

**PREFACE**

This Manual for employees of Washington Township, serves two purposes:

A summary of personnel policies and practices, benefits, responsibilities and opportunities available to you as an employee.

An official document governing the personnel administration of all employees and appointees of the township with references to the Ohio Revised Code and the other administrative orders and resolutions.

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## Chapter 1 - Role and Authority

# Policy Manual

## 100.1 PURPOSE AND SCOPE

The manual of the Township is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this township. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual. Washington Township Policies and Procedures will supersede departmental policies are held invalid, the remaining sections shall not be affected and shall remain in effect.

## 100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this township under the circumstances reasonably available at the time.

### 100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Township and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the Township, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The Township reserves the right to revise any policy content, in whole or in part.

Note: Fire Fighters are subject to the contents of this document that pertain to them.

Note: Police personnel shall also refer to their respective manual for all pertinent federal, state and local laws assuring non-discrimination read and understand the provisions of all policy and procedure manuals.

## 100.3 AUTHORITY

The Trustee shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws, rules, and resolutions. The Ohio Revised Code is available on the Internet. The Trustee or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain. Directives from the Trustee or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual.

*Policy Manual*

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100.3.1 STANDING ORDERS

The Board of Trustees may from time to time issue "Standing Orders", which will have the same force as if included in these regulations.

**100.4 DEFINITIONS**

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Elected official** - Any individual who serves in the Township as Trustee or Fiscal Officer, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

**Employee** - Any person employed by the Township, including:

- Full time employee - an employee who works more than 36 hours in a payroll week.
- Part time employee - an employee who works less than 36 hours in a payroll work week.
- Appointed personnel - This does not include persons appointed to fill an elected official vacancy.
- Exempt Employee - employee not covered by the Fair Labor Standards Act (FLSA) overtime provisions and do not receive either pay or compensatory time in lieu of overtime pay.
- Seasonal or Temporary - an employee working for a brief period of time or on a specified project that has a termination date.

**Manual** - The Township Policy Manual.

**May** - Indicates a permissive, discretionary, or conditional action.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other township employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

### **100.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all employees on the township network for viewing and printing. No changes shall be made to the manual without authorization from the Trustee or the authorized designee.

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the Trustee or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **100.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Trustee will ensure that the Policy Manual is periodically reviewed and updated as necessary.

Amendments to these Policies and Procedures shall be made by the Board of Trustees. The Chairperson of the Board of Trustees may consult with the various department and division heads or other knowledgeable persons prior to making recommendations and amendments.

### **100.7 REVISIONS**

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All township employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the Trustee as appropriate.

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## Standards of Conduct for Elected Officials

### 101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct expected of all elected officials. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct.

#### 101.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

### 101.2 POLICY

Elected officials of the Township are expected to conduct themselves with the utmost professional integrity and objectivity. The service of every elected official of the Township shall be based on conduct that reasonably conforms to the guidelines in this policy.

### 101.3 UNLAWFUL DIRECTIVES

Elected officials should not knowingly direct action or inaction that, if carried out, would result in a violation of any law or township policy. Elected officials should not make new commands that conflict with any previous command without making reasonable clarification that the new command is intended to countermand the earlier command

### 101.4 GENERAL STANDARDS

Elected officials should conduct themselves in accordance with the federal and state constitutions and all applicable laws, resolutions, and rules.

Elected officials should familiarize themselves with policies and procedures applicable to their conduct and the conduct of all employees under their supervision.

### 101.5 ETHICS

Elected officials should avoid engaging in the following conduct:

- (a) Using one's status as an elected official of the Township in any way that could reasonably be perceived as an attempt to gain influence or authority for non-township business or activity.
- (b) The wrong or unlawful exercise of authority for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or



*Standards of Conduct for Elected Officials*

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seeking to do business with, the Township, or contrary to the rules of this township and/or laws of the state.

- (d) Offer or acceptance of a bribe or gratuity.
- (e) Misappropriation or misuse of public funds, property, personnel, or services.
- (f) Any other failure to abide by the standards of ethical conduct or Ohio's Ethics statutes.

**101.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM**

Elected officials should not discriminate against, oppress, or provide favoritism to any person based on a classification or status protected by law.

**101.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE**

Elected officials should avoid:

- (a) Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this township.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this township for personal or financial gain.
- (c) Using township resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any township badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using township resources for campaign or other political purposes.

**101.8 CONFLICTS OF INTEREST**

Elected officials shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Elected officials should avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Elected officials should also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

**101.9 ETHICAL COMPLIANCE DOCUMENTATION**

Elected officials should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct are timely completed and submitted to the appropriate authorities.

*Standards of Conduct for Elected Officials*

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**101.10 OUTSIDE EMPLOYMENT**

Elected officials should avoid maintaining any outside employment or accepting any appointment that creates an actual or perceived conflict of interest or that inhibits their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed.

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## Standards of Conduct for All Employees

### 102.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Township and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this township or an employee's supervisor.

#### 102.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

### 102.2 POLICY

The continued employment or appointment of every employee of the Township shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action.

### 102.3 GENERAL STANDARDS

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, resolutions, and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### 102.4 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the township's ability to effectively serve the public.

*Standards of Conduct for All Employees*

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**102.4.1 LAWS, RULES, AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in township manuals.
- (b) Disobedience of any lawful direction or order.
- (c) Violation of federal, state, local, resolutions, or administrative laws, rules, or regulations.

**102.4.2 ETHICS**

- (a) Using or disclosing one's status as an employee of the Township in any way that could reasonably be perceived as an attempt to gain influence or authority for non-township business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's work with the Township.
- (d) Acceptance of fees, gifts, or money contrary to the rules of this township and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Any other failure to abide by the standards of ethical conduct or Ohio Ethics statutes.

**102.4.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM**

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

**102.4.4 RELATIONSHIPS**

- (a) Unwelcome solicitation of a personal or sexual relationship during work hours or through the use of one's official capacity.
- (b) Engaging in sexual activity during work hours, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship as a direct result of any official business.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization.

*Standards of Conduct for All Employees*

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**102.4.5 ATTENDANCE**

- (a) Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to work without reasonable excuse.

**102.4.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE**

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this township.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this township for personal or financial gain or without the express authorization of the Trustee or the authorized designee.
- (c) Loaning, selling, allowing unauthorized use, giving away, or appropriating any township badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (d) Using township resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

**102.4.7 EFFICIENCY**

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during work hours or assignments.
- (e) Failure to notify the Township within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

**102.4.8 PERFORMANCE**

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

*Standards of Conduct for All Employees*

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- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any township record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any township-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this township or its employees.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this township or subverts the good order, efficiency, and discipline of this township or that would tend to discredit any of its employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on township premises.
  - 2. At any work site, during work hours, or while using any township equipment or system.
- (g) Improper political activity, including:
  - 1. Unauthorized attendance during work hours at official legislative or political sessions.
  - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on township property except as expressly authorized by township policy, an employment agreement or contract, or the Trustee or the authorized designee.
- (h) Engaging in political activities during work hours except as expressly authorized by township policy, any employment agreement or contract, or the Trustee or the authorized designee.
- (i) Any act that brings discredit to this township.

**102.4.9 CONDUCT**

- (a) Failure to promptly and fully report activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.
- (d) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the Township.

*Standards of Conduct for All Employees*

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- (e) Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the Township.
- (g) Unauthorized possession of, loss of, or damage to township property or the property of others or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of township property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of township property or the property of another person.
- (i) Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Trustee or the authorized designee of such action.
- (k) Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this township, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the Township or its employees.

**102.4.10 SAFETY**

- (a) Failure to observe or violating township safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform the work assigned, if applicable.
- (d) Unsafe firearm or other weapon handling, including loading or unloading firearms in an unsafe manner.
- (e) Carrying, while on the premises of the work site, any firearm or other weapon that is not authorized by law or the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

**102.4.11 INTOXICANTS**

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol during work hours.

*Standards of Conduct for All Employees*

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- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to work.



## **Chapter 2 - Organization and Administration**

## Electronic Mail

### 200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Township.

### 200.2 POLICY

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

### 200.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any township technology system (see the Information Technology Use Policy for additional guidance).

### 200.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the Township.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Township are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

### 200.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Trustee and Fiscal Officer should ensure that email messages are retained and recoverable as outlined in the Public Records and Retention Policies.

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# Information Technology Use

## 201.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of township information technology resources, including computers, electronic devices, hardware, software, and systems.

### 201.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Township that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Township or township funding.

**Hardware** - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file, or file** - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

## 201.2 POLICY

It is the policy of the Township that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Township in a professional manner and in accordance with this policy.

## 201.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any township computer system.

The Township reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Township, including the township email system, computer network, and/or any information placed into storage on any township system or device. This includes records of all key strokes or web-browsing history made at any township computer or over any township network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through township computers, electronic devices, or networks.

## *Information Technology Use*

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### **201.4 RESTRICTED USE**

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

#### **201.4.1 SOFTWARE**

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any township computer. Employees shall not install personal copies of any software on any township computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the Township while on township premises, computer systems, or electronic devices. Such unauthorized use of software exposes the Township and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of township-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

#### **201.4.2 HARDWARE**

Access to technology resources provided by or through the Township shall be strictly limited to township-related activities. Data stored on or available through township computer systems shall only be accessed by authorized employees who have a legitimate township-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

#### **201.4.3 INTERNET USE**

Internet access provided by or through the Township shall be strictly limited to township-related activities. Internet sites containing information that is not appropriate or applicable to township use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

#### **201.4.4 USE DURING NON-WORK HOURS**

Employees shall only use technology resources provided by the Township during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell phones,

## *Information Technology Use*

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texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access township resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

### **201.5 PROTECTION OF SYSTEMS AND FILES**

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure township computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

### **201.6 INSPECTION AND REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the Township involving one of its employees or an employee's duties, an alleged or suspected violation of any township policy, a request for disclosure of data, or a need to perform or provide a service.

Qualified staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the township computer system when requested by a supervisor or during the course of regular duties that require such information.

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## Local Government Use of Social Media

### 202.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Township is consistent with the Township mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by township employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this township.

#### 202.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the township website or social networking services.

### 202.2 POLICY

The Township may use social media as a method of effectively informing the public about township services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

### 202.3 AUTHORIZED USERS

Only employees authorized by the Trustee or the authorized designee may utilize social media on behalf of the Township. Authorized employees shall use only township-approved equipment during the normal course of duties to post and monitor township-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Trustee may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over township social media by employees who are not authorized to post should be made through the appropriate supervisory channels.

### 202.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Township mission, and that conforms to all township policies regarding the release of information may be posted. Examples of appropriate content include:

*Local Government Use of Social Media*

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

**202.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Trustee or the authorized designee will be responsible for the compilation of information to be released.

**202.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the Township or its employees.
- (e) Any information that could compromise the safety and security of township operations, employees of the Township, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this township's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

**202.5.1 PUBLIC POSTING PROHIBITED**

Township social media sites shall be designed and maintained to prevent posting of content by the public.

The Township may provide a method for members of the public to contact township employees directly.

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**202.6 MONITORING CONTENT**

The Trustee will appoint a supervisor to review, at least annually, the use of township social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

**202.7 RETENTION OF RECORDS**

The Trustee should work with the Trustee and Fiscal Officer to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

**202.8 TRAINING**

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on township sites.



## Subpoenas and Court Appearances

### 203.1 PURPOSE AND SCOPE

This policy establishes the guidelines for township employees who must appear in court. It will allow the Township to cover any related work absences and keep the Trustee informed about relevant legal matters.

### 203.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

### 203.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the Township or any of its employees may do so.

#### 203.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the Township or the prosecutor shall notify their immediate supervisors without delay regarding:

- (a) Any civil case where the Township or one of its employees, as a result of the employee's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's work activity or because of the employee's association with the Township.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Township.

The supervisor will then notify the Trustee and the appropriate prosecuting attorney if applicable. The Trustee should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

#### 203.3.2 WORK-RELATED SUBPOENAS

The Township will compensate employees who appear in their official capacities on matters arising out of their official duties.

The Township should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

## *Subpoenas and Court Appearances*

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### **203.3.3 OTHER SUBPOENAS**

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the Township will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### **203.4 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

### **203.5 COURTROOM PROTOCOL**

When appearing in court, employees shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress and prepared to proceed immediately with the case for which they are scheduled to appear.
- (c) Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

#### **203.5.1 RECORDS**

When an employee is directed by a subpoena to appear in court with records, that employee should notify the Trustee and Fiscal Officer promptly after receiving the subpoena that the specified records are needed for court.

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## Limited English Proficiency Services

### 204.1 PURPOSE AND SCOPE

When applicable, this policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 204.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Township to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Qualified bilingual employee** - An employee of the Township, designated by the Trustee or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 204.2 POLICY

It is the policy of the Township, when applicable, to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the Township or its employees.

The Township will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

### 204.3 LEP COORDINATOR

The Trustee or the authorized designee should delegate certain responsibilities to an LEP coordinator.

The responsibilities of the coordinator should include but not be limited to:

*Limited English Proficiency Services*

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- (a) Coordinating and implementing all aspects of the township's LEP services to LEP individuals.
- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- (c) Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:
  - 1. Languages spoken.
  - 2. Contact information.
  - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
  - 1. Content on the township website should be included in this review and should be translated on the website, if appropriate.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.
- (h) Periodically reviewing efforts of the Township in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding township LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to township services, programs, and activities.
- (k) Requiring third parties providing township services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.

**204.4 FOUR-FACTOR ANALYSIS**

Because there are many different languages that employees could encounter, the Township will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which

### *Limited English Proficiency Services*

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measures will provide meaningful access to its services and programs. It is recognized that contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by township employees, or who may benefit from programs or services within the jurisdiction of this township.
- (b) The frequency with which LEP individuals are likely to come in contact with township employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **204.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Township will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Township will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept township-provided LEP services at no cost, or they may choose to provide their own.

Township-provided LEP services may include but are not limited to the assistance methods described in this policy.

#### **204.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the township website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

#### **204.7 AUDIO RECORDINGS**

The Township may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **204.8 QUALIFIED BILINGUAL EMPLOYEES**

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established township procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services

## *Limited English Proficiency Services*

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must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual employee is not available, personnel from another department who have been identified as having the requisite skills and competence may be requested.

### **204.9 AUTHORIZED INTERPRETERS**

Any person designated by the Township to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **204.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Township may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of another department within the Township.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as court interpreters, among others.

#### **204.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Township to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the

## *Limited English Proficiency Services*

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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### **204.10 CONTACT AND DOCUMENTATION**

Although all public contacts, services, and individual rights are important, this township will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this township is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the Township or some other identified source.

### **204.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Township will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

#### **204.11.1 EMERGENCY ASSISTANCE**

Township employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.

If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.

### **204.12 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this township are important to the ultimate success of local government and achievement of the township's mission. This township will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

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**204.13 TRAINING**

To ensure that all employees who may have contact with LEP individuals are properly trained, the Township will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.

New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

**204.13.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

Authorized interpreters will receive annual refresher training.



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## ADA Compliance

### 205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

#### 205.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** - The employee designated by the Trustee to coordinate the Township's efforts to comply with the ADA (28 CFR 35.107).

**Assistive devices, auxiliary aids, and services** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a township service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

**Power-driven mobility device** - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

## *ADA Compliance*

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**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters, and intermediary interpreters.

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### **205.2 POLICY**

It is the policy of the Township that persons with disabilities have equal access to township services, programs, and activities.

The Township will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

### **205.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR**

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each township department to provide equal access to services, programs, and activities including:
  - 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
  - 1. Inspection of current township buildings and facilities to identify access issues.
  - 2. Review of current township services, activities, and programs for access issues.
  - 3. Assessment and update of current compliance measures.
  - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
  - 5. Review of the township's emergency programs, services, and activities as they apply to persons with disabilities.
  - 6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to township services, programs, and activities.

## *ADA Compliance*

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- (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to township services, programs, and activities, as appropriate.
- (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing township services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
  - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
- (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (i) Requiring third parties providing township services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (k) Developing and implementing procedures to provide that new construction and alteration of township-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
- (l) Coordinating with appropriate township staff to address the needs of persons with disabilities in the Township's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

### **205.4 REQUESTS**

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

## *ADA Compliance*

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If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### 205.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  - 1. A substantial alteration of the service, program, or activity.
  - 2. An undue financial or administrative burden on the Township.
  - 3. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
  - 4. A threat to or the destruction of the historic significance of an historic property.
  - 5. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
  - 1. Reassigning services, programs, or activities to accessible buildings or facilities.
  - 2. Utilizing technology, equipment, rolling stock, or other conveyances.
  - 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
  - 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

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### **205.4.2 PERSONAL DEVICES AND ASSISTANCE**

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

### **205.4.3 SURCHARGES**

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

## **205.5 MOBILITY DEVICES**

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

### **205.5.1 INQUIRIES REGARDING MOBILITY DEVICES**

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

## **205.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES**

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

## *ADA Compliance*

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The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

### 205.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, and service to a person with a disability who is requesting assistance. The Township will not require persons with disabilities to furnish their own assistive device, auxiliary aid, and service as a condition for receiving assistance. The Township will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services.

