was in violation of the provisions of this policy.

Alcohol Testing

The Township will perform alcohol tests using an evidential breath testing devise (EBT). An employee must report to the site of an EBT as directed by the Township.

The employee will follow all instructions given by the Breath Alcohol Technician.

In the event the employee, on the basis of the EBT, has blood alcohol content (BAC) of .02 to .039, the employee will be removed from duty for 24 hours. Prior to returning to work another EBT must be completed.

In the event that any employee has a BAC of .040 or greater, he/she will be considered to have engaged in prohibited conduct and will be terminated immediately.

For tests conducted under the federal regulations for CDL drivers, the following entity is designated by the Board of Supervisors for the purpose of providing information to employees concerning the federal laws and regulations governing the testing of CDL employees and for implementing and monitoring the Township's compliance with the federal testing program:

WORKNET Drug & Alcohol Services
1001 James Drive, Suite B30
Leesport, PA 19533
Phone: (610)916-4781 Fax: (610) 916-4817

Clinic for physicals & urine col/BAT:
WORKNET Occupational Medicine
3212-B Kutztown Road
Reading, PA 19605
Phone: (610) 921-9000 Fax (610) 921-1044

110 SEXUAL HARASSMENT POLICY
110.1 STATEMENT OF POLICY

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex, age or national origin. The Equal Employment Opportunities Commission (EEOC) have issued guidelines affirming its position that sex related harassment in the workplace is sex discrimination and, as such, is prohibited by Title VII of the 1964 Civil Rights Act.

In accordance with Title VII of the 1964 Civil Rights Act and the guidelines issued by the EEOC it is the policy of Maidencreek Township (hereinafter referred to as "Township") that Sexual Harassment will not be tolerated by any Township employee. This includes actions by Supervisors, elected and appointed officials, and employees. Accordingly Maidencreek Township adopts the following Sexual Harassment as part of its Personnel Rules and Regulations.

The Township adopts this policy as sexual harassment is unlawful and performance of the prohibited conduct described herein subjects not only the individual performing such conduct to liability but also the Township. Further, each incident of sexual harassment contributes to the general atmosphere in which all persons who share the victim's sex suffer the consequences.

In accordance with this policy and Township's Personnel Rule and Regulations, all individuals associated with the Township are expected to treat all other employees and residents whom they come in contact with as part of their responsibilities to the Township with respect and dignity so as not to offend such individuals.

The Township will strenuously enforce the Sexual Harassment policy and any revisions thereto and any employee in violation hereof will be subject to disciplinary action up to and including discharge and any individual associated with the Township either elected or appointed who violates this policy will be requested to step down from their position. If an elected or appointed representative of the Township refuses to remove themselves, actions shall be taken seeking to have them removed.

All employees and representatives of the Township are to support the Township's adoption of a sexual harassment policy and expected to cooperate in any investigation resulting from a complaint of sexual harassment. All persons responsible for implementation of this policy shall take such responsibilities seriously as failure to do so may result in sanctions.

110.2 DEFINITIONS

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex based nature when:

A. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;

B. Submission to or rejection of the conduct identified in A above is used as the basis for a decision affecting an individual's employment;

C. Conduct as referenced in A above has the purpose or effect of unreasonably interfering with an

individual's work performance or creates an intimidating, hostile or offensive working environment; and

D. Retaliation or reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination, whether the concern relates to harassment of or discrimination against the individual raising the concern or against another individual.

110.3 PROHIBITED CONDUCT

The following actions are a partial list of the behavior performed while on duty, on Township property or in the performance of duties in furtherance of the Township's interest which violates the Township's Sexual Harassment policy:

A. Physical assaults of a sexual nature, such as:
   1. Rape, sexual battery, molestation or attempts to commit these assaults; and
   2. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another individual's body or poling another individual's body.

B. Unwanted sexual advances, propositions or other sexual comments, such as:
   1. A pattern of sexuality oriented gestures, noises, remarks, jokes or comments about a person's sexuality, sexual experience, or sexual preference directed at or made in the presence of any individual who indicates or has indicated in any way that such conduct in his/her presence is unwelcome;

   2. Preferential treatment or promise of preferential treatment to any individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward; and

   3. Subjecting or threats of subjecting an individual to unwelcome sexual attention or conduct or intentionally making performance of the individual's duties more difficult because of that individual's sex.