Persons with disabilities may choose to accept township-provided assistive devices, auxiliary aids, and services, or they may choose to provide their own.

Township-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

### 205.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Township may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

### 205.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

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- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use township-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

### 205.6.4 TTY AND RELAY SERVICES

The Township will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### 205.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Township to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, township employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### 205.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

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- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### **205.6.7 FIELD ENFORCEMENT CONSIDERATIONS**

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

### **205.7 SERVICE ANIMALS**

Service animals that are assisting persons with disabilities are permitted in all township buildings and facilities and other areas where the general public is allowed. Township employees are expected to treat people with service animals with the same courtesy and respect that the Township affords to all members of the public (28 CFR 35.136).

#### **205.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS**

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.



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### **205.7.2 INQUIRIES REGARDING SERVICE ANIMALS**

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

### **205.7.3 CONTACT WITH SERVICE ANIMALS**

Service animals are not pets. Township employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

### **205.7.4 REMOVAL OF SERVICE ANIMALS**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

## **205.8 WEBSITE ACCESS**

The ADA coordinator should work with appropriate township employees to develop online content that is readily accessible to persons with disabilities. Township web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice.

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

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### **205.9 DOCUMENTATION**

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the Township or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

### **205.10 COMPLAINTS**

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a township program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

### **205.11 TRAINING**

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

# Emergency Management Plan

## **206.1 PURPOSE AND SCOPE**

This policy addresses the preparation, maintenance, and activation of the township's emergency management plan.

## **206.2 POLICY**

The Township will prepare for large-scale emergencies within and outside its jurisdiction through planning, mutual cooperation with other agencies, and maintenance of an emergency management plan.

## **206.3 TOWNSHIP RESPONSIBILITIES**

The Trustee will designate the Trustee Chairperson to be responsible for the township's emergency management plan and the coordination with applicable local and state departments and entities for disaster planning, mitigation, response, and recovery efforts.

## **206.4 ACTIVATING THE EMERGENCY MANAGEMENT PLAN**

The emergency management plan should include direction on how to activate the emergency management plan and who can activate it in response to a major emergency.

### **206.4.1 RECALL OF PERSONNEL**

In the event that the emergency management plan is activated, all employees of the Township are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary.

Failure to promptly respond to an order to report to work may result in discipline.

## **206.5 LOCATION OF THE EMERGENCY MANAGEMENT PLAN**

Copies of the emergency management plan should be available to appropriate personnel. All supervisors should familiarize themselves with the emergency management plan and assist employees in familiarizing themselves with the roles they will play when the plan is implemented.

## **206.6 EMERGENCY MANAGEMENT PLAN REVIEW**

The Trustee or the authorized designee should review the emergency management plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Trustee or the authorized designee should appropriately address any needed revisions.

## **206.7 TRAINING**

The Township should provide training on the emergency management plan for appropriate personnel. Training should incorporate a full or partial exercise or a tabletop or command discussion

## Volunteers

### 207.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist township personnel in their duties. Trained volunteers can augment township personnel and help complete various tasks.

#### 207.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the Township without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

### 207.2 POLICY

It is the policy of the Township that volunteers be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

### 207.3 ELIGIBILITY

Requirements for participation as a volunteer for the Township may include but are not limited to:

- (a) Residency in the Township.
- (b) The ability to meet any necessary age requirements.
- (c) Possession of a valid driver's license, if the position requires vehicle operation.
- (d) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the Township.
- (f) The ability to meet physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the Township, as validated by a background investigation, as appropriate.

The Trustee may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

#### 207.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

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**207.4 RECRUITMENT, SELECTION, AND APPOINTMENT**

The Township shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this township.

**207.4.1 RECRUITMENT**

Volunteers should be recruited on a continuous and ongoing basis consistent with township policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Township in serving the public.

Requests for volunteers should be submitted in writing by interested township employees to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All township employees should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

**207.4.2 SELECTION**

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation or screening.

**207.4.3 APPOINTMENT**

Service as a volunteer with the Township shall begin with an official notice of acceptance or appointment by the Trustee or the authorized designee. Notice may only be given by an authorized representative of the Township, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Township.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the Township.

Volunteers serve at the discretion of the Trustee.

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### **207.5 IDENTIFICATION AND DRESS CODE**

As representatives of the Township, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

Uniforms and necessary safety equipment will be provided for each volunteer, if appropriate for the volunteer position. Identification symbols worn by volunteers shall be different and distinct from those worn by township employees through the inclusion of "Volunteer" on the uniform.

Certain volunteers may be issued township identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard township identification cards, except that "Volunteer" will be indicated on the cards.

### **207.6 PERSONNEL WORKING AS VOLUNTEERS**

Qualified regular township personnel, when authorized, may also serve as volunteers. However, this township shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the volunteer coordinator should consult with the Trustee or the authorized designee prior to allowing regular township personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

### **207.7 VOLUNTEER COORDINATOR**

The volunteer coordinator should be appointed by the Trustee or the authorized designee.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the Township, and to direct and assist efforts to jointly provide more productive volunteer services. Volunteers serve under the general direction of the supervisor in charge of the volunteer's assignment but report to the volunteer coordinator.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator or the authorized designee include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers.
- (b) Conducting volunteer meetings, as appropriate.
- (c) Establishing and maintaining a volunteer callout roster, as necessary.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.

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- (i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (j) Maintaining volunteer orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers.

An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

### **207.8 RESPONSIBILITIES**

Volunteers assist township personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the Township.

#### **207.8.1 COMPLIANCE**

Volunteers shall be required to adhere to all township policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to township employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet township-approved training requirements as applicable to their assignments.

#### **207.8.2 VOLUNTEER MEETINGS**

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

### **207.9 TASK-SPECIFIC TRAINING**

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the Township and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the Township. They shall always represent themselves as volunteers.

All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the Township.

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### 207.9.1 VOLUNTEER TRAINING MATERIALS

Volunteers will be issued training materials when necessary, based upon the volunteer assignment. The materials should outline the subject matter and skills necessary to properly function as a volunteer with the Township. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

### **207.10 SUPERVISION**

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

### 207.10.1 EVALUATIONS

A volunteer will be considered a trainee until training has been satisfactorily completed. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the assignment and authorities granted to that volunteer.

### 207.10.2 FITNESS FOR DUTY

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

### **207.11 INFORMATION ACCESS**

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position, or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by township policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a



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criminal background check and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Township. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Township, or maintain that they represent the Township in such matters without permission from the proper township personnel.

### **207.11.1 RADIO USAGE**

Any volunteer who operates township radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

### **207.12 EQUIPMENT**

Any property or equipment issued by the Township shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Township and shall be returned at the termination of service.

#### **207.12.1 VEHICLE USE**

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving. The specific training and course of study shall be determined by the volunteer coordinator and supervisor in charge of the volunteer's assignment.

Volunteers whose assignments require the use of a vehicle must first complete:

- (a) A driving safety briefing and, if necessary to the volunteer position, a township-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The volunteer coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating township vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate marked law enforcement or other emergency operation vehicles unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate township vehicles while using the vehicle's emergency equipment (e.g., emergency lights, siren).

### **207.13 DISCIPLINARY PROCEDURES/TERMINATION**

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with township procedures applicable to regular employees.

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Volunteers are considered at-will and may be removed from service at the discretion of the Trustee or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation. However, if removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear the volunteer's name through a liberty interest hearing, which shall be limited to a single appearance before the Trustee or the authorized designee.

Volunteers may resign from volunteer service with the Township at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

### 207.13.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Township.

## Chapter 3 - Facilities

## Key and Electronic Access Device Controls

### 300.1 PURPOSE AND SCOPE

The control and accountability of keys is important to maintain a safe and secure environment for employees and members of the public.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Key** - All electronic or mechanical devices used to access or exit township buildings and facilities. It includes proximity cards, key fobs, and other electronic access devices.

### 300.2 POLICY

It is the policy of the Township that all keys used to access local government buildings and facilities are inventoried and controlled.

### 300.3 KEY IDENTIFICATION

All keys that open any doors or locks to township buildings or facilities should be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set should be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or codes on keys should not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained by the Trustee or the authorized designee.

### 300.4 KEY CONTROL

Keys may be issued to employees or accessed and checked out by authorized employees from secure designated areas. Keys issued to or accessed and checked out by employees shall be limited to only those keys necessary for the employee's position.

Employees shall not loan a key or key set to another person. All keys must be issued or checked out through the control process. Employees shall not possess any key for which they have not been authorized.

All keys issued or checked out to employees remain the property of the Township. Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the Trustee or the authorized designee.

The Trustee or the authorized designee should regularly inventory all township keys.

### 300.5 LOCK POLICY

All township buildings and facilities should be kept locked during non-operating hours. Employees shall not leave public entrances to township buildings and facilities unlocked or propped open during non-operating hours. Employees should never leave non-public entrances to township buildings and facilities unlocked or propped open.

## *Key and Electronic Access Device Controls*

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### **300.6 TESTING**

The Trustee or the authorized designee should periodically test locks to doors and gates for proper function and document the testing.

### **300.7 EMERGENCY KEY SET**

At least one key set containing every key for township buildings and facilities should be kept separate from all of the other key sets in a secure location and made accessible only to the Trustee or the authorized designee in the event of an emergency.

### **300.8 MISSING KEYS**

Any employee who discovers that a key or key set is missing shall report it to a supervisor as soon as reasonably practicable. If a reasonable effort to locate the key fails, the supervisor shall notify the Trustee or the authorized designee regarding the loss of the key, when it was discovered, and the circumstances involved.

The Trustee or the authorized designee will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

### **300.9 DAMAGED KEYS OR LOCKS**

Malfunctioning or damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key should be left in the lock. All portions of the damaged key must be turned in to a supervisor, who will provide a replacement key as needed. Damaged locks should be replaced or repaired as soon as practicable. Appropriate security measures should be taken until such time as the lock is properly restored.

### **300.10 KEY CONTROL RECORDS**

The Trustee or the authorized designee will maintain documentation for the accounting and security of all keys and key sets. Key control measures should be documented by the designated employee and the records retained in accordance with established records retention schedule.

# Public Safety Video Surveillance System

## 301.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of township public safety video surveillance, as well as the storage and release of the captured images.

## 301.2 POLICY

The Township operates a public safety video surveillance system to enhance public safety and security in public areas. Cameras may be placed in strategic locations to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist township officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

## 301.3 OPERATIONAL GUIDELINES

Only township-approved video surveillance equipment shall be utilized. Employees authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Trustee or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

### 301.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Trustee or the authorized designee should confer with any appropriate township department and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, and presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras should only record video images and not sound. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To respond to critical incidents.
- (c) To augment resources in a cost-effective manner.
- (d) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be preserved and the appropriate department should be notified in a timely manner.

## *Public Safety Video Surveillance System*

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The Trustee or the authorized designee may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by law enforcement, government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention of anything documented by public safety surveillance equipment is prohibited.

### **301.3.2 CAMERA MARKINGS**

All public areas monitored by public safety surveillance equipment should be marked in a conspicuous manner with appropriate signs to inform the public that the area is under surveillance by the Township. Signs should be well lit, placed appropriately, and without obstruction to ensure visibility.

### **301.3.3 INTEGRATION WITH OTHER TECHNOLOGY**

The Township may elect to integrate its public safety video surveillance system with other technology to enhance available information. Integration with video-based analytical systems may be considered based upon availability and the nature of the surveillance strategy.

The Township should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems requires additional safeguards.

## **301.4 VIDEO SUPERVISION**

Supervisors should monitor video surveillance access and usage to ensure employees follow township policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

### **301.4.1 VIDEO LOG**

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and department of the person being given access to the images.
- (c) Name of the person authorizing access.
- (d) Identifiable portion of images viewed.

### **301.4.2 PROHIBITED ACTIVITY**

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived

## *Public Safety Video Surveillance System*

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characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

### **301.5 STORAGE AND RETENTION OF MEDIA**

All downloaded media shall be stored in a secure area with access restricted to authorized persons. All actions taken with respect to preservation or retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with this policy and the established records retention schedule.

#### **301.5.1 EVIDENTIARY INTEGRITY**

Any recording that has been identified as evidence, or that could be relevant to pending or reasonably anticipated investigations or legal action, shall be preserved in a manner that retains its original content.

### **301.6 RELEASE OF VIDEO IMAGES**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Township.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for public records.

Requests for recorded images from other government entities shall be referred to the Trustee.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established township subpoena process.

### **301.7 VIDEO SURVEILLANCE AUDIT**

The Trustee or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit, and effectiveness of the system, including any public safety issues that were effectively addressed and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy.

The results of each review shall be appropriately documented and maintained by the Trustee or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

### **301.8 TRAINING**

All township employees authorized to operate or access public safety video surveillance systems should receive appropriate training. Training should include guidance on the use of cameras and



*Public Safety Video Surveillance System*

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a review of relevant policies and procedures. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

## Use of Public Facilities

### 302.1 PURPOSE AND SCOPE

This policy provides guidance regarding the permitting process for the use of township facilities by members of the public.

This policy does not apply to spontaneous expressive activities such as demonstrations or to expressive activities of groups of fewer than 50 people. Nor does it apply to other gatherings of fewer than 50 persons when the department head has developed appropriate nondiscriminatory application or request processes for the use of township facilities under the control of the department head.

#### 302.1.1 DEFINITIONS

Definitions related to this policy include:

**Applicant** - Any individual, group, or organization seeking approval to use township facilities.

**Facilities** - Any buildings, rooms, structures, sites, complexes, parks, roads, walkways, parking areas, equipment, and other real or personal property owned or leased by the township that are made available for use by the general public.

### 302.2 POLICY

It is the policy of the Township to make certain facilities available for public use in a fair and equitable manner based on an established application and permitting process.

### 302.3 PERMIT PROCESS

The Trustee or the authorized designee should develop, implement, and maintain a permitting process for the use of township facilities. The process should include:

- (a) A standardized application and reservation system.
- (b) An application submittal period and review process.
- (c) A method of communicating confirmations and denials of applications, as well as an appeals process for denials.
- (d) Permit forms for facility use.
- (e) A fee schedule for facility use and for payment of deposits, balances due, and refunds.
- (f) A nondiscriminatory process for establishing how much liability insurance will be required from applicants.
- (g) A process for making changes to existing reservations and for cancellations.
- (h) The designation of township employees responsible for enforcing permit terms.
- (i) Rules and regulations for facility use (e.g., cleaning, smoking/vaping, alcohol use, food and beverage sales or service, insurance coverage).

## *Use of Public Facilities*

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- (j) A process for determining when free speech expression areas will be necessary and a process for designation and monitoring of such areas, when used.

The Trustee should also adopt and maintain township requirements related to facility use permits, including duration of use, traffic control, and noise limitations.

### 302.3.1 APPLICATION REVIEW

- (a) The following should be considered when determining whether to grant or deny an application for facility use:
  1. The application should be complete and not contain false or misleading information.
  2. The activity or event should not pose unreasonable health or safety risks.
  3. Appropriate ancillary facilities such as parking and sanitary facilities should be available and adequate for the activity or event.
  4. The activity or event should not pose an unreasonable risk of damage to township facilities.
  5. An application should be denied if the applicant has damaged township facilities in the past and has failed to pay for the damages.
  6. Adequate supervision and security personnel for the activity or event should be provided by the applicant.
- (b) When determining whether to grant or deny an application for facility use, the Township shall not consider an applicant's:
  1. Actual or perceived classification or status protected by law, such as religion, race, or gender identity or expression.
  2. Political, social, or ideological beliefs.
  3. Viewpoint, message, or program content and any anticipated response.

### 302.3.2 PERMIT TERMS

Permits should contain the applicant's agreement to:

- (a) Return the facilities to their original condition and assume responsibility for any damage or loss sustained.
- (b) Comply with all federal, state, and local laws, regulations, and resolutions, as well as all permit requirements and conditions imposed by the Township.
- (c) Refrain from promoting, permitting, or engaging in illegal activity.
- (d) Obtain a general liability insurance policy in the amount required naming the Township as an additional insured and identifying the policy as primary to the township's insurance coverage.
- (e) Make it clear to the public that the activity or event is the applicant's and that any message is not endorsed or made by the Township.

*Use of Public Facilities*

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Permits should also contain notice to the permittee that failure to comply with permit terms may result in enforcement action and denial of future applications.

**302.4 DISTURBANCES OR CRIMINAL ACTIVITY**

Non-law enforcement employees should not attempt to physically control a person or group that is creating a disturbance or engaging in criminal activity on township property during a permitted activity or event. Such instances, as well as unapproved demonstrations or acts of civil disobedience, should be reported to law enforcement for handling.

**302.5 RECORDS**

All records created and submitted during and related to the permitting process should be maintained in accordance with the established records retention schedule.

## Holiday Displays

### 303.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on holiday displays by the Township.

The use of township facilities by members of the public or private groups is addressed in the Use of Public Facilities Policy.

Memorials on township property are addressed in the Memorials on Public Property Policy.

### 303.2 POLICY

It is the policy of the Township that township seasonal temporary holiday displays be appropriate and lawful.

### 303.3 RESPONSIBILITIES

The Trustee should review and approve each township holiday display.

The Trustee's review should be completed prior to installation of the display and should include a review of the following:

- (a) The location of the display, including the types of structures and properties immediately adjacent to the display.
- (b) The manner and format in which the different secular and non-secular decorations will be displayed.
- (c) Whether the display complies with the criteria set forth in this policy.

If the Trustee has any concerns regarding the content of the display, counsel should be consulted prior to proceeding.

### 303.4 REVIEW CRITERIA

A township holiday display should not have an overall effect of supporting or endorsing a religion or denigrating or inhibiting any religion or religious belief. When reviewing a proposed display, the Trustee should consider the following:

- (a) The holiday display should:
  1. Have a primary purpose that is secular.
  2. Recognize the celebration of the holidays and/or seasonal traditions (e.g., lights, snowflakes, Santa Claus in the winter; bunnies, baskets, eggs in the spring).
  3. Include religious symbols only if they are accompanied by numerous other non-religious holiday items and in a non-religious setting.
- (b) The holiday display should not:
  1. Include religious symbols (e.g., a nativity scene, a cross, a menorah) alone or in a setting that focuses on or draws attention to a specific religion or the religious nature of a symbol.

*Holiday Displays*

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2. Be placed in any location that makes it appear that the display endorses a religion (e.g., on property adjacent to a church, other religious institution, or area connected to a religion; on township property that has a statue, monument, or sign that in combination with a holiday display might appear to endorse a religion).
3. Be used for any religious practices or ceremonies.

## Memorials on Public Property

### 304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the review and approval of township memorials and the relocation, alteration, or removal of existing memorials on township property.

This policy addresses memorials established by the Township and memorials requested or donated by members of the public.

This policy does not apply to the following:

- (a) Works of art that are not memorial or commemorative in nature
- (b) Signage or plaques placed on township property for the purpose of acknowledging a donor or sponsor
- (c) Historical markers or placards that provide information to the public

Temporary displays on township property are addressed in the Holiday Displays and the Use of Public Facilities policies.

#### 304.1.1 DEFINITIONS

Definitions related to this policy include:

**Memorial** - A permanent monument, museum, building, garden, plaque, sculpture, or the like intended to commemorate or preserve the memory of a person, group, action, or event.

### 304.2 POLICY

It is the policy of the Township that memorials on township property be considered and approved pursuant to this policy.

### 304.3 RESPONSIBILITIES

The Trustee or the authorized designee should:

- (a) Establish procedures for the submission, review, and approval of requests by members of the public for new township memorials or for the removal, alteration, or relocation of existing memorials. The procedures should include:
  - 1. That all requests be submitted in writing.
  - 2. For new memorials, that the request includes detailed information regarding the form and substance of the proposed memorial, the proposed location, and the proposed source of funding.
    - (a) The proposed memorial should be presented either in fully finished form or in a model prior to final acceptance by the Township.
  - 3. For existing memorials, that the request includes the reason for the requested removal, relocation, or alteration.
    - (a) Requests for relocation should identify the new proposed location.

*Memorials on Public Property*

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- (b) Requests for alteration should detail the type and form of the proposed alteration.
  - 4. Review by any appropriate department.
  - 5. The opportunity for input from members of the public.
  - 6. The opportunity for the Township to ask the requester for modifications to a proposed memorial, relocation, or alteration consistent with this policy.
  - 7. That any denial of a request be documented.
  - 8. An appeal process to the Trustee or the governing body for application denials or modification requests.
- (b) Provide notice to members of the public making requests that:
- 1. For new memorials, the memorial becomes the property of the Township upon installation.
  - 2. The Township may deny any request after a review of the request under the procedures established by this policy.
  - 3. The Township will make a final determination as to the location of all new or relocated memorials within the Township.
  - 4. Existing memorials on township property do not establish a precedent for any future approvals.
- (c) Adopt and maintain additional township requirements relating to new memorials or the removal, alteration, or relocation of existing memorials.
- 1. Requirements may include size, material quality, and appearance standards.
- (d) Coordinate a process for the periodic review of existing memorials to consider whether:
- 1. Relocation, alteration, or removal is appropriate. This process should include the evaluation of the overall condition of the memorial and whether there are any reasons to consider the relocation, alteration, or removal of the memorial.
  - 2. Designation as a historic landmark or district under federal, state, or local laws or guidelines is appropriate for any memorials.
- (e) Create a list of all memorials within the Township that includes the type of memorial, the current location of the memorial, and any specific maintenance, safety, or access information relevant to the memorial.

#### **304.4 CONSIDERATIONS FOR NEW MEMORIALS**

The following criteria should be considered for all new memorials:

- (a) The memorial should:
  - 1. Support or promote the common history of the Township, local culture, civic identity, or mission of the Township.
  - 2. Be of historical or social significance.



*Memorials on Public Property*

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3. Be located in an area that is connected with the person or event being commemorated.
  4. Be compatible with the area surrounding the proposed location.
    - (a) The size, content, and appearance of the memorial should improve or otherwise enhance the social and physical environment of the surrounding area.
  5. Comply with any additional township requirements related to memorials.
- (b) The memorial should not:
1. Present unreasonable maintenance, security, environmental, or access issues.
  2. Be offensive to a reasonable person.
  3. Reasonably appear to be promoting, favoring, or inhibiting any religion or political affiliation.

Consideration should be given to how the memorial corresponds with other memorials in the immediately surrounding area and in the Township generally.

**304.5 CONSIDERATIONS FOR THE REMOVAL, ALTERATION, OR RELOCATION OF EXISTING MEMORIALS**

The following criteria should be applied to all cases where the removal, alteration, or relocation of a memorial is being considered, whether initiated by a request from members of the public or internally by township officials or staff.

- (a) The memorial should be removed, altered, or relocated, as appropriate, if:
  1. The memorial has deteriorated to the extent that it cannot be safely maintained in its current location.
  2. Security issues make the current location unreasonable.
  3. The memorial is damaged beyond reasonable repair.
  4. Social or environmental changes to the location or surrounding area have made the memorial no longer appropriate for the location.
  5. The memorial is no longer sufficiently connected to the common history, local culture, or mission of the Township.
  6. A more appropriate alternative location for the memorial is reasonably available.
- (b) The memorial should not be removed, altered, or relocated:
  1. If federal, state, or local laws restrict the removal, alteration, or relocation of the memorial.
  2. Without appropriate pre-approvals from federal, state, or local officials, as required.
  3. If removal, alteration, or relocation is not consistent with additional requirements adopted or maintained by the Trustee.

*Memorials on Public Property*

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4. Without final approval of the Township's governing body.

**304.6 DAMAGE OR DETERIORATION**

Employees who observe damage to or significant deterioration of an existing memorial should report the damage to a supervisor. Appropriate repairs may be made with supervisory approval.

If damage or deterioration to a memorial reasonably appears to present a safety issue, access to the memorial should be restricted and a supervisor should be immediately notified.

**304.7 DOCUMENTATION**

The following should be created and maintained consistent with the established records retention schedule:

- (a) The list of memorials within the Township.
- (b) Documentation relating to the approval of any new memorials.
- (c) Documentation relating to the removal, relocation, or alteration, of any memorial, including the reason for the action, and whether the memorial has been stored or otherwise disposed of.

## Flags

### 305.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper display of flags at township facilities.

### 305.2 POLICY

It is the policy of the Township to display flags in compliance with federal and state laws and local resolutions.

### 305.3 DISPLAY OF FLAGS

Flags flown at township facilities will be displayed in the following order of prominence:

- (a) The United States flag
- (b) Flags of foreign governments recognized by the United States when flown with the United States flag
- (c) The state flag
- (d) The township flag
- (e) The department flag
- (f) Any commemorative flags

### 305.4 DISPLAYING THE FLAG OF THE UNITED STATES

Federal law providing for the use and the display of the United States flag is contained in Title 4 Chapter 1 of the United States Code, commonly referred to as the “Flag Code.” The Township will display the flag of the United States in accordance with the provisions of 4 USC § 1 through 4 USC § 10.

#### 305.4.1 DISPLAY OF THE UNITED STATES FLAG IN DAILY OPERATIONS

Employees should consult the Flag Code for guidance whenever the flag of the United States is to be displayed in any manner. This is to ensure that the display is presented in accordance with the Flag Code and as follows:

- (a) The United States flag should be conspicuously posted on all township facilities during hours of operation.
- (b) It is the universal custom to display the flag only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness (4 USC § 6).
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed (4 USC § 6).
- (d) The United States flag may only be flown at half-staff by Presidential or Gubernatorial decree, and on Memorial Day until noon (4 USC § 7).

## *Flags*

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Whenever the United States flag is displayed in conjunction with other flags or symbols it should occupy the “Place of Honor” (4 USC § 7).

### **305.5 DISPLAY OF THE STATE FLAG**

The Township will display the state flag prominently and in the proper position of honor in accordance with the United States Flag Code.

#### **305.5.1 DISPLAY OF THE STATE FLAG IN DAILY OPERATIONS**

Employees should review state law for guidance whenever the flag is to be displayed in any manner to ensure that the display is presented appropriately. Displays of the flag should be consistent with the following protocol:

- (a) The flag should be conspicuously posted on all township facilities during hours of operation.
- (b) Generally, the flag should be displayed only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness.
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
- (d) The flag shall be flown at half-staff whenever the flag of the United States is flown at half-staff, and may only be flown at half-staff at other times by order of the Governor.
- (e) Whenever the flag is displayed in conjunction with the United States flag, the United States flag shall occupy the position of first honor (4 USC § 7). When the flag is displayed in conjunction with other flags or symbols, it should occupy the position of honor.

### **305.6 DISPLAY OF COMMEMORATIVE OR UNOFFICIAL FLAGS**

Township flag displays, including but not limited to flagstaffs, are not intended to serve as a forum for free expression by the public. Commemorative flags or flags not identified in this policy, including flags of a government not recognized by the United States, should not be displayed by the Township without prior approval from the Trustee.

## Chapter 4 - Equipment

## Local Government-Owned and Personal Property

### 400.1 PURPOSE AND SCOPE

This policy addresses the care of township-owned property and the role of the Township when personal property, the property of another person or entity, or township-owned property is damaged or lost.

### 400.2 POLICY

The Township will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The Township will take steps to minimize the cost associated with maintaining township property, including personal property authorized for use in the employee's duties.

### 400.3 LOCAL GOVERNMENT-ISSUED PROPERTY

Supervisors should document all property and equipment issued by the Township in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving employee's signature. Upon separation from the Township, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

#### 400.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of township property that has been assigned or entrusted to them.

- (a) Employees shall promptly report, through their supervisors, any loss of, damage to, or unserviceable condition of any township-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, township-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Township-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Employees should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

### 400.4 PERSONAL PROPERTY

Personal property or equipment shall not be carried during work hours or used for work-related purposes without prior approval by the Trustee or appropriate supervisor. The employee should submit a request that includes a description of the property and the reason and length of time it

*Local Government-Owned and Personal Property*

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will be used. Personal property of the type routinely carried (e.g., cell phone, wallet, sunglasses) is excluded from this requirement (see the Personal Communication Devices Policy).

The Township will not replace or repair property that is not reasonably required as part of work.

**400.4.1 FILING CLAIMS FOR PERSONAL PROPERTY**

An employee requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the employee's immediate supervisor.

Upon review by the supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended to the Trustee or the authorized designee, who will then forward the claim to the department responsible for issuing payments.

**400.5 SUPERVISOR RESPONSIBILITIES**

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the Trustee or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

In cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property, the supervisor should consider whether disciplinary or other corrective action would be appropriate.

**400.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY**

Employees who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any township function shall promptly report the damage to a supervisor.

**400.6.1 DAMAGE BY OTHERS**

Employees who observe damage to the real or personal property of the Township should report the damage as follows:

- (a) A verbal report should be made to the employee's immediate supervisor and to the employee or department responsible for the property as soon as practicable.
- (b) A written report should be submitted before the end of the employee's workday or as otherwise directed by the supervisor.

## Personal Communication Devices

### 401.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and other communication devices, whether issued or funded by the Township or personally owned, during work hours or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets and similar wireless two-way communications, and/or portable internet access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

### 401.2 POLICY

The Township allows employees to utilize township-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used during work hours, or during non-work hours in any manner reasonably related to the business of the Township, will be subject to monitoring and inspection consistent with the standards set forth in this policy

Employees are advised and cautioned that the use of a personally owned PCD for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 401.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Township and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 401.4 LOCAL GOVERNMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Township may, at its discretion, issue or fund a PCD for the employee's use to facilitate work performance. Township-issued or funded PCDs may not be used for personal business during or after work hours unless authorized by the Trustee or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Township and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause



## *Personal Communication Devices*

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Unless an employee is expressly authorized by the Trustee or the authorized designee to use the PCD during non-work hours, the PCD will be either secured in the workplace at the completion of the workday or turned off when leaving the workplace.

Employees choosing to use Township PCDs for personal use will be required to have \$20.00 per month taken out of their paycheck. The Board of Trustees must approve all PCDs issued by the Township.

Washington Township provides cellular telephones as needed for the purpose of conducting Township business. Cellular telephone use includes the following requirements:

- (a) Cellular telephone users should review the detailed monthly statements, indicate non-township related calls, affix their signature to authorize payment to the vendors. Department Heads will routinely review usage of all cellular telephones including a review of Washington Township Policies and Procedures 45 the total number of minutes used compared to the number of minutes allowed per the cellular phone users contract to determine if the user is not excessively exceeding their contracted minutes.
- (b) Cell phone personal calls are calculated at \$.05 per minute as a taxable fringe benefit. Use of Township cell phones in Township vehicles, for anything but Township business requires a notation made in the cell phone log listing the name, phone number, date and time of the call. Anything above the regular monthly service charge will be the responsibility of the employee.
- (c) Employee's (Trustee's Fiscal Officer, Department Heads, Assistant Fire Chief's and Deputy Police Chief have option to use their own cell phone and be reimbursed 35.00 per month.)
- (d) Employee's have option to pay township 20.00 per month to cover personal use.

### **401.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD during work hours, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Township accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of internal communication systems). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any township business-related communication.
  1. Employees may use personally owned PCDs during work hours for routine administrative work as authorized by the Trustee.

*Personal Communication Devices*

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- (e) The device shall not be utilized to record or disclose any township business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Township, without the express authorization of the Trustee or the authorized designee.
- (f) Use of a personally owned PCD for work-related business constitutes consent for the Township to access the PCD to inspect and copy data to meet the needs of the Township, which may include litigation, records retention and release obligations, and internal investigations. If the PCD is carried during work hours, employees will provide the Township with the telephone number of the device. All work-related documents, emails, photographs, recordings, or other public records created or received on an employee's personally owned PCD should be transferred to the Township and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's workday.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on an employee's personally owned PCD should be transferred to the Township and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's workday.
- (h) Employee's who choose to use their own PCD may be reimbursed a rate determined by the Trustees.

Except with prior express authorization from their supervisors, employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD during non-work hours. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing employment agreements, or if the employee has prior express authorization from a supervisor, the employee may engage in township business-related communications. Should employees engage in such approved communications or work during non-work hours, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document township-related business activities conducted during non-work hours in any manner shall promptly provide the Township with a copy of such records to ensure accurate record keeping.

**401.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried during work hours or used to conduct township business:

- (a) All PCDs in the workplace shall be set to silent or vibrate mode.
- (b) A PCD may not be used to conduct personal business during work hours, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Employees may use a PCD to communicate with other personnel in situations where the use of township-provided communications methods is either impracticable or not

## *Personal Communication Devices*

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feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular township-provided communications methods.

- (d) Employees are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official township business. Disclosure of any such information to any third party through any means, without the express authorization of the Trustee or the authorized designee, may result in discipline.
- (e) Employees will not access social networking sites for any purpose that is not official township business.
- (f) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

### **401.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that employees under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the Trustee or the authorized designee.

### **401.8 OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other township communications network.

### **401.9 USE WHILE DRIVING**

Employees operating vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to urgent business-related calls.

## Vehicle Maintenance

### 402.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that township vehicles are appropriately maintained.

### 402.2 POLICY

The Township will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

### 402.3 GENERAL DUTIES

Employees are responsible for assisting in maintaining township vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

### 402.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition and forwarded to a supervisor for action.

Documents describing the correction of the safety issue shall be promptly filed by the supervisor with the vehicle history.