C. Sexual or discriminatory displays or publications in the workplace, such as:
   1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic; and

   2. Displaying signs or other materials purporting to segregate an individual by sex anywhere on Township property other than employee only restrooms and similar semi-private lockers/changing rooms.

D. Retaliation for sexual harassment complaints, such as;

   1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; and

2. Intentionally pressuring, falsely denying, lying about to or otherwise covering up or attempting to cover up such as described above.

The foregoing is not to be construed nor is it intended to be an all-inclusive list of prohibited acts under this policy.

110.4 PROCEDURE FOR REPORTING SEXUAL HARASSMENT

Any individual who perceives comments, gestures or actions of an employee or representative of the Township to be sexually harassing is encouraged to warn the employee that such behavior is unwelcome and offensive. While failure to express the unwelcomeness of such conduct does not preclude an individual from filing a complaint, it is the goal of this policy that only issues that can not be handled personally will be escalated.

When an individual believes he/she has been sexually harassed by a Township employee or representative he/she shall have the option to contact either (i) the Township Manager, (ii) the Chairman of the Board of Supervisors and/or (iii) a designated member of the Board of Supervisors responsible for Personnel to advise him/her of the individual's complaint. At the time of said meeting, the Township Manager or Board member shall take detailed notes thereof including the name of the employee or individual whom the complaint is brought against, the date, time and location of the offensive behavior, the nature of the offensive behavior and the identity of any witnesses. Following said meeting, the immediate supervisor or member of the Board shall report the complaint on a detailed format provided by the Township. Upon completion of the form, the form shall be reviewed by the complainant to ensure its accuracy. If the person who receives the complaint is the Township Manager and not a Board member, upon completion of the form setting forth the complaint, the Township Manager shall notify either the Chairman of the Board of Supervisors or the designated member of the Board responsible for Personnel to advise of the complaint.

A complainant is not limited to the individual who was the target of the harassment. Any individual whom observes sexual harassment should report the same following the procedure set forth above.

All complaints regarding sexual harassment will be taken seriously and investigated. Individuals who make allegations knowing the allegations to be false, shall be subject to discipline per the Township's Personnel Rule and Regulations including termination of employment or request to remove themselves from association with the Township.

110.5 INVESTIGATION AND RESOLUTION OF SEXUAL HARASSMENT REPORTS

Upon receipt of a complaint of sexual harassment by an employee or a representative of the Township, the Board of Supervisors shall review said complaint in executive session. At said meeting, the Board shall appoint a member thereof to investigate the alleged sexual harassment.

The investigation shall include but not be limited to the following:

1. Obtaining a formal statement of the accused;

2. Obtaining a formal statement of the individual who brought the complaint; and

3. Obtaining a formal statement of any witnesses.

Through the investigation, the assigned member of the Board shall advise all parties that retaliation for any complaint of sexual harassment is a separate cause of action.

At the completion of the investigation, the Board member investigating the complaint shall advise the entire Board of Supervisors if a hearing on said complaint is warranted. If it is determined by the Board member investigating the complaint that a hearing is not warranted, the individual making the complaint shall be so advised including his/her right to appeal the investigating Board member's determination to a full panel of the Board of Supervisors to request a hearing. If it is determined that a hearing is warranted, a hearing before the entire Board of Supervisors shall be scheduled.

At the hearing, the testimony of the complainant, the accused, and any witnesses shall be taken and recorded. Following said hearing, the Board of Supervisors shall issue a determination regarding the complaint. The Board shall advise the complainant and the accused of its determination. If it is determined, that the complaint has no basis, the complainant shall be advised thereof. If it is determined, that the accused performed the acts of which he was accused, the Board shall determine and advise the accused of the disciplinary actions taken against him/her.

110.6 PENALTIES FOR MISCONDUCT UNDER THIS POLICY

Any employee's commission of an act of sexual harassment or retaliation against a sexual harassment complainant will result in appropriate discipline, per the Disciplinary provisions of Township's Personnel Rules and Regulations, of the offending employee, up to and including termination.

A written record of each action taken pursuant to this policy will be placed in the offending employee's personnel file, including the conduct, or alleged conduct, the investigation performed, the warning, if any, and discipline imposed.

111.00 NON HARASSMENT POLICY

Maidencreek Township strives to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses which might interfere with work performance. Harassment of any sort - verbal, physical, visual - will not be tolerated.