#### 402.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

#### 402.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, and severe weather exposure.

#### 402.4.3 REMOVAL OF WEAPONS

Only authorized firearms, weapons, or control devices shall be carried in township vehicles. Any authorized firearms, weapons, and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service, or repair.

### 402.5 VEHICLE REFUELING

Generally, vehicles should not be operated with less than one-quarter tank of fuel. Vehicles should not be returned to the pool or the assigned department at the end of the workday with less than one-quarter tank of fuel. Vehicles shall only be refueled at an authorized location.

*Vehicle Maintenance*

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**402.6 WASHING OF VEHICLES**

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Township.

Employees using a vehicle shall remove any trash or debris at the end of their workday. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

## Vehicle Use

### 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for employees who use vehicles for township business. This policy does not create or imply any contractual obligation by the Township to provide assigned vehicles.

Individual department heads may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

### 403.2 POLICY

The Township authorizes the use of certain vehicles for official township business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner.

### 403.3 USE OF VEHICLES

#### 403.3.1 VEHICLE ASSIGNMENTS

Township vehicles may be assigned to individual employees at the discretion of the Trustee or the authorized designee. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other township employees at the discretion of the Trustee or the authorized designee.

The Trustee or the authorized designee is responsible for creating a vehicle assignment roster each year and for maintaining the rosters in accordance with the established records retention schedule. Trustees are required to do an MVR yearly on all drivers of Township vehicles.

#### 403.3.2 EMPLOYEE RESPONSIBILITIES

Employees operating a vehicle as part of their job with the Township shall:

- (a) Possess a valid driver's license.
  1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges as soon as practicable and before any subsequent township vehicle use or personal vehicle use for township business.
  2. Employees must possess a valid commercial driver's license or special class license when applicable.
- (b) Provide the township with a driver's history report upon request.
- (c) Possess appropriate insurance as required for personal vehicles used for township business.

## *Vehicle Use*

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1. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed.
  2. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.
- (d) Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
- (e) Obey all traffic laws.
- (f) Maintain any personal vehicles used for township business in safe working order.

### 403.3.3 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned township vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All township vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 403.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times to safeguard any township equipment prior to parking or leaving the vehicle.

### 403.3.5 VEHICLE LOCATION SYSTEM

Township vehicles, at the discretion of the Trustee, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Trustee approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

## *Vehicle Use*

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### **403.3.6 KEYS**

Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees shall not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

No person or persons that are not employees of Washington Township shall be allowed to operate or ride on any Township owned vehicles including all equipment and watercraft with the exception of:

- (a) Persons being transported on official police matters.
- (b) Persons being transported in water rescue operations.
- (c) Persons being transported on fire, ems, or rescue calls.
- (d) Any other transporting must be reported to the Board of Trustees by the
- (e) Department Head. Waivers of responsibility will be required.

### **403.3.7 AUTHORIZED PASSENGERS**

Employees operating assigned vehicles shall not permit unauthorized persons to ride as passengers in the vehicle.

### **403.3.8 PARKING**

Employees should obey parking regulations at all times.

Township vehicles should be parked in assigned spaces. Employees shall not park personal vehicles in spaces assigned to township vehicles or in other parking areas that are not so designated unless authorized by a supervisor.

### **403.3.9 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions, or removal of any equipment or accessories from township vehicles without written permission from the Trustee or the authorized designee.

## **403.4 UNSCHEDULED TAKE-HOME USE**

Employees may take home township vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Township.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (generally not to exceed a 20-minute drive time) of the township limits.
- (d) Off street parking will be available at the employee's residence.
- (e) The vehicle will be locked when not attended.
- (f) All portable township equipment will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.



## *Vehicle Use*

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When such circumstances occur, the Trustee or the authorized designee shall document the unscheduled take-home use in the vehicle assignment roster.

### **403.5 ASSIGNMENT OF TAKE-HOME VEHICLES**

Assignment of take-home vehicles should be based on the location of the employee's residence, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources.

Employees are cautioned that under federal and local tax rules, personal use of a township vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties.

#### **403.5.1 TAKE-HOME VEHICLE AGREEMENT**

Employees shall sign a take-home vehicle agreement that outlines how the vehicle shall be used, where it shall be parked, vehicle maintenance responsibilities, and any other appropriate requirements. The agreement should minimally provide that:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal reasons, unless special circumstances exist and the Trustee or the authorized designee gives prior authorization.
- (b) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the Trustee or the authorized designee. If the vehicle is not secured inside a locked garage, all removable township equipment shall be removed and properly secured in the residence.
- (c) Drivers of take-home vehicle will report personal mileage to the Township Fiscal Officer who will follow current IRS regulations for take home vehicles.
- (d) Vehicles are to be secured at the employee's residence or the appropriate township facility, at the discretion of the employee's supervisor, when an employee will be away (e.g., on vacation) for periods exceeding one week.
  1. If the vehicle remains at the employee's residence, the Township shall have access to the vehicle.

### **403.6 DAMAGE, ABUSE, AND MISUSE**

When any township vehicle is involved in a traffic accident or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the Trustee or the authorized designee.

Damage to any township vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented in memorandum format, which shall be forwarded to the Trustee or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

## *Vehicle Use*

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A Police Report should be filed within 24 hours of the incident involves anything other than Township property.

It is the responsibility of the Department Head to get costs of any repairs. The Department Head and the Board of Trustees will decide if any claims will be turned into the insurance company for payment.

### **403.7 TOLL ROAD USAGE, FUEL, AND MILEAGE**

Employees operating vehicles for township business shall pay the appropriate toll charge or utilize the appropriate tollway transponder.

With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the for toll fees and fuel expenses incurred in the course of official business. In lieu of fuel expenses, employees may submit for reimbursement for mileage accrued on personal vehicles used for township business.

### **403.8 DRIVING RECORD ACCEPTABILITY**

Any employee who drives a Township or personal vehicle while in the employment of the Washington Township whose driving record shows any one of the following conditions will be considered to have an unacceptable driving record and will not be permitted to drive until the employee's record no longer exhibits of the criteria listed below:

- (a) One or more serious violation(s) in the last two years.
- (b) Two or more at-fault accidents in the last year involving a Washington Township owned vehicle where the accident results in property damage in excess of \$2500.
- (c) Any employee involved in three or more at-fault accidents within a one year period, or more than four within a two year period (regardless of accident type or monetary loss), will be required to attend a defensive driving course or similar remedial type training. The employee's respective Department will be responsible for ensuring that the employee receives this training within a reasonable time frame.
- (d) More than three moving violations in the last two year period, including traffic citations received as a result of an accident.
- (e) Any combination of traffic accidents and/or moving violations equaling five or more in the last two years.
- (f) Unless otherwise noted above, moving violations include those that involve personal vehicles that are and/or are not being used during employment as well as those that involve Washington Township owned vehicles.
- (g) At-fault accidents that occur in an "emergency vehicle" when the vehicle is on an emergency call (e.g. fire fighters driving a fire engine in response to an alarm and police officers responding to a code 3), will be counted only if the accident is determined by an accident review committee to have been "avoidable". The traffic accident committee should be comprised of at least 5 full-time employees of the same department, and represent a variety of ranks within that department. The committee

*Vehicle Use*

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should review each at-fault (unit-1) accident to determine whether the accident was "avoidable". An "avoidable" accident is defined as: "one in which the operator failed to do everything reasonably expected of him/her to avoid the accident".

- (h) Serious violations include, but are not limited to driving while intoxicated;
1. Driving while under the influence of drugs;
  2. Negligent homicide arising out of the use of a motor vehicle (gross negligence);
  3. Operating a vehicle without a license; Using a motor vehicle during the commission of a felony;
  4. Aggravated assault with a vehicle;
  5. Operating a vehicle without the owner's authority (grand theft); Permitting an unlicensed person to drive;
  6. Reckless driving;
  7. Speed contest;
  8. Hit and run driving.

In the case of reckless driving and/or the 1st DUI conviction - upon completion of a court ordered program and reinstatement of a suspended driver's license the trustees will consider the employees driving record acceptable. If a second DUI or reckless operations offense occurs within five years the employee is considered unacceptable to drive any company vehicle.

**403.9 GENERAL RULES AND REGULATIONS**

Only employees who are included on a Washington Township roster of drivers that shall be considered an attachment to this policy and procedures are allowed to drive Township owned or personal vehicles during the course of their employment.

No employee under the age of 18 is allowed to drive Washington Township owned or personal vehicles during the course of their employment.

Authorization for temporary/seasonal employees to operate vehicles shall be limited where practical. However, if authorized, these employees must sign the License/Insurance/Maintenance Requirements Form and be approved by Washington Township.

Employees driving personal vehicles while in the employment of the Washington Township will maintain primary automobile liability insurance coverage on the vehicle being driven. State required minimum bodily injury/physical damage limits must be maintained. Washington Township's Fiscal Officer and Trustees are responsible for insuring that employees using their personal vehicles maintain adequate insurance.

Personal vehicles will not be used to pull trailers or haul equipment while being used in Washington Township related business.

Washington Township owned vehicles shall be kept free of having placed on or within any stickers or signs which:

## *Vehicle Use*

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- (a) Indicate any political candidate, party, organization, or theme
- (b) Are in poor taste
- (c) Relate to specific social concerns that may be found objectionable by citizens.

### **403.10 BACKING**

Backing of vehicles should be discouraged given the rate of accidents that take place during this operation. No vehicles should be backed up unless the driver cannot avoid it and he has a clear view of the entire area to be backed into. If such a view is not present, the driver, if alone, will get out of the vehicle and inspect the area to be backed into or, if a second person is in the vehicle, the second person will get out and guide the driver using appropriate hand and/or voice signals.

### **403.11 VEHICLE INSPECTIONS**

All vehicles except personal passenger cars and pick-ups will be inspected at least once each day or, if the vehicle is not used daily, each time before the vehicle is placed into service, but no more than once during a 24 hour period, except with respect to police cruisers that will be inspected before each shift. Personal passenger cars and pick-ups will be inspected on at least a quarterly basis. Inspections will focus on identifying any obvious physical damage, inoperable running lights and horns, loose steering, and inappropriate tire condition. Records of these inspections will be maintained. Any deficiency encountered will be reported to the employee's Department Head of designee immediately. It will be the Department Head's responsibility to insure that appropriate action is taken to correct the problem.

If an employee is on extended absence from working including injury leave or is on restricted or modified duty and unable to perform on-call duty or work evenings and/or weekends, he will not use the assigned Washington Township owned vehicle until he returns to active on-call or an evening/weekend work schedule.

### **403.12 SPECIAL EQUIPMENT**

Special Equipments such as tractors, fire engines, or any vehicle which has special devices added for specific types of work will require that the driver receive formal instruction prior to usage. This special training will comply with all appropriate OSHA, NFPA and DOT Standards and rules and regulations and should include:

- (a) Explanation and demonstration of all control devices.
- (b) Explanation and demonstration of all safety equipment.
- (c) A walk through of all inspection criteria.
- (d) Demonstration of operation.
- (e) Supervised new driver operation.
- (f) Written documentation of all special training will be retained by the departments.

*Vehicle Use*

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**403.13 PROOF OF INSURANCE**

Each Washington Township owned vehicle should have an insurance card kept in the glove compartment or attached to the driver's sun visor. Missing insurance cards should be reported to the Township's Fiscal Officer. Any employee using their personal vehicle during the course of employment should carry a proof of insurance card. It is Washington Township's Fiscal Officer and Trustees responsibility to ensure all employees using personal vehicles for Washington Township business purposes, complete the Appendix B "Insurance Maintenance Requirement for Personal Vehicle form" once each year, and return to Washington Township's Fiscal Officer and Trustees.

**403.14 TRAINING**

Employees who are assigned to a particular Washington Township owned vehicle will be instructed by the Service Department on the operation and general driving conditions of the vehicle before being allowed to initially drive the vehicle. Employees who drive other than private passenger automobiles and pick-up trucks not equipped with special equipment will be trained in the operation of the vehicles in question before being allowed to drive such vehicles. The Department Heads are responsible for insuring such training takes place, and that it is documented.

Driver Training courses will be offered as deemed necessary, and all employees having one "at-fault" accident or one moving violation (received while driving a Washington Township vehicle) within a prior one year period will be asked to attend.

**403.15 RECORD KEEPING**

Any Notice of an Unacceptable Driving Record will become part of an employee's personnel file.

Motor Vehicle Records and Uniform Police Traffic Accident/ Uniform Traffic Accident Reports will be maintained by Fiscal Officer in a central file.

The Roster of Drivers shall be considered a part of these policies and procedures and will be included with them.

Signed and dated "Insurance Maintenance Requirement for Personal Vehicle" forms will be maintained by Fiscal Officer in a central file.

Fiscal Officer will maintain a list of employees authorized to take vehicles home.

## Vehicle Safety Restraints/Safety Belts

### 404.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all employees operating or riding in township vehicles.

Individual department policies may provide additional guidance.

#### 404.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

### 404.2 POLICY

It is the policy of the Township that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

### 404.3 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints at all times when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this township, or in any privately owned vehicle when conducting township business. The employee driving such a vehicle shall ensure that all other occupants, including those who are not employees of the Township, are properly restrained.

### 404.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with federal and state law.

### 404.5 INOPERABLE SAFETY BELTS

Township vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Township vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Trustee or the authorized designee.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 404.6 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

*Vehicle Safety Restraints/Safety Belts*

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**404.7 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Personal Protective Equipment

### 405.1 PURPOSE AND SCOPE

This policy addresses the use of personal protective equipment (PPE) provided by the Township.

#### 405.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

### 405.2 POLICY

The Township endeavors to protect employees by supplying certain PPE as provided in this policy.

### 405.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for identifying and making available PPE appropriate for the work environment.

### 405.4 EMPLOYEE RESPONSIBILITIES

Employees are required to use PPE pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

### 405.5 EQUIPMENT PROCUREMENT AND USE

PPE shall meet or exceed any applicable requirements. Federal or other nationally recognized standards should be used as a guide for the procurement, use, maintenance, and storage of the following safety-related equipment in the absence of other mandatory requirements:

- (a) Hearing protection (29 CFR 1910.95)
- (b) Eye protection (29 CFR 1910.133)
- (c) Respiratory protection (29 CFR 1910.134)
- (d) Head protection (29 CFR 1910.135)
- (e) Foot protection (29 CFR 1910.136)
- (f) Electrical protective equipment (29 CFR 1910.137)
- (g) Hand protection (29 CFR 1910.138)
- (h) Personal fall protection systems (29 CFR 1910.140)



*Personal Protective Equipment*

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**405.6 RECORDS**

Supervisors are responsible for maintaining records of all:

- (a) PPE training.
- (b) PPE procurement and distribution.
- (c) Fit tests and medical evaluations related to respiratory protection equipment, when applicable. Medical evaluation questionnaires and any physical examination results related to respirator use shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the township records retention schedule.

**405.7 TRAINING**

Employees should be trained in the hazards to which they may be potentially exposed during routine and emergency situations.

All employees should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for PPE; and the limitations of each device (29 CFR 1910.132).

Employees issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

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# Physical Asset Management

## 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the township's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets.

### 406.1.1 DEFINITIONS

Definitions related to this policy include:

**Physical assets** – All tangible items of value, including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

## 406.2 POLICY

It is the policy of this township to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the Township.

## 406.3 RESPONSIBILITIES

The Trustee should assign a person or persons to be responsible for the inventory, maintenance, and disposal of township physical assets, including:

- (a) Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- (b) Developing procedures for the implementation of this policy, including:
  - 1. Procedures for disposal of all township-owned physical assets in accordance with federal, state, and local law.
  - 2. Procedures for safe disposal of hazardous waste.
  - 3. Procedures for inter-department transfers of physical assets.
  - 4. Procedures for each department to inventory assets as according to internal reporting deadlines (e.g., quarterly, annually).
- (c) Developing a physical asset management plan to track the township's physical assets and maintain accurate and complete records related to these assets. The plan should include:
  - 1. A minimum value of the physical assets that are subject to this policy, the plan, and the implementing procedures.
  - 2. An inventory control and recordkeeping system to account for the movement, storage, maintenance and use, loss, damage, destruction, and disposal of the township's physical assets.
  - 3. Routine internal and external audit practices.

## *Physical Asset Management*

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4. Procedures to access physical assets for re-use, transfer, recycle, or disposal.
- (d) Designating custodians within each department, as appropriate, for inter-department communication and to serve as inventory liaisons under the physical asset management plan.
- (e) Annual physical asset acquisition planning.

### **406.4 IDENTIFICATION AND TAGGING**

Physical assets should be tagged using a bar code or other system to identify and locate the items. Tags should be affixed in the same manner and location on each item, when feasible. The following information regarding the tagged item should be maintained using the inventory control system and method of recordkeeping established in the physical asset management plan:

- (a) A description of the item, including but not limited to:
  1. Make, model, and serial number
  2. Physical dimensions and weight
  3. Color, material, and other physically distinct qualities
  4. Warranty and/or recall information, if any
- (b) The department and specific location where the item can be found
- (c) The acquisition date of the item, as well as the amount and funding source for the acquisition
- (d) The intended and actual use of the item
- (e) The expiration of an item's lease or loan terms

### **406.5 SURPLUS OR OBSOLETE ASSETS**

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy and Ohio law. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy and Ohio law.

#### **406.5.1 STORAGE**

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the Township should pursue disposal of the item in accordance with this policy and Ohio Law.

#### **406.5.2 TRANSFERS**

When a physical asset is transferred from one department to another, the value of the physical asset should transfer with the asset. Inter-department transfers shall be documented through the inventory control and recordkeeping system implemented by the physical asset management plan.

## *Physical Asset Management*

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### **406.6 LOSS, DAMAGE, OR DESTRUCTION**

Circumstances surrounding loss, damage, or destruction of the township's physical assets shall be promptly reported to and investigated by the Trustee or the authorized designee for purposes of inventory, valuation, and recordkeeping. Otherwise, loss, damage, or destruction of such assets shall be handled in accordance with the Local Government-Owned and Personal Property Policy and Ohio law.

### **406.7 USAGE MONITORING**

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the township's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

### **406.8 MAINTENANCE**

Routine maintenance of physical assets should be proactive to limit interruption of the township's daily operations. Employees should report any physical asset performance issues to a supervisor.

Maintenance requests and reports shall be recorded in the inventory control and recordkeeping system implemented by the physical asset management plan. The Trustee or the authorized designee shall routinely evaluate maintenance expenditures to determine whether continued maintenance is beneficial.

### **406.9 DISPOSAL**

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy and Ohio law.

### **406.10 INVENTORY AND REPORTS**

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

### **406.11 TRAINING**

Employees and supervisors accountable for the proper care, use, transfer, maintenance, storage, loss, and disposition of all township physical assets should receive training regarding their responsibilities under the physical asset management plan.

## **Chapter 5 - Records and Documents**

## Records Maintenance and Release

### 500.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of township records. Protected information is separately covered in the Protected Information Policy.

### 500.2 POLICY

The Township is committed to providing public access to records in a manner that is consistent with state public records laws.

### 500.3 TRUSTEE AND FISCAL OFFICER

The Trustee shall designate a Trustee and Fiscal Officer. The responsibilities of the Trustee and Fiscal Officer include but are not limited to:

- (a) Managing the records management system for the Township, including the retention, archiving, release, and destruction of township public records.
- (b) Maintaining and updating the township records retention schedule, including:
  1. Identifying the minimum length of time records must be kept.
  2. Identifying the township department responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing and making available to the public the records request process, to include the cost of inspecting or obtaining copies.

### 500.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any employee who receives a request for any record shall route the request to the Trustee and Fiscal Officer or the authorized designee.

#### 500.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) Clarification may be sought if the request is unreasonably broad or unclear.
- (b) Inspection of records should be during regular business hours unless otherwise authorized by the Trustee and Fiscal Officer.

## *Records Maintenance and Release*

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- (c) Records should be made available in a format readily accessible to the requester. Records may also be made available in a specific format requested and a fee charged for reasonable costs of any required processing.
- (d) Records should be provided or a denial provided to a requester within a reasonable period of time.
  - 1. If a delay in providing records is anticipated, the requester should be provided a written response with the reason for the delay and the anticipated date the records will be provided.
- (e) Fees should be charged as allowed by law and established by the Township.
- (f) The Township is not required to create records that do not exist.
- (g) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the township file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the township-approved media storage system and a notation should be made in the file to document the release and the reasons for the redacted portions.

### **500.4.2 DENIALS**

The denial of a request for records should be documented and include:

- (a) A description of the records requested.
- (b) The specific reasons for the denial.
- (c) The name, title, and signature of the Trustee and Fiscal Officer.

### **500.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's Social Security and driver identification numbers; and medical or disability information that is contained in any township record.
- (b) Certain personnel information, including but not limited to an employee's residential address and telephone number, Social Security number, marital status, and medical history.
- (c) Audio and video recordings obtained through use of body-worn cameras by law enforcement officers, except as provided by statute.
- (d) Certain concealed firearm license/permit information of an applicant.
- (e) Records concerning security plans, procedures, assessments, measures, or systems, and other records relating to the security of persons, structures, facilities, infrastructure, or information technology systems that could reasonably be expected to be detrimental to the public's safety or welfare.

*Records Maintenance and Release*

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- (f) Records pertaining to strategy or negotiations related to labor relations, employment contracts, or collective bargaining and related arbitration proceedings.
- (g) Records pertaining to pending or potential litigation that are not records of any court.
- (h) Any other information that may be appropriately denied by federal or state law.

**500.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any employee who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Trustee and Fiscal Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas should be referred to the Trustee or the authorized designee.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the Trustee or legal counsel so that a timely response can be prepared.

**500.7 SECURITY BREACHES**

Employees who become aware that any township records system may have been breached should notify the Trustee and Fiscal Officer as soon as practicable.

The Trustee and Fiscal Officer shall ensure any required notice of the breach is given.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Trustee and Fiscal Officer should promptly notify the appropriate employee designated to oversee the security of protected information (see the Protected Information Policy).

**500.8 EXPUNGEMENT**

The Police Department shall review all court orders and other filings that pertain to the expungement or sealing of records for appropriate action. Once a record is expunged or sealed, employees shall respond to any inquiry as though the record did not exist.

**500.9 TRAINING**

Employees authorized to manage, release, or facilitate public access to township records should receive training that includes identification of material appropriate for release or public access and the township systems and procedures guiding such release and access.



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## Protected Information

### 501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by employees of the Township. This policy addresses the protected information that is used in the day-to-day operation of the Township and not the public records information covered in the Records Maintenance and Release Policy.

#### 501.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored, or accessed by employees of the Township and is subject to any access or release restrictions imposed by law, regulation, or order. This includes all information contained in federal, state, or local databases that is not accessible to the public.

### 501.2 POLICY

Employees of the Township will adhere to all applicable laws, orders, regulations, and training related to the access, use, dissemination, and release of protected information.

### 501.3 RESPONSIBILITIES

The Trustee should designate an employee of the Township to coordinate the use of protected information, including:

- (a) Overseeing employee compliance with this policy and with requirements applicable to protected information.
- (b) Developing, disseminating, and maintaining procedures necessary to comply with any requirements for the access, use, dissemination, release, and security of protected information.
- (c) Developing procedures to ensure training and certification requirements are met.
- (d) Resolving specific questions that arise regarding authorized recipients of protected information.
- (e) Implementing security practices and procedures to comply with requirements applicable to protected information.

### 501.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, township policy, or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited.

*Protected Information*

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**501.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a lawful right to know and need to know.

An employee who is asked to release protected information that should not be released should refer the requesting person to the Trustee and Fiscal Officer for information regarding a formal request.

**501.6 SECURITY OF PROTECTED INFORMATION**

The Trustee should designate an employee of the Township to oversee the security of protected information, including:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Maintaining compliance with any federal, state, and local requirements pertaining to the security of protected information.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including cyberattacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Trustee and appropriate authorities.

**501.6.1 EMPLOYEE RESPONSIBILITIES**

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes not leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

**501.7 TRAINING**

All employees authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## Personnel Records

### 502.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

### 502.2 POLICY

It is the policy of the Township to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state.

### 502.3 PERSONNEL FILE

A personnel file shall be maintained as a record of a person's employment/appointment with this township. The personnel file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (d) Original performance evaluations.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the township file after the employee has had the opportunity to read and initial the comment.
  - 1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any employee response shall be attached to and retained with the original adverse comment.
  - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordinate, nor shall it prohibit the entry of adverse comment into the employee's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Such a file shall include the original application and the Board of Trustees meeting minutes page with their motion to hire or appoint and any change of status, and any other information that may be pertinent. The personnel file will contain all necessary information required by PERS for retirement benefits.

## *Personnel Records*

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### **502.4 DEPARTMENT, DIVISION, OR AGENCY FILE**

Department files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

### **502.5 TRAINING FILE**

An individual training file should be maintained for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- (b) Supervisors should ensure that copies of such training records are placed in the employee's training file.

### **502.6 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.
- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

### **502.7 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

## *Personnel Records*

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Personnel records are public records and are subject to disclosure as provided in Ohio law and this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Trustee or representatives of the Township in connection with official business.

Each Department Head shall be responsible for ensuring that the personnel records are complete when submitted to the Fiscal Officer. The file will be retained by the Township Fiscal Officer.

### **502.7.1 REQUESTS FOR DISCLOSURE**

Any employee receiving a request for a personnel record shall promptly notify the Trustee and Fiscal Officer or other person charged with the maintenance of such records.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

### **502.8 EMPLOYEES' ACCESS TO THEIR PERSONNEL RECORDS**

Employees may request access to their own personnel records during the normal business hours of those responsible for maintaining such files. Employees seeking the removal of any item from their personnel records should file a written request to the Trustee.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

#### **502.8.1 UPDATING FILE**

It is the responsibility of the employee to initiate any needed changes to their file. An employee's education, training and experience background information are important factors in the promotion procedure. These items should be reviewed by the employee periodically to be sure they are up-to-date. Also, the employee should notify the Town Fiscal Officer, in writing using a change of status form, of any change in marital status or dependents as they may relate to insurance coverage, and changes of address or phone numbers. Police officers must notify the Fiscal Officer in writing two weeks prior to their anniversary date for seniority compensation.

### **502.9 RETENTION AND PURGING**

Personnel records shall be maintained in accordance with the established records retention schedule:

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor

*Personnel Records*

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responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the Trustee.
- (c) If, in the opinion of the Trustee, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

## Chapter 6 - Personnel

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## Recruitment and Selection

### 600.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other township rules governing employment practices.

### 600.2 POLICY

In accordance with applicable federal, state, and local law, the Township provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Township does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Township will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 600.3 RECRUITMENT

The Trustee should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive township website and the use of township-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, local colleges, universities, and the military.
- (e) Posting and outreach within the Township for internal candidates, when applicable and/or required.
- (f) Use of local, state, or national professional organizations (e.g., National League of Cities, National Association of Counties, American Society for Public Administration).

The Township should avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Township strives to facilitate and expedite the interview and selection process, and should periodically inform candidates of their status in the recruiting process.



## *Recruitment and Selection*

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### **600.4 SELECTION PROCESS**

The Township should actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Township should employ a comprehensive screening, background investigation, and selection process that assesses the candidates' aptitude for the position and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- (b) Driving record (if applicable to the position)
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Medical and/or psychological examination, as applicable and legally permissible (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment
- (j) Fingerprint results from the Lucas County Sheriff or Township approved site.

#### **600.4.1 VETERAN PREFERENCE**

The Township will provide any veteran preference required by law.

#### **600.4.2 POLITICAL AND RELIGIOUS TESTS - MEMBERSHIPS IN ORGANIZATIONS**

Consideration of political or religious opinions as a test for employment or promotion in any position of the Township service shall be prohibited. Township employees will not be required to be members of any organization, unless it is a professional organization and directly connected with employment duties. The township may pay membership fees required by professional organizations and/or licenses.

### **600.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a background investigation to verify the candidate's application information and ability to perform duties relevant to the position.

#### **600.5.1 NOTICES**

Background investigators should ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and applicable state law (15 USC § 1681d).

## *Recruitment and Selection*

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### **600.5.2 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private, or protected information, the Township should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The Township should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Township fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Trustee or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### **600.5.3 RECORDS RETENTION**

The background report and all supporting documentation should be maintained in accordance with the established records retention schedule and Federal.

### **600.5.4 DOCUMENTING AND REPORTING**

The background investigator should summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report should not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation should be included in the candidate's background investigation file.

## **600.6 EMPLOYMENT STANDARDS**

All candidates shall meet any minimum standards required by state and local law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Township and the community.

Validated, job-related, and nondiscriminatory employment standards should be established and maintained for each job classification and should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

Any applicant making false statements on the employment application or any supporting documents shall not be considered for a position. If the discrepancies become known after the applicant has been hired, the applicant will be subject to disciplinary action up to and including dismissal.

*Recruitment and Selection*

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**600.7 JOB DESCRIPTIONS**

The Trustee or the authorized designee should maintain a current job description for each position in the Township.

**600.8 PROBATIONARY PERIODS**

The Trustee or the authorized designee should coordinate with supervisors to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

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## Performance Evaluations

### 601.1 PURPOSE AND SCOPE

This policy provides guidelines for the Township performance evaluation system.

Evaluation forms shall be approved by the Board of Trustees. Each employee will be evaluated upon completion of their probationary period. From that point on, evaluated at least once every year. Evaluations will be in writing and carried out by the employee's Department Head. All such evaluations shall be shown to the employee being rated and discussed thoroughly with them. All personnel evaluation forms must be signed by the employee and Department Heads.

### 601.2 POLICY

The Township shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Township evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

### 601.3 TYPES OF EVALUATIONS

The Township shall use the following types of evaluations:

**Regular** - An evaluation completed at regular intervals by the employee's immediate supervisor, minimally, on the anniversary of the date of hire or the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

**Special** - An evaluation that may be completed at any time the supervisor and Trustee or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

#### 601.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

## *Performance Evaluations*

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**Exceeds standards** - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

**Meets standards** - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

**Needs improvement** - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

### 601.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

### 601.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

## *Performance Evaluations*

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All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

Department Heads will be evaluated by the Board of Trustees. Evaluations will be signed by the Board of Trustees and Department Head.

### **601.5 EVALUATION FREQUENCY**

Supervisors shall evaluate all employees they supervise at least once every year on the anniversary of the employee's date of appointment or hire.

Those employees who are required to successfully complete a probationary period should be evaluated monthly.

### **601.6 EVALUATION INTERVIEW**

When the supervisor has completed an evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

#### **601.6.1 DISCRIMINATORY HARASSMENT FORM**

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the Township Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- (a) The employee understands the policy.
- (b) The employee has had all questions regarding the policy sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the policy.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

## *Performance Evaluations*

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Refusal to sign an evaluation will be considered insubordination.

### **601.7 APPEAL**

An employee who disagrees with an evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the Trustee or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

### **601.8 CHAIN OF REVIEW**

The signed performance evaluation and any employee attachment should be forwarded to the Trustee or the authorized designee. The Trustee or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The Trustee or the authorized designee should evaluate the supervisor on the quality of ratings given.

### **601.9 RETENTION AND DISTRIBUTION**

The original performance evaluation and any original correspondence related to an appeal shall be maintained in accordance with the Personnel Records Policy.

Evaluations will be given to the Fiscal Officer and placed in the employee's personnel file.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee.

# Discriminatory Harassment

## 602.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent township employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## 602.2 POLICY

The Township is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Township will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Township will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Township may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

## 602.3 DEFINITIONS

Definitions related to this policy include:

### 602.3.1 DISCRIMINATION

The Township prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or township equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to township policy and to a work environment that is free of discrimination.

It is the policy of the Board of Trustees that equal employment opportunity be afforded to all persons without regard to sex, race, religion, color, age, national origin, or handicap. It is the Board



## *Discriminatory Harassment*

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of Trustees policy to support and abide by all pertinent federal, state, and local laws assuring non-discrimination.

### **602.3.2 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

### **602.3.3 SEXUAL HARASSMENT**

The Township prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

### **602.3.4 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with Township or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

## **602.4 RESPONSIBILITIES**

This policy applies to all township employees, who shall follow the intent of these guidelines in a manner that reflects township policy, professional standards, and the best interest of the Township and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Trustee.

## *Discriminatory Harassment*

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Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

### 602.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the Trustee for further information, direction, or clarification.

### 602.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Trustee in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

### 602.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Township and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent employees.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

## *Discriminatory Harassment*

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### **602.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment should be fully documented and promptly and thoroughly investigated.

#### **602.5.1 SUPERVISORY RESOLUTION**

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing the employee's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **602.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to file a complaint with their immediate supervisor but may also file a complaint directly with the Trustee.

#### **602.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Township. Employees who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### **602.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Trustee. The outcome of all reports shall be:

- (a) Approved by the Trustee.

*Discriminatory Harassment*

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- (b) Maintained in accordance with the established records retention schedule.

**602.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

**602.7 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that the employee has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the employee's term with the Township.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

## Grievances

### 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the township grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

#### 603.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any township employee that, if true, would constitute a violation of township policy or federal, state, or local law.

### 603.2 POLICY

It is the policy of the Township to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

### 603.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the head of the department.
- (c) If a successful resolution is not found with the head of the department, the employee may request a meeting with the Trustee.