A. **What is Harassment?** Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults or contact, or violence. Harassment is not necessarily sexual in nature. It may also take the form of other vocal activity including derogatory statements not directed to the targeted individual but taking the place within their hearing. Other prohibited conduct includes written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

B. **Responsibility.** All employees, regardless of their position(s), have a responsibility for keeping the work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or the Board of Supervisors. When management becomes aware of the existence of harassment, it is obligated by law to take prompt and appropriate action, whether or not the victim wants Maidencreek Township to do so.

C. **Reporting.** Any incidents of harassment must be immediately reported in writing on a form provided by the Township, to the Township Manager or the Board of Supervisors. Upon receiving a report of harassment, an appropriate investigation and disciplinary action will be taken, if appropriate. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action up to and including termination. Maidencreek Township will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken for any employee making a good faith report of alleged harassment.

112.00 SAFETY POLICY

Maidencreek Township places a high value on the safety of its employees and is committed to providing a safe workplace for all employees and has developed this program for injury prevention to involve management, department supervisors, and employees in identifying and eliminating hazards that may develop during our work process. It is the basic safety policy of this Township that no task is so important that an employee must violate a safety rule or take a risk of injury or illness in order to get the job done.

Employees are required to comply with all company safety rules and are encouraged to actively participate in identifying ways to make the Township a safer place to work. Department Supervisors are responsible for the safety of their employees/volunteers and as a part of their daily duties must check the workplace for unsafe conditions, watch workers for unsafe actions and take prompt action to eliminate any hazards.

Management will do its part by devoting the resources necessary to form a safety committee composed of management, and employees. We will develop a system for identifying and correcting hazards. We will plan for foreseeable emergencies. We will provide initial and ongoing training for employees and supervisors. And, we will establish a disciplinary policy to insure that company safety policies are followed.

The Safety Policy of Maidencreek Township is designed to maintain a safe and injury free workplace. Compliance with the Safety Policy and all items contained therein is mandatory for all employees of the Township. The authorization and responsibility for enforcement has been given primarily to the Maidencreek Township Board of Supervisors.

It is Township policy that accident prevention be a prime concern of all. This includes the safety and well-being of our employees, volunteers, and residents, as well as the prevention of wasteful, inefficient operations, and damage to property and equipment.

112.1 APPLICABILITY

This Safety Policy applies to all employees of Maidencreek Township, regardless of position within the company. Every employee is expected to comply with the Safety Policy.

112.2 RESPONSIBILITIES

A. Management Responsibilities
   1. Oversee the formation of a safety committee and its carrying out of responsibilities as described in this program.
   2. Budget sufficient employee time and funds for safety equipment and training.
   3. Investigate incidents, propose corrective action to the Board of Supervisors to prevent the hazardous conditions or behaviors from happening again and keep a written record of the incidents.

B. Department Supervisor Responsibilities
   1. Provide orientation to new employees of safety policies *before* beginning work.
   2. Provide all employees with training on the safe operation of new equipment or new tasks *before* starting work on that equipment or project.
   3. Provide each employee with required personal protective equipment (PPE) *before* starting work on a project requiring PPE.

4. Do a daily walk-around safety-check of the work area and promptly correct any hazards found.
5. Observe the employees working and promptly correct any unsafe behavior.
6. Provide training and take corrective action as necessary. Document employee training.
7. Investigate all department incidents and report findings to management.
8. Suggest changes to work practices or equipment that will improve employee safety.

C. Employee Responsibilities
1. Follow safety rules described in this handbook and training.
2. Report unsafe conditions or actions to foreman or safety committee representative promptly.
3. Report all injuries and near miss accidents to foreman promptly regardless of how serious.
4. Always use personal protective equipment (PPE) in good working condition where it is required.
5. Do not remove or defeat any safety device or safeguard provided for employee protection.
6. Make suggestions to foreman, safety committee representative or management about changes that will improve employee safety.

112.3 ADMINISTRATION

A. The Safety Policy will be carried out according to guidelines established and published in this and other related procedures. Each department supervisor will be responsible for meeting all of the requirements of the Safety Policy, and for maintaining an effective accident prevention effort within his or her area of responsibility. Each department supervisor must also ensure that all accidents are thoroughly investigated and reported to the Township Manager on the same day of the occurrence.