## *Grievances*

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- (d) If the employee and the Trustee are unable to arrive at a mutual solution, the employee shall proceed as follows:
  - 1. Submit a written statement of the grievance to the Trustee and provide a copy to the employee's immediate supervisor.
  - 2. Include the following information in the written statement:
    - (a) The basis for the grievance.
    - (b) The allegation of any specific wrongful act and the harm done.
    - (c) The specific policies, rules, or regulations at issue.
    - (d) The remedy or goal being sought by the grievance.
- (e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The Trustee should review the grievance and respond to the employee within 14 calendar days.
  - 1. The response will be in writing, and will affirm or deny the allegations.
  - 2. The response shall include any remedies, if appropriate.
  - 3. The decision of the Trustee is considered final.

Upon reviewing the complaint, the Department Head should arrange a meeting with the employee within three working days after receipt of the written complaint and return a decision within seven days of the meeting. Normally, complaints will be resolved at this step of the grievance procedure. An employee who feels the complaint to the Board of Trustees. Such Complaints are to be made in writing within three days of receiving the answer provided.

The Board of Trustees will review the complaint with the Department Head and arrange a meeting with the employee within three days of receiving the complaint. The Board of Trustees shall have final authority in all such grievances and appeals. All other means should be exhausted prior to bringing a complaint to the Board of Trustees.

### **603.4 RIGHT OF COUNSEL**

The employee/grievant shall have the right to have a grievance counselor, at their expense, present at any of the steps, with the exception of the preliminary step. However, in the interest of resolving the grievance, at the earliest possible step of the grievance procedure, it may be beneficial that other representatives not specifically designated, be in attendance. Therefore, it is intended that either party may bring in additional representatives to any meeting in the grievance procedure, but only upon advance initial agreement among the parties specifically designated to attend.

*Grievances*

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**603.5 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Trustee or the authorized designee for inclusion in a secure file for all written grievances.

**603.6 POLICY OR TRAINING IMPLICATIONS**

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the Trustee in the memorandum.

**603.7 GRIEVANCE AUDITS**

The Trustee should designate an employee to perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The evaluation should be documented in a confidential memorandum to the Trustee without including any identifying information about any individual grievance.

## Anti-Retaliation

### 604.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

### 604.2 POLICY

The Township has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 604.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.



*Anti-Retaliation*

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**604.4 COMPLAINTS OF RETALIATION**

Any employee who feels retaliated against in violation of this policy should promptly report the matter to any supervisor, or the Trustee or the authorized designee.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

**604.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Trustee or the authorized designee, and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

**604.6 COMPLAINT PROCESS**

The Trustee should communicate to all supervisors the prohibition against retaliation.

Supervisors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

*Anti-Retaliation*

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- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

**604.7 WHISTLE-BLOWING**

Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Trustee or the authorized designee for investigation.

**604.8 RECORDS RETENTION AND RELEASE**

The Trustee and Fiscal Officer shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

**604.9 TRAINING**

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

## Drug-and Alcohol- Free Workplace

### 605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 605.2 POLICY

It is the policy of the Township to provide a drug- and alcohol-free workplace for all employees.

### 605.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on township time can endanger the health and safety of township employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 605.3.1 USE OF MEDICATIONS

Employees should not use any medications that will impair their ability to safely and completely perform their work. Any employee who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any work.

#### 605.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action.

### 605.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on township premises or on township time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

## *Drug-and Alcohol- Free Workplace*

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### **605.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Trustee or the authorized designee, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **605.6 WORK RESTRICTIONS**

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace.

### **605.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- (b) The employee uses property owned or approved by the Township in a manner that results in injury, death, or substantial property damage.
- (c) The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

#### **605.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

## *Drug-and Alcohol- Free Workplace*

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The Board of Trustees shall pay the cost for the drug testing program as outlined in this policy. Employees who are required to take a drug test shall be provided with the appropriate acknowledgment and agreement forms by the Board of Trustees.

The Board of Trustees shall utilize the professional services of a specimen and collection laboratory that has been or will be determined by the Board of Trustees when implementing the referral for drug testing.

### **605.7.2 DISCIPLINE**

An employee may be subject to disciplinary action if the employee

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, of having taken the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

### **605.7.3 FOLLOW UP TESTING**

Employees who have been referred to counseling or rehabilitation as a result of the employee's drug or alcohol use may be subject to required follow up testing. An initial test for drugs and alcohol will be performed prior to an employee's return to work. Thereafter, periodic unannounced testing for both drugs and alcohol will be conducted for the next four years as part of the Board of Trustees' effort to assist the employee in avoiding a return to substance.

### **605.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the Township will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **605.9 CONFIDENTIALITY**

The Township recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

## Smoking and Tobacco Use

### **606.1 PURPOSE AND SCOPE**

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in township facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### **606.2 POLICY**

The Township recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the Township and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all township facilities, buildings, and vehicles, and as is further outlined in this policy.

### **606.3 SMOKING AND TOBACCO USE**

Smoking and tobacco use by employees are prohibited any time employees are in public view representing the Township.

It is the responsibility of employees to ensure that no person under their supervision or control smokes or uses any tobacco product inside township facilities and vehicles.

No employee shall smoke or vape near any entrance, window, or other location where other persons may be subject to breathing smoke or vapor.

### **606.4 POSTING**

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

## Meal Periods and Breaks

### **607.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding meal periods and breaks for employees.

### **607.2 POLICY**

It is the policy of the Township to provide meal periods and breaks to employees in accordance with the law and any employment agreements.

### **607.3 MEAL PERIODS**

Employees shall take meal periods at times approved by their supervisors. The time spent for meal periods shall not exceed the authorized time allowed.

Emergency response employees shall remain on-duty subject to call during meal periods. All other employees are not on-duty during meal periods unless directed otherwise by a supervisor.

### **607.4 BREAKS**

Breaks should be taken near the midpoint of each four-hour work period. Only one break should be taken during each four hours of work. No breaks should be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Emergency response employees shall remain on-duty subject to call during breaks. All other employees are not on-duty during breaks unless directed otherwise by a supervisor.

## Lactation Breaks

### 608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

### 608.2 POLICY

It is the policy of the Township to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any nonexempt employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 207).

### 608.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt township operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 608.4 PRIVATE LOCATION

The Township will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.



*Lactation Breaks*

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**608.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

## Payroll Records

### 609.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of township employees who are eligible for the payment of wages.

### 609.2 POLICY

The Township maintains timely and accurate payroll records.

### 609.3 RESPONSIBILITIES

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records of employees under their supervision.

### 609.4 TIME REQUIREMENTS

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the township payroll procedures.

All employees, at the request of the Trustees, are required to use the time clock. Employees who neglect to punch in or out must notify their Department Head. No one may punch another employee in or out. All time card reports are approved by the Department Head. If you punch in seven minutes or more before or after your shift, notification and approval of a Trustee or your Department Head is necessary.

#### 609.4.1 HOURS WORKED IN A 24 HOUR PERIOD

Police Officers may work a maximum of 12 hours on and must take 12 hours off between shifts. Trustees may waive this regulation. Road Department employees may work hours according to the Department of Transportation.

### 609.5 PAYMENT OF WAGES

- (a) Salaries and compensation will be determined by resolution of the Board of Trustees.
- (b) Employees will be paid bi-weekly. Payroll will be prepared by the Township Fiscal Officer.
- (c) Payroll Checks are distributed to the Department Heads. Checks will not be released to anyone other than the employee or their designee noted by written authorization.
- (d) Compensation of a township employee may be by direct deposit of funds by electronic transfer (1997 OAG 053).
- (e) An hourly employee's pay shall be computed by multiplying their hours times their rate. A salaried employees pay shall be computed on the basis of twelve months.

## *Payroll Records*

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- (f) Any employee called in to work for emergency or to fill in an absence shall be reimbursed at a minimum of one hour pay at their regular, normal hourly rate.
- (g) If hours are missed on a paycheck, the employee will have a choice to wait until the next payroll, or have a check cut as soon as possible.

### **609.5.1 HOLIDAYS**

When an employee works on any of the following holidays, they shall receive 1.5 times their regular rate of pay or additional half time hours:

- New Year's Eve Day 6:00 p.m. to midnight
- New Year's Day
- Martin Luther King Day
- President's Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Eve Day 6:00 p.m. to midnight

### **609.6 RECORDS**

The Township shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Overtime Compensation

### 610.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

### 610.2 POLICY

The Township will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

### 610.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal workday (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent adjustment of work time within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(o)).

Exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

### 610.4 REQUESTS FOR OVERTIME COMPENSATION

Overtime will be paid to nonexempt employees in accordance with the Fair Labor Standards Act at a rate of one and one-half their calculated hourly rate for time worked beyond 40 hours in the work week. All paid and unpaid periods of leave shall be excluded in calculating the forty hour work week.

#### 610.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Record the actual time worked in an overtime status using the township-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (c) Submit the request for overtime compensation pursuant to township payroll procedures.

## *Overtime Compensation*

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### **610.4.2 SUPERVISOR RESPONSIBILITIES**

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
  - 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of township resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
  - 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an internal investigation.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.
  - 1. After the head of the department has authorized compensation, the request shall be submitted to the Trustee or the authorized designee as soon as practicable.

Supervisors may not authorize or approve their own overtime.

### **610.5 VARIATION IN TIME REPORTED**

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the Trustee, authorized designee, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

### **610.6 REQUESTING USE OF COMPENSATORY TIME**

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt township operations (29 USC § 207(o)). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

## Work-Related Illness and Injury Reporting

### 611.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness.

#### 611.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related condition** - Any significant medical or mental condition suspected to have been caused by an employee's service to the Township. Any condition that would reasonably require some form of treatment should be considered significant.

### 611.2 POLICY

The Township will address work-related conditions and will comply with applicable state workers' compensation requirements.

All Township employees are protected at Township expense under Ohio Worker's Compensation Program. From this fund, medical expenses are covered for workers who suffer injury or certain kinds of illness in the course of their employment. In addition, if workers are temporarily unable to work as a result of such injury or illness, weekly disability payments are made to them after they complete an initial waiting period of one week (ORC 4123.55)

### 611.3 RESPONSIBILITIES

#### 611.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related conditions as soon as practicable, but within 24 hours, to a supervisor, and seek medical care when appropriate.

When an employee is injured they must verbally notify their Department head or a Trustee at once. If possible they should be treated at St. Vincent Mercy Medical center. Any injured employee should report ASAP for alcohol and drug testing.

#### 611.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related condition should:

- (a) Ensure the employee receives medical care as appropriate.
- (b) Determine whether the Illness and Injury Prevention Policy applies and take additional action as required.
- (c) Review the report for accuracy and determine whether the work-related condition is required to be reported to the state or workers' compensation entity and whether any additional action should be taken.
- (d) Forward the report to the Trustee or the authorized designee to be maintained in the employee's confidential medical file.

## *Work-Related Illness and Injury Reporting*

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The authority informed of the injury must report it at once to the Board of Trustees and the Department Head if they are not aware of the injury. It is the responsibility of the Department Head or the Board of Trustees to establish the validity of the claim. This includes a determination that the injury was actually sustained in the performance of the employee's duties. Should a Department head find that the injury did not occur on the job, the facts of the case should be reported to the Board of Trustees in writing. When an employee is injured on the job, a written explanation should be prepared by the employee and given to their Department Head within 24 hours, if possible. All required information must be supplied and submitted to the Fiscal Officer within 24 hours following the injury. Failure to report an injury may preclude approval by the Bureau of Workers' Compensation and can result in disciplinary action against the employee for failure to comply. The Board of Trustees may require the employee to submit the medical examination, (ORC 4123.53)

### **611.4 OTHER ILLNESS OR INJURY**

Work-related conditions that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Trustee or the authorized designee.

Unless the injury is extremely minor, the affected employee shall sign the form indicating no desire for medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

### **611.5 SETTLEMENT OFFERS**

When an employee experiences a work-related condition that is caused by another person and is subsequently contacted by that person, that person's agent, an insurance company, or an attorney and offered a settlement, the employee shall take no action other than to submit a written report of this contact to a supervisor as soon as possible.

#### **611.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the Trustee or the authorized designee with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Trustee or the authorized designee. The purpose of such notice is to permit the Township to determine whether the offered settlement will affect any claim the Township may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related condition, and to protect the township's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

## Temporary Modified- Duty Assignments

### 612.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, township rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the Township to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 612.2 POLICY

Subject to operational and business considerations, the Township may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Township with a productive employee during the temporary period.

### 612.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the Township. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The Trustee or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a township vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

### 612.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.



## *Temporary Modified- Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to the Trustee or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the Township and the limitations of the employee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the supervisor, with notice to the Trustee or the authorized designee.

### **612.5 ACCOUNTABILITY**

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate township operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

#### **612.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Trustee or the authorized designee that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

#### **612.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

## *Temporary Modified- Duty Assignments*

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The responsibilities of supervisors include but are not limited to:

- (a) Periodically apprising the Trustee or the authorized designee of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Trustee or the authorized designee and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

### **612.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Township may require a fitness-for-duty examination prior to returning an employee to full-duty status.

### **612.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

#### **612.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the township's personnel rules and regulations regarding family and medical care leave.

### **612.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **612.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

## Speech, Expression, and Social Networking

### 613.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the Township.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

### 613.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Township. Due to the nature of the work and influence associated with local government employees, it is necessary that township personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Township will carefully balance the individual employee's rights against the needs and interests of the Township when exercising a reasonable degree of control over its employees' speech and expression.

### 613.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the Township. In order to meet the safety, performance, and public-trust needs of the Township, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- (a) Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.
- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Township or its employees.
- (c) Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Township and tends to

*Speech, Expression, and Social Networking*

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compromise or damage the mission, function, reputation, or professionalism of the Township or its employees. Examples may include:

1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
  2. Intentionally misrepresenting on social media actions taken by the Township that would damage the township's reputation.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of township employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the Township for financial or personal gain, or any disclosure of such materials without the express authorization of the Trustee or the authorized designee.
- (e) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of township logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Township on any personal or social networking or other website or web page, without the express authorization of the Trustee or the authorized designee.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 613.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the Township or identify themselves in any way that could be reasonably perceived as representing the Township in order to do any of the following, unless specifically authorized by the Trustee or the authorized designee:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this township, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Township.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees

## *Speech, Expression, and Social Networking*

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may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

### **613.4 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any township technology system (see the Information Technology Use Policy for additional guidance).

However, the Township may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

### **613.5 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Trustee or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Township or the efficiency or morale of its employees.
- (c) Whether the speech or conduct would reflect unfavorably upon the Township.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Township.

### **613.6 TRAINING**

Subject to available resources, the Township should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

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## Illness and Injury Prevention

### 614.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the Township.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each department within the Township may set its own related policies or procedures that do not conflict with this policy.

### 614.2 POLICY

The Township is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The Township should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the Township to comply with all laws and regulations related to occupational safety.

### 614.3 ILLNESS AND INJURY PREVENTION PLAN

The Trustee or the authorized designee is responsible for developing an illness and injury prevention plan that should include:

- (a) Workplace safety and health training programs.
- (b) Review of township workplace safety policies and procedures of each department.
- (c) Regularly scheduled safety meetings.
- (d) Posted or distributed safety information.
- (e) A system for employees to anonymously inform management about workplace hazards.
- (f) Establishment of a safety and health committee that will:
  - 1. Meet regularly.
  - 2. Include representation from each department.
  - 3. Prepare a written record of safety and health committee meetings.
  - 4. Review the results of periodic scheduled inspections.
  - 5. Review investigations of accidents and exposures.
  - 6. Make suggestions to supervisors for the prevention of future incidents.
  - 7. Review investigations of alleged hazardous conditions.
  - 8. Submit recommendations to assist in the evaluation of employee safety suggestions.

### *Illness and Injury Prevention*

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9. Assess the effectiveness of efforts made by the Township to meet applicable standards.
- (g) Establishing a process to ensure illnesses and injuries are reported as required under state law.

#### **614.4 MANAGER/ADMINISTRATOR RESPONSIBILITIES**

The responsibilities of the Trustee or the authorized designee include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
  1. New employee orientation that includes a discussion of safety and health policies and procedures.
  2. Regular employee review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- (d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  1. Informing employees of the illness and injury prevention guidelines.
  2. Recognizing employees who perform safe work practices.
  3. Ensuring that the employee evaluation process includes employee safety performance.
  4. Ensuring compliance with any applicable safety standards related to:
    - (a) Communicable diseases
    - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
    - (c) Emergency Action Plan
    - (d) Walking-working surfaces
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

## *Illness and Injury Prevention*

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### **614.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include but are not limited to:

- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- (c) Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to the Trustee.
- (e) Notifying the Trustee or the authorized designee when:
  1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
  2. New, previously unidentified hazards are recognized.
  3. Work-related illnesses and injuries occur.
  4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
  5. Workplace conditions warrant an inspection.

### **614.6 HAZARDS**

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Trustee or the authorized designee.

The Trustee or the authorized designee will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.



## *Illness and Injury Prevention*

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### **614.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Trustee or the authorized designee should ensure that the appropriate documentation is completed for each inspection.

#### **614.7.1 EQUIPMENT**

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Employees should complete the appropriate form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

### **614.8 INVESTIGATIONS**

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

### **614.9 TRAINING**

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.

### *Illness and Injury Prevention*

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- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Township is made aware of a new or previously unrecognized hazard.

#### **614.9.1 TRAINING TOPICS**

Training topics should include, as applicable:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **614.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Workplace Violence

### 615.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the Township does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

### 615.2 POLICY

It is the policy of the Township to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the Township is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

### 615.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting township business or on township property.

No employee engaged in township business shall carry or possess weapons or explosives unless either:

- (a) Permitted by township policy.
- (b) State or local law prohibits the Township from restricting the possession of the weapon or explosive.

#### 615.3.1 POSSESSION OF WEAPONS

It is a violation of this policy for an person (excluding the law enforcement personnel on official business) to bring firearms or other weapons defined as "deadly weapons" by Ohio Revised Code 2923.11 onto Township property (including parking lots, facilities and vehicles), or to carry such weapons while conducting Township business unless specifically authorized by law.

"Deadly weapons" mean any instrument, device or thing capable of inflicting death, and designed or specifically adapted for use as a weapon, or possessed, carried, or issued as a weapon to cause injury or intimidation.

### 615.4 REPORTING AND INVESTIGATING

#### 615.4.1 EMPLOYEE RESPONSIBILITY

Employees who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

## *Workplace Violence*

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### **615.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES**

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the Trustee or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

In situations of potentially imminent harm or where an act has already occurred, the appropriate law enforcement authorities and emergency responders shall be contacted immediately by the supervisor if not already contacted by the employee who was threatened. If the Township department involved has internal security staff, they will also be notified immediately.

- (a) Once notified, the Department Head must report the act or threat of violence to the Board of Trustee as soon as possible.
- (b) If the threat is not imminent then the "Threat Assessment Team" shall meet immediately to determine specific actions to be taken in response to the threat. This team shall be comprised of the supervisor, the Board of Trustees or it's designee: employee representatives from the Sheriff's Office and other appropriate agencies as needed. Notification to the Threat Assessment Team shall be made by the supervisor. All reasonable actions will be taken to reduce the possibility of a violent act. Recommendations of the Threat Assessment Team shall be reported to the Board of Trustees.

### **615.4.3 INVESTIGATION**

The Trustee or the authorized designee will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

Township employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

### **615.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR**

Township employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the Trustee or the authorized designee as soon as practicable so that any appropriate safety measures or plans may be developed.

In cases where the alleged perpetrator is not an employee, the Board of Trustees and/or the victim may request that an investigation be conducted by the appropriate law enforcement agency. In general, it will be the Board of Trustees' practice to meet any act of violence, threat or intimidation against its employees by a third party with an immediate response, including legal action where appropriate.

## *Workplace Violence*

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### **615.5 RETALIATION PROHIBITED**

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor.

### **615.6 RESTRAINING ORDERS**

Employees who obtain a restraining order listing their workplace, person, or the Township property as a protected area must provide a copy of the restraining order to their immediate supervisor or the Trustee or the authorized designee. The Township needs this information in order to provide a safe workplace.

### **615.7 FOLLOW-UP ACTION**

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the Township takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

### **615.8 LEGAL ACTION**

The Trustee or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the Township to reduce future or threatened violent behavior in the workplace.

Nothing in this policy prohibits an employee from independently filing criminal charges and/or a police report, and employees will be encouraged to file such reports.

### **615.9 CORRECTIVE ACTIONS**

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

## *Workplace Violence*

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- Placing the involved employee on administrative leave pending further review and determination of permanent action.
- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.
- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

### **615.10 WORKPLACE VIOLENCE PREVENTION**

All township employees are responsible for assisting in the prevention of violence in the workplace.

The Township will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the Trustee or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

### **615.11 EMPLOYEES WORKING IN THE FIELD**

If a job task requires an employee to visit another outside of the office, then the following steps will be taken prior to the employee making the visit:

- (a) The employee shall inform their Department Head of the need for the visit, the person to be visited and all relevant information,
- (b) If the person to be visited is known to have a history of violent or harassing behavior or if there is reason to believe the potential for such behavior exists, then a reasonable combination of steps may be taken to reduce the potential risk.
- (c) Examples include, but are not limited to the following:
  1. Another employee (preferably the supervisor) may accompany the employee. Appropriate law enforcement agency may be notified so they can be in the area.
  2. The employee(s) may be provided with a reliable means to communicate in an emergency (such as a hand held radio or portable phone, if one is available).
  3. The employee(s) may be instructed to notify their supervisor immediately upon arrival at and departing from the field location,

The person to be visited may be asked to conduct business in the office instead.

## Outside Employment

### 616.1 PURPOSE AND SCOPE

This policy provides guidelines for township employees who seek to engage in outside employment.

#### 616.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by employees of the Township for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

### 616.2 REQUIREMENTS

#### 616.2.1 PROHIBITED OUTSIDE EMPLOYMENT

The Township employees may engage in outside employment that involves:

- (a) The use of township time, facilities, equipment, or supplies.
- (b) The use of any township badge, uniform, or influence for private gain or advantage.
- (c) The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the Township.
- (e) Demands upon the employee's time that would render the employee's work performance for the Township deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Township.

#### 616.2.2 LOCAL GOVERNMENT RESOURCES

Employees are prohibited from using any township equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the Township to gain access to official records or databases.

#### 616.2.3 LEAVE OR RESTRICTED DUTY STATUS

Employees who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to any outside employment while on such leave or restricted status.

In the event that the Trustee or the authorized designee determines that the outside employment is inconsistent with leave or restricted duty status, the outside employment must be terminated if:

*Outside Employment*

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- (a) The outside employment is medically detrimental to the total recovery of the employee.
- (b) The outside employment requires performance of the same or similar physical ability as would be required in the employee's township job.
- (c) The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.



## Personal Appearance Standards

### 617.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of township employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

### 617.2 POLICY

Township employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to township employees.

### 617.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

#### 617.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- (a) Hair shall be neatly trimmed or arranged.
- (b) Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- (c) Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

### 617.4 APPEARANCE

#### 617.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

## *Personal Appearance Standards*

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### **617.4.2 BODY PIERCING OR ALTERATION**

Body piercing (other than earlobes) or alteration to any area of the body that is visible while representing the Township in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification, or burning to create a design or pattern.

### **617.4.3 DENTAL ORNAMENTATION**

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while representing the Township in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.

### **617.4.4 GLASSES AND CONTACT LENSES**

Eyeglasses and sunglasses shall present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited during work hours and while representing the Township in any official capacity.

### **617.4.5 COSMETICS AND FRAGRANCES**

Cosmetics shall present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

### **617.5 EXEMPTIONS**

Township employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the Trustee or the authorized designee. The Trustee should be advised any time a request for accommodation is denied.

## Dress Code

### 618.1 PURPOSE AND SCOPE

This policy provides dress code guidelines for township employees.

Other related topics are addressed in the Local Government-Owned and Personal Property and Personal Appearance Standards policies.

The Township will furnish uniforms as a condition of employment dependent on job.

### 618.2 POLICY

It is the policy of the Township that uniformed employees are readily identifiable to the public through the proper use and wearing of township uniforms and that the appearance of all employees is suitable and appropriate for their position.

### 618.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- (a) Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- (c) Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.
- (d) No item of civilian attire that would adversely affect the reputation of the Township or employee morale may be worn during work hours.
- (e) The following items shall not be worn during work hours or when representing the Township in any official capacity:
  1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
  2. Exposed undergarments
  3. Swimsuits, tank tops, tube tops, or halter tops
  4. Sweatshirts, sweatpants, or similar exercise clothing
  5. Spandex-type pants or transparent clothing
  6. Denim pants must be clean and without holes
  7. Dress Shorts are allowed not Denim
  8. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

*Dress Code*

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- (f) **PARK/ROADS:** Shirts must be worn with a minimum four inch sleeve. Appropriate work shoes must be worn (no flip flops) and appropriate protective attire as required by the State and Federal Government. Shorts are allowed with a minimum of eight inch inseam. All attire must be clean, well-kept and without holes. No visible undergarments. Clothing with wording or logos that may be potentially offensive or with slogans, pictures, or transparent fabric are not appropriate. Clothing should cover your chest, upper thighs, back, midriff and shoulders. Facial piercing and excessive jewelry are prohibited.

**618.4 UNIFORMS**

The Township will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement, if applicable. The Township may provide other employees with uniforms at the direction of the Trustee.

The Trustee or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear township-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- (b) Uniforms shall be worn in compliance with any applicable township specifications.
- (c) Uniforms are only to be worn during work hours, at official township functions or events, while in transit to or from work, or when authorized by the Trustee or the authorized designee.
- (d) Employees are not to purchase or drink alcoholic beverages while wearing any part of township-issued uniforms.
- (e) Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a township-issued uniform.

Police and Firefighters shall wear these uniforms while employed by the township. They shall be worn only during scheduled work shifts or when called in the line of duty. It will be the responsibility of the employee to keep them clean and in good repair as needed. These uniforms and all other items issued by the township employment. All equipment and uniforms must be turned in clean and repaired as needed. The employee's final paycheck may be held until all township property has been returned.

*Dress Code*

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**618.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES**

Township employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the Trustee or the authorized designee.

Employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Trustee or the authorized designee.

**618.6 IDENTIFICATION CARDS**

Township employees shall be issued an identification card upon their hiring if deemed necessary by the Board of Trustees.

The card will display the employee's picture and name. It will be updated as needed and surrendered upon termination. The card is to be carried or displayed and used only in conjunction with Township duties.

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## Family and Medical Leave

### 619.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the Trustee or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

#### 619.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

**FMLA** - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

**Qualified health care professional** - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the township benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

**Spouse** - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

## *Family and Medical Leave*

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### **619.2 POLICY**

It is the policy of the Township to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

### **619.3 ELIGIBLE EMPLOYEES**

Employees are eligible for FMLA after working for the Township for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

### **619.4 TYPE AND DURATION OF LEAVE**

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

#### **619.4.1 SERIOUS HEALTH CONDITIONS**

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the Township, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

## *Family and Medical Leave*

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### 619.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the Township, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

### 619.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

### 619.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).



## *Family and Medical Leave*

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During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the Township, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

### **619.4.5 INTERMITTENT LEAVE**

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the Trustee, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

### **619.4.6 PREGNANCY DISABILITY LEAVE**

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The Trustee shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

## **619.5 EMPLOYMENT BENEFITS WHILE ON LEAVE**

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the Township may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29

## *Family and Medical Leave*

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CFR 825.213). The Township may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

### **619.6 SUBSTITUTION OF PAID ACCRUED LEAVES**

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

### **619.7 USE OF FMLA LEAVE**

If an employee takes a leave of absence for any reason that is FMLA qualifying, the Township may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

### **619.8 PROCEDURES**

The following procedures will apply for all employees requesting leave under FMLA:

- (a) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to township operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the Township, the supervisor should forward the request and any medical certifications to the Trustee or the authorized designee and ensure the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

## *Family and Medical Leave*

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Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

### **619.9 REINSTATEMENT FOLLOWING LEAVE**

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the Trustee or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the Trustee or the authorized designee in consultation with the legal counsel will determine whether non-FMLA leave should apply.

### **619.10 RESPONSIBILITY**

The responsibilities of the Trustee or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.
- (c) Determining if leave is for an FMLA-qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
  1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
- (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

## *Family and Medical Leave*

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The Trustee or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

### **619.11 RECORDS**

The Township will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the township's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

### **619.12 NOTICE TO EMPLOYEES**

The Trustee or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the Township where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

## Sick Leave

### 620.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. Additional terms for the use of sick leave for eligible employees may be covered in another applicable township policy or employment agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

### 620.2 POLICY

It is the policy of the township to provide eligible employees with a sick leave benefit.

### 620.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

#### 620.3.1 NOTIFICATION

All employees should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the Township with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 620.4 EXTENDED ABSENCE

Employees absent from work for more than three consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or

## *Sick Leave*

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the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

### **620.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Trustee as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the employee's performance or ability to complete assigned tasks.
  - 2. Negatively affected township operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to an available employee assistance program when appropriate.

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## Probation

### 621.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines on how probation works for Washington Township employees both Salary and Hourly.

### 621.2 POLICY

This policy covers Washington Township Employees from being hired, serving probation, and being promoted to part time or full time status.

### 621.3 PROBATIONARY PERIOD

Upon appointment by the Board of Trustees, all new employees shall serve a minimum probationary period of one year unless specified to the contrary by the Board of Trustees. At the end of that probation period, that employee may be eligible for full-time or part-time status appointment as specified by the Board of Trustees. Upon completion of probationary period, all probationary employees must be evaluated by their Department Head. The Department Head will turn in evaluations along with their recommendation to the Board of Trustees. The employee shall be considered a probationary employee until their status is changed by the Board of Trustees.

Probation periods may be waived by the board of Trustees.

### 621.4 FULL-TIME STATUS

At the completion of probation or 36 or more hours per week for two consecutive months, the employee may attain full-time status if approved by the board. Trustees reserve the right to appoint any department head as a full time employee with full benefits Such full- time appointment shall be recommended by the Department Head or Trustee's. Active pay status does not include any periods of paid leave during the work week.

Upon being promoted to full time employment, the employee has 30 days from that date to elect their health benefits plan. The employee shall contact the insurance carrier (agent) and fill out the necessary paper work or file a waiver of benefits if they choose no coverage.

Full time employees that elect benefits may also choose family coverage. However, it is the employee's responsibility to pay the difference for this plan. The difference between single and family coverage is due on the first of the month and must be in compliance with all Local, State and Federal Laws including C.O.B.R.A. Specifications.

### 621.5 DISCIPLINARY ACTION

If and when the Board of Trustees or Department Head indicate that probationer's performance is unsatisfactory they may be removed, demoted or disciplined. The written notice involving removal or demotion shall be given to the Fiscal Officer, placed in their personnel file and copied to the employee. Such removal or demotion shall not be subject to appeal.

*Probation*

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**621.6 FALSE CREDENTIALS**

If it should come to the attention of the Board of Trustees or Department Head, either during the probationary period, or thereafter, that an employee was hired on the basis of false credentials, or other intentional deception, said employee will be subject to disciplinary procedures, up to and including dismissal.

**621.7 PROBATIONARY PERIOD FOLLOWING PROMOTION**

Whenever an employee is promoted, they immediately begin a new probationary period of the same length as would be served by an employee in an original appointment to that classification. However, if during the probationary period following promotion the employee's services are found unsatisfactory, they may be reduced to the position which they held prior to promotion. If an employee is demoted during his or her probationary period following promotion, this action will complete the probationary period.



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## Discipline

### 622.1 PURPOSE AND SCOPE

The control and accountability of employees in a safe and secure environment for Washington Township employees.

The Board of Trustees or the Department Head concerned, shall be responsible for the discipline of employees within their departments. Discipline may be progressive in nature and shall be applied based upon a combination of factors, including the severity of the offense, past history of the employee and past disciplinary actions against the employee.

### 622.2 POLICY

The Board of Trustees or the Department Head concerned, shall be responsible for the discipline of employees within their departments. Discipline may be progressive in nature and shall be applied based upon a combination of factors, including the severity of the offense, past history of the employee and past disciplinary actions against the employee.

### 622.3 DISCIPLINARY AUTHORITY

#### 622.3.1 DEPARTMENT HEAD DISCIPLINARY AUTHORITY & RESPONSIBILITY

Department Heads may issue verbal warnings and written warnings to members of their department. Documentation of discipline is to be given to the Board of Trustees and Fiscal Officer. Documentation will be included in their personnel file.

#### 622.3.2 BOARD OF TRUSTEES DISCIPLINARY AUTHORITY

The Board of Trustees may enforce any of the types of discipline, including termination.

#### 622.3.3 EMPLOYEE NOTIFICATION

For disciplinary measures that are more severe than a verbal warning, the disciplined employee will be informed in writing by their Department Head of the right to appeal the disciplinary action to the Board of Trustees.

Written notice will be provided by the Department Head to the employee prior to the effective time of all disciplinary actions of the Board of Trustees.

The employee will sign and date the written notice and return the original to the Department Head. The Department Head will give it to the Fiscal Officer. Documentation will be included in their personnel file.

### 622.4 APPEAL PROCEDURES

Disciplinary actions need not be deferred pending the possible submission of an appeal.

*Discipline*

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**622.4.1 EMPLOYEE'S RESPONSIBILITY**

Employees, with the exception of Department Heads, feeling aggrieved by either a suspension of more than three (3) days or a change of status (e.g., dismissal or demotion) may, in writing, appeal the disciplinary action to the Board of Township Trustees after written notification to the Department Head.