B. A safety committee has been formed to help employees and management work together to identify safety problems, develop solutions, review incident reports, evaluate the effectiveness of the Township safety program, and communicate with employees about safety issues. The committee is made up of a member of the Board of Supervisors, who will act as Chairman, the Township Manager, and at least one representative from each Township department but no less than two employees. The Maidencreek Township Safety Committee will meet once a month to evaluate all areas of safety and make recommendations to the Board of Supervisors.

112.4 REPORTING OF INJURIES

All employees will be held accountable for filling out a **Notice of Injury Form** immediately after an injury occurs, even if medical treatment is not required. (Notice must be made at or near the time of the injury and on the same day of the injury.) Employees must report the injury to their leadman/foreman. A casual mentioning of the injury will not be sufficient. Employees must let their supervisor know:

A. How they think they hurt themselves.
B. What they were doing at the time.
C. Who they were working with at the time.
D. When and where it happened.
E. Other pertinent information that will aid in the investigation of the incident.

Failure to report an injury immediately (meaning at or near the time of the injury and on the same day of the injury) is a violation of the Safety Policy, and may result in immediate termination.

112.5 ACCIDENT INVESTIGATION

For all injuries and accidents the department supervisor shall notify the Township Manager as soon as possible. Written statements from witnesses shall be taken. Statements are to be signed by witnesses and should include the time and date. Photographs of the area where the incident occurred and any other relevant items are to be taken. A written "Incident Investigation Report" of the findings will be made and will include a sequence of events leading up to the incident, conclusions about the incident and any recommendations to prevent a similar incident in the future. The completed accident report form will be sent to the Township office. The report will be reviewed by the safety committee at its next regularly scheduled meeting.

112.6 BASIC SAFETY RULES

A. Personal Protective Equipment for Road Crew Employees
   1. Hard hats will be worn by all employees when a project requires it. The bill of the hard hat will be worn in front at all times. Alterations or modifications of the hat or liner are prohibited.
   2. Safety glasses and ear plugs will be worn as the minimum-required eye and hearing protection when a job requires them. Burning goggles for cutting, burning or brazing and welding hoods for welding, etc., are required.
   3. Clothing must provide adequate protection to the body. Shirts must have at least a tee sleeve. Shirts with sleeves and long pants will be worn at all times. No shorts are to be worn. Burners and welders will not be permitted to wear polyester or nylon clothing. Sturdy work boots with rigid, slip resistant soles are required. Steel-toed tennis shoes with the ANSI label are the only alternative to the leather work boot.

B. Housekeeping shall be an integral part of every job. Department supervisors\foremen\leadmen and employees are responsible for keeping their work areas clean and hazard-free.

C. Burning and cutting equipment shall be checked before being used. Flash back arresters shall be installed at the regulators on both oxygen and LP bottles. All gas shall be shut off and hoses disconnected from bottles and manifolds at the end of the work day. Caps shall be replaced on bottles when gauges are removed. When gauges are removed and caps replaced, the oxygen and LP bottles shall be separated into storage areas no less than 20 feet apart with a "No Fire or Smoking" sign posted and a fire extinguisher readily available.

D. All tools whether Township or personal, must be in good working condition. Defective tools will not be used. Examples of defective tools include chisels with mushroomed heads, hammers with loose or split handles, guards missing on saws or grinders, etc.

E. Horseplay is strictly prohibited. Running on a jobsite is allowed only in extreme emergencies.

F. No employee is permitted to ride in the bed of a truck standing up or sit on the outside edges of a truck. Employees must be sitting down inside the truck or truck bed when the vehicle is in

motion. Riding as a passenger on equipment is prohibited unless the equipment has the safe capacity for transporting personnel.

G. Fire extinguishing equipment shall be no further than 50 feet away from all welding work. Used fire extinguishers must be returned to the department supervisor to be recharged immediately. Use of welding blinds is required in high traffic areas.

H. All ladders must be in safe condition without broken rungs or split side rails. Damaged ladders shall be removed from service. Metal ladders around electrical work are prohibited. A step ladder shall never be used as an extension ladder. A step ladder must only be used when fully opened with braces locked.

I. Fall Protection Requirements – Man lifts must be used properly. As soon as an employee enters an articulating boom lift and before the lift is started, the employee must put on the harness and attach the lanyard to the lift. Employees are not required to wear harnesses on scissor lifts. Lifts shall be used when required.

J. All floor openings or excavations shall be barricaded on all sides to ensure employees are aware of the hazards. Floor holes shall be covered, with the covers secured and clearly marked.

K. Warning signs, barricades, and tags will be used to fullest extent and shall be obeyed.

L. ALL Blood and body fluids must be treated as infectious. If exposed to blood or other body fluids, wash hands with soap and water immediately or flush mucous membrane with water. Blood stained or soaked clothing shall be placed in a biohazard bag and labeled "Laundry" and cleaned by a third party company contracted by the Township. All surfaces shall be decontaminated and all contaminated materials shall be placed in a designated location for decontamination or disposal.

112.7 ENFORCEMENT OF SAFETY POLICY

Safety violation notice(s) shall be issued to any employee violating the safety rules or regulations by the Board of Supervisors. Any violation of safety rules can result in suspension or immediate termination. It is understood that Maidencreek Township is not restricting itself to the above rules and regulations. Additional rules and regulations as dictated by the job will be issued and posted as needed.

ATTACHMENT A

Employee Safety Orientation & Training

To better insure the safety of each employee, each employee shall be orientated to the hazards that he/she may be exposed upon their first day of employment. Orientation itinerary is as follows:

_____ Safety rules

_____Fire Extinguisher, first aid kit and eyewash station locations

_____ MSDS location

_____ Protective gear location and use

_____Accident reporting

_____Blood borne Pathogens

_____ Housekeeping and routine equipment inspections

_____ Heavy equipment and driver safety

_____ Machine guards, welding safety

_____ Manual lifting

_____Fall protection, ladder and scaffold user safety

_____Safety meetings

Training is an essential part of our plan to provide a safe work place. All employees will attend yearly:

A. Basic Orientation
B. Safe Lifting
C. Chemical Hazards (General)
D. Fire Extinguisher Safety
E. Lockout Training (Awareness)
F. PPE Training (e.g., safety glasses, safety-toe shoes)
G. Confined Space (Awareness)
H. Blood-borne Pathogens Employees
I. Ladder Safety
J. Fall Protection

ATTACHMENT B

Work with Bench Grinders

Required PPE: Eye protection (full-face shield with safety glasses under the shield).

Work Rules:

A. Check that there is a gap between the tool rest and the wheel of no more than 1/8".

B. Check that the upper wheel (tongue) guard has a gap of no more than 1/4".

C. Check that the wheel edge is not excessively grooved. Dress the wheel if necessary.

D. Do not grind on the face of the wheel.

ATTACHMENT C

Work with Ladders

Required PPE: Full body harness when working at greater than 25' and both hands must be used to do the job

Work Rules:

A. Before you use a ladder check it for defects such as loose joints, grease on steps, or missing rubber feet.

B. Do not paint a ladder! You may hide a defect.

C. Do not use a ladder as a brace, workbench or for any other purpose than climbing.

D. Do not carry objects up or down a ladder if it will prevent you from using both hands to climb.

E. Always face the ladder when climbing up or down.

F. If you must place a ladder at a doorway, barricade the door to prevent its use and post a sign.

G. Only one person is allowed on a ladder at a time.

H. Always keep both feet on the ladder rungs except while climbing up and down. Do not step sideways from an unsecured ladder onto another object.

I. If you use a ladder to get to a roof or platform, the ladder must extend at least 3' above the landing and be secured at the top and bottom.

J. Do not lean a step ladder against a wall and use it as a single ladder. Always unfold the ladder and lock the spreaders.

K. Do not stand on the top step of a step ladder or on the step immediately below.

L. Set a single or extension ladder with the base 1/4 of the working ladder length away from the support.

ATTACHMENT D

Lifting Tasks

Required PPE:

- Leather gloves – for sharp objects or surfaces (employer provided)
- Steel toe safety shoes must be in good condition and be marked "ANSI Z41 - 1991"

Work Rules:

A. Do not lift on slippery surfaces.

B. Test the load before doing the lift.

C. Get help if the load is too heavy or awkward to lift alone.

D. Break the load down into smaller components if possible to provide a comfortable lift.

E. Do not overexert!

F. Make sure you have a good handhold on the load.

G. Do not jerk the load or speed up. Lift the load in a smooth and controlled manner.

H. Do not twist while lifting (especially with a heavy load). Turn and take a step.

I. Keep the load close to the body. Walk as close as possible to the load. Pull the load towards you before lifting.

J. Avoid long forward reaches to lift over an obstruction.

K. Avoid bending your back backwards to loft or place items above your shoulder. Use a step stool or platform

L. Do not lift while in an awkward position.

M. Use a mechanical device such as a forklift, hoist, hand truck or elevated table whenever possible to do the lift or to bring the load up between the knees and waist before you lift.