The appeal must be filed in writing with the Township Fiscal Officer and the Board of Trustees within 10 days of the employee's receipt date of the written notification of the disciplinary action from the Board of Trustees. If the 10 day appeal filing time is exceeded, the Board of Township Trustees will take no action in the matter. This appeal:

- (a) Must be signed by the individual who is appealing and include their department therein; and
- (b) Must have attached thereto a copy of the disciplinary order.
- (c) The employee will present the written request for an appeal hearing in dispassionate language and shall not vilify the character or motivation of the Department Head or Board of Trustees. The written request should specify either or both of the following grounds for appeal:
- (d) There was a failure on the part of a Township official to observe or correctly apply the provisions of the Personnel Rules or the terms of the subject's appointment; and/or
- (e) There was not a complete consideration of the facts regarding the disciplinary action taken against the appellant.
- (f) The appeal hearing request should contain all written material truly relevant to the case.
- (g) The Board of Trustees will be provided a copy of all material presented in the request for an appeal hearing when it is filed.
- (h) Hearings will normally be closed to the public. However, the appellant may request that it be open at the time they submit the written appeal. The Board of Trustees reserves the right to deny the request.

**622.4.2 BOARD OF TOWNSHIP TRUSTEES RESPONSIBILITY AND AUTHORITY**

The Board shall set a time for an appeal hearing promptly and should strive to have the hearing date no later than ten days after receiving the request for an appeals hearing.

The Board will review all written material submitted. If present, the Board shall hear the appellant or their counsel. If present, the Board shall hear the Department Head or their counsel. The Board will examine evidence upon the matter that may be pertinent and relevant.

The Board may affirm, disaffirm or modify the disciplinary measure taken against the employee.

**622.4.3 POLICE OFFICERS RIGHT OF APPEAL**

As provided by ORC 505.49 (B)(3), a certified police officer may appeal a decision of the Board of Trustees (for suspension, demotion or removal) to the Court of Common Pleas.

*Discipline*

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**622.4.4 FIRE FIGHTERS RIGHT OF APPEAL**

As provided by ORC 505.38 (A), a fire fighter may appeal a decision of the Board of Trustees (for suspension, demotion or removal) to the Court of Common Pleas.

## Leave Policy/Paid Time Off

### 623.1 PURPOSE AND SCOPE

This policy provides guidelines for paid time off and leave for employees of the Township.

### 623.2 POLICY

It is the policy of the Township to provide paid time off and leave to employees of the Township.

### 623.3 AUTHORIZED LEAVE

Employees are required to be at work during the prescribed hours unless on authorized leave as determined below. Should employees be unable to report for work, it will be incumbent upon the employee to report that inability two hours prior to commencement of the regular work shift. Employees shall notify the Township immediately as to when they will return to work.

### 623.4 GENERAL POLICIES

#### 623.4.1 COMBINING PAID TIME OFF/LEAVES- FULL-TIME EMPLOYEES

Employees who are currently on authorized leave may extend the leave by combining two forms of leave. In any instance, after a type of leave has expired, vacation time will be used for any remaining days away from work.

#### 623.4.2 UNSCHEDULED ABSENCE FROM WORK

Employees who are going to be absent from work on a non-scheduled basis shall notify their immediate supervisor at least two hours prior to the start time. Employees shall not absent themselves from scheduled duty without the permission of their Department Head. The Department Heads shall not absent themselves from duty without informing a member of the Board of Trustees.

#### 623.4.3 SPECIAL PERIODS

The Board of Trustees may deny leave requests of any kind during special periods such as an emergency situation or departmental need.

### 623.5 HOLIDAY PAY - FULL-TIME EMPLOYEES

#### 623.5.1 WORKING ON A HOLIDAY

The following days shall be recognized by The Board as holidays for full-time employees of Washington Township. Full-time employees will be paid for their choice of 6 to 8 hours per day not to exceed 96 hours per year.

- New Year's Day
- Martin Luther King Day
- Memorial Day

*Leave Policy/Paid Time Off*

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- Independence Day
- Labor Day
- Columbus Day
- Veterans Day President's Day
- Thanksgiving Day
- Christmas Eve Day
- Christmas Day
- New Year's Eve Day

**623.5.2 HOLIDAY DURING LEAVE**

If a holiday occurs during a period of approved sick leave or approved vacation leave, the employee will be regarded as having taken the holiday and will not be charged for the use of sick leave or vacation leave.

Holiday hours and pay may not be carried over to the next year.

Holiday pay must be collected on the holiday or the next pay period. If not claimed, it will be forfeited.

**623.5.3 RELIGIOUS HOLIDAY**

Special holidays of a religious nature may be allowed without pay upon advance request of the individual employee. Requests submitted to the department head and/or Board of Trustees at least one month in advance will, as much as possible, be authorized. Reasonable effort shall be made by the department head or Board of Trustees to accommodate all requests submitted after that period.

**623.5.4 PERSONAL LEAVE**

Each full-time employee is authorized three personal days per year. A reason for this type of leave is not required. Department Heads will authorize personal leave. Personal hours and pay may not be carried over to the next year and can only be taken by employees who have completed their probationary period.

**623.6 VACATION TIME FULL-TIME EMPLOYEES**

- (a) All full-time employees are eligible for vacation leave after completion of one year of full time employment. The Board of Trustees has the authority to modify the one year requirement.
- (b) Regular vacation hours are credited the beginning of the calendar year. Full time employees may carry over a maximum of 40 hours into the next calendar year.
- (c) Vacation leave shall be taken at such time as approved by the Board of Trustees or Department Head. A minimum of 40 hours vacation time, off work, must be taken each year.

*Leave Policy/Paid Time Off*

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- (d) Vacation leave shall be requested in writing at least thirty (30) days in advance.
- (e) The 30 day advance notice may be waived at the discretion of their Department Head.
- (f) The anniversary date, for purposes of calculating the extra 40 hours of vacation leave entitlement, is considered to be the first day of full-time employment with Washington Township.
- (g) The vacation accrual schedule is as follows:

After one (1) year of service	40 hours
After three (3) years of service	80 hours
After seven (7) years of service	120 hours
After twenty (20) years of service	160 hours

**623.7 MATERNITY LEAVE**

A full-time female employee with over six months of continuous service shall be entitled to unpaid maternity leave. Upon confirmation of her pregnancy, the employee shall provide the township with a statement stating the expected date of delivery. The start of maternity leave may begin earlier than this date if requested by the employee and approved by the township. After delivery, the employee will be reinstated without any break in service, provided she has notified the township within thirty (30) days of delivery indicating her desire to return to work. Maternity leave may be taken without pay and considered as a leave of absence. An employee who has vacation time or sick leave may elect to use all or part of this as maternity leave.

**623.8 LEAVE OF ABSENCE**

- (a) A leave of absence may be approved by the Board of Trustees under the following conditions:
  - 1. Leave of absence is always without pay (unless covered by the Family Medical Leave Act).
  - 2. Leave of absence may be granted to employees who have successfully completed their probationary period.
  - 3. The request for a leave of absence must be in writing from the employee outlining the reasons for the leave and requested in advance.
  - 4. On any approved leave of absence in excess of one month, the employee shall pay the total premium cost for his medical and life insurance for the duration of the leave. This cost is to be paid in advance of the first month of the leave and prior to each month thereafter or the coverage will be terminated.
  - 5. Failure to return from a leave of absence at the specified date will be considered as a resignation.
  - 6. All approved leaves of absence shall be confirmed in writing to the employee by the Chairman of Board of Trustees with a copy to the employee's file.

*Leave Policy/Paid Time Off*

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7. Vacation and sick leave do not accrue on a leave of absence
  8. Re-employment, if applicable, should be part, or the condition of, the leave of absence. If not, the employee is subject to the availability of employment at the time of his or her requested return. Employees returning from military service are subject to the Veterans Re-employment Rights Act.
- (b) There are several types of leaves of absence. They include:
1. Medical: Time away from the job because of accident or illness not covered by sick leave.
  2. Personal: Time needed to handle personal problems.

**623.9 UNAUTHORIZED LEAVE**

Any absence from work which is not detailed in this section of these Policies and Procedures shall be considered an unauthorized absence from duty. Any such unauthorized absence from duty shall constitute just cause for disciplinary action, including termination. Any unauthorized leave shall go before the Board of Trustees.

**623.10 MILITARY LEAVE**

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

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

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

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

**623.11 CIVIL LEAVE**

An employee shall be given necessary time off without loss of pay when performing jury duty, appearing in court as a witness in answer to a subpoena, in an official capacity in connection with the township or as an expert witness either because of professional or observed knowledge, performing emergency civilian duty in connection with national defense, to participate in Olympic competition sanctioned by the United States Olympic Committee, and for the purposes of voting when the polls open at least two hours before or after the employee's scheduled hours of work. An employee must notify their Department Head in writing, five days prior to jury duty or service date.

*Leave Policy/Paid Time Off*

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Any compensation received while on civil leave will be deducted from the employee's pay. If jury pay is higher than that paid by the Township, the employee is cy permitted to keep the difference. If the employee is on vacation or personal leave, they are allowed to keep the pay.

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

**623.12 INJURY LEAVE**

Injury leave is time away from work because the employee is disabled due to an injury whether caused by external accidental means or accidental in character received in the course of or arising out of the injured employee's employment with the Township. The determination of eligibility for commencement and termination of injury leave status shall be made by the Board of Trustees subject to review by the Board of Trustees upon written request by the employee within 10 days of any such determination. The employee shall be required as a condition of eligibility for injury leave status to furnish the Board of Trustees information as required by them necessary to make a determination.

**623.13 EMPLOYEE BENEFITS**

All sick time, vacation time, or personal time is lost at the time of termination, resignation, or retirement from employment with the township. If time has not been used it is lost.



## Benefits

### 624.1 PURPOSE AND SCOPE

This policy provides guidelines on Insurance, OPERS, and coverage for qualifying employees.

### 624.2 POLICY

It is the policy of the Township to have benefits available to Full Time and Part Time Employees of Washington Township.

### 624.3 INSURANCE

All Full-Time status employees and elected officials, Administrators, Department Heads. (in accordance with the desires of the board of Trustees). can be covered by the group medical and life insurance program provided by the Township unless the employee opts not to accept coverage. For insurance information please contact the Township Fiscal Officer

### 624.4 OPERS & PFDPF CONTRIBUTION

Generally, all employees, except some fire and police personnel, are required to be a member of the State of Ohio Public Employee Retirement System. The township will deduct the required percent of the employee's gross wages or salary as the employee's contribution to PERS. The township is required to make a contribution on behalf of the employee each month. The township contribution may vary. Generally, full-time police and fire personnel participate in the State of Ohio Police and Fire Disability Pension Fund. Employee contributions are deducted from their gross earnings. Part-time police officers participate in PERS. Part-time fire personnel, hired after August 3, 1992, participate in Social Security (FICA) instead of PERS. Federal law requires all public employee pension groups to inform public employees who are not paying into Social Security about the Government Pension Offset and Windfall Elimination Penalty. Employers are required to have employees hired after January 1, 2005 complete and sign Form SSA-1945: Statement Concerning Your Employment in a Job Not Covered by Social Security before employment begins.

For more information see: [Social Security Administration](#)

## Separation Policy

### 625.1 PURPOSE AND SCOPE

This policy provides guidelines to establish the requirements of an employee and Washington Township at the time of the employee's separation from the Washington Township.

### 625.2 POLICY

It is the policy of the Township to require both the employee and Washington Township to follow all required guidelines upon the employee's separation from the Washington Township.

### 625.3 TERMINATION

At the time an employee is terminated, for whatever reason, the following steps must be taken prior to receipt of final pay:

Provide the Fiscal Officer with the proper forwarding address in order to receive W-2 forms and any other pertinent information needed to file the current year's income tax returns. Advise the Fiscal Officer as to the type of action desired with regard to employee's retirement plan.

Turn in uniforms, tools, building keys, keys to Township offices and/or any other Township property to their Department Head. A receipt will be issued to the employee for all property returned. The receipt will be signed and dated by the Department Head and employee

### 625.4 ACCESS TO TOWNSHIP BUILDING

Immediately upon resignation, termination, retirement, leave of absence, family medical leave, or disability leave, access to any Township property is limited to office hours and public functions. Any Township employee granting unauthorized personnel access to Township property will be subject to discipline or termination.

Fire personnel are employed by Washington Township in accordance with Ohio Revised Code 505.38. Fire personnel may be suspended or removed from employment for cause in accordance with Ohio Revised Code 733.35 to 733.39.

- (a) Police personnel are employed by Washington Township in accordance with Ohio Revised Code 505.49. Police personnel may be suspended or removed from employment for cause in accordance with Ohio Revised Code.
- (b) The Chief of Police is employed by Washington Township at the discretion of the Board of Trustees and may be removed from employment without cause by a majority vote of the Board of Trustees. The Chief of Police may be removed from employment for cause in accordance with the Ohio Revised Code.
- (c) All other employees of Washington Township are employed by and at the sole discretion of the Board of Trustees and may be removed from employment with or without cause by a majority vote of the Board of Trustees.

## *Separation Policy*

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- (d) Any employee that has not worked in the last six (6) months, except seasonal employees and employees on approved leave, will be automatically removed from current personnel rosters.
- (e) Any employment status change must be approved by the Board of Trustees via an employee change status form with Trustee signatures.

### **625.5 WORK FORCE REDUCTION**

Should a reduction in the work force of Washington Township be necessary, that reduction shall occur in the manner prescribed as follows. The Board of Trustees shall determine those employees which shall be reduced in number. Such reduction will take place as determined by the Board of Trustees. Employees may be laid off at the time and in the number specified by the Board of Trustees. The Trustees will determine who is laid off in what order.

### **625.6 RECALL TO WORK**

- (a) Recall Eligibility List
  1. The names of individuals laid off in accordance with this section shall be placed on a recall eligibility list for a period of 12 months. The order of that list shall be in inverse order of the order in which the layoff occurred.
- (b) Recall to Work
  1. For original appointment in accordance with the appropriate section of these Personnel Policies and Procedures.

### **625.7 RETIREMENT**

Any employee of Washington Township who is eligible to retire under the applicable rules, regulations, and statutes of the State of Ohio shall be permitted to do so in accordance with the rules of the Public Employees Retirement System or the Police and Fire Disability and Pension Fund. All employees must notify the Board of Trustees in writing, prior to retirement. Generally, an employee who has passed his sixtieth (60) birthday and has five (5) or more years of total service credit or has twenty-five (25) or more years of total service credit and has attained their fifty-fifth (55) birthday or has thirty (30) or more years of total Ohio service credit, regardless of age, may file for retirement (ORC 145.32).

#### **625.7.1 NOTICE OF INTENT**

Employees shall file with the Board of Trustees, prior to effective retirement, a notice of their intent to retire. Although this notice should include the actual date of retirement, it will not be a formal resignation.

#### **625.7.2 DISABILITY RETIREMENT**

### **625.8 EMPLOYEE RESIGNATION**

Any employee of Washington Township who desires to apply for disability retirement shall do so in accordance with the rules set forth in ORC 145.35 through the Public Employees Retirement

## *Separation Policy*

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System or the Ohio Police & Fire Pension Fund (OP&F). The Public Employees Retirement Board is the final authority in determining eligibility for disability retirement. As part of determining eligibility, an employee may be required to submit to an examination by a physician.

### **625.8.1 PROPER NOTICE**

Employees who resign their employment should give a minimum of two weeks notice in writing prior to the effective date of the resignation. Trustees can ask the employee to leave immediately at that point the employee will receive the remainder of his compensation not to exceed 2 weeks.

### **625.8.2 PROCEDURE**

At the time an employee resigns, for whatever reason, the following steps must be taken prior to receipt of final pay:

- (a) Notify the Township Fiscal Officer to ensure that the proper forwarding address is recorded in order to receive W-2 forms and any other pertinent information needed to file the current year's income tax returns. Also, provide the Township Fiscal Officer as to the type of action desired with regard to employee's retirement plan.
- (b) Turn in uniforms, tools, building keys, and any other township property to their Department Head.

### **625.9 ACCESS TO TOWNSHIP BUILDINGS**

Immediately upon resignation or termination, access to any township property is limited to office hours and public functions. Any Township employee granting unauthorized personnel access to Township property will be subject to discipline or termination.

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## Authorization to Charge and Credit Cards

### 626.1 PURPOSE AND SCOPE

The purpose of his policy is to cover the credit card limits and regulations for Washington Township Employees.

### 626.2 POLICY

This Policy covers Township credit cards used by Washington Township Employees.

### 626.3 AUTHORIZATION TO CHARGE AND CREDITS CARDS

- (a) All Department heads have authorization to charge up to \$1,000.00 and up to \$1,500.00 with approval of one member of the Board of Trustees. Credit cards will be handed out at the discretion of Board to Department Heads and then to employees as deemed necessary. Lists are to be maintained by Department Heads of credit card number and credit card locations (in whose possession).
  - 1. The following payment review and approval procedures must be adhered to:
    - (a) Detailed invoices or receipts are required for all transactions