N. Back injury claims are painful for the worker and expensive for the company. Lift safely!

ATTACHMENT E

Hazard Communication Program

Work Rules:

A. A list of hazardous materials and chemicals which are used in the course of the company's normal business activities must be maintained and continually updated. This list is to include all substances which require a Material Safety Data Sheet (MSDS). One copy of this list is to be kept in the front of each MSDS book and one copy is to be kept on file with the Township Manager.

B. For each chemical used in the workplace, an MSDS sheet must be available on that jobsite.

C. All Material Safety Data Sheets must be kept in an organized fashion and must be placed in an identified and accessible location for all employees to view at will. MSDS books and the Hazardous Chemical List must be maintained and kept up to date. As obsolete MSDS's are replaced by updated copies, they must be retained in a separate file of obsolete MSDS's. Do not throw them away.

D. If a hazardous chemical or substance is received without a proper MSDS, the receiving person must immediately notify the Road Master or Foreman. The manufacturer or distributor of the product must be contacted immediately and asked to fax the MSDS and mail a copy as a follow up. If, for some reason, the manufacturer or distributor is unable to produce a MSDS upon request, the Township Manager should be notified immediately. Hazardous materials or substances received without an MSDS are to be returned to the sender.

E. Each container of a hazardous chemical that is used in or around the work area must be properly labeled with the identity of the hazardous material, the appropriate hazard warnings, and the name and address of the manufacturer. Appropriate labels must be on all containers, regardless of size. Containers must be approved and recommended for storage and/or dispensing of the particular hazardous chemicals contained in them.

F. Worn and torn labels must be replaced. It is the responsibility of employees to report inappropriate labels to their supervisor. It is the responsibility of the Hazard Communication Officer to insure that appropriate labels are in place and that replacement labels are available.

G. Containers for materials that will be used within a particular work shift do not require labels.

ATTACHMENT F

Driver's Safety

Work Rules:

A. Maidencreek Township complies with the Federal Motor Carrier Safety Regulations, state and local driving laws. Township drivers must comply with all state laws concerning submission to breath, blood or urine tests when requested to by law enforcement personnel.

B. Try to anticipate the actions of other drivers. Maintain a minimum of four (4) seconds following distance between any vehicle under dry and clear road conditions. This distance should be doubled to eight (8) seconds under adverse conditions. In conditions of high-density traffic or adverse conditions, the driver is expected to use his/her professional judgment in maintaining reasonable and prudent distance.

C. During periods of reduced visibility or poor operating conditions, reduce speeds, increase following distances, and exercise increased awareness of driving conditions and traffic activity.

D. Drive defensively, wear seatbelts at all times and obey speed limits.

E. Drivers may not make or take phone calls or text while driving. Use of the truck radio or direct connect system is allowed.

F. In the event of an accident, the Department Supervisor and Township Manager must be notified as soon as possible and the driver must submit to a drug and alcohol test. For incidents that resulted in property damage, a police report must be filed.

ATTACHMENT G

SAFETY MEETING REPORT

A safety meeting report is signed to indicate attendance. The form has room for employees to sign after attending their monthly safety meeting. This form shall be filled out for each safety meeting that is held. After completion of the form, return the signed original copy to the Township office.

Safety Meeting Date:_____

Topic:_____

Safety Meeting Conducted By:_____

Employee Name (printed)	**Employee Signature**	**Job Title**

Acknowledgement of Receipt:
On this _____ day of _____, 20__, I, _____, hereby acknowledge that I have received one copy of the Maidencreek Township Rules and Regulations adopted September 15, 2010 and returned the signed acknowledgement to the Township Manager.

_____

Signature of Official

Acknowledgement of Receipt of Maidencreek Township Personnel Rules and Regulations:

On this _____ day of _____, 20___, I, _____, an employee of Maidencreek Township, hereby acknowledge that I have received one copy of the Maidencreek Township Rules and Regulations adopted on September 15, 2010.

_____

Signature

Date Received by Township Manager: _____

Signature of Township Manager:_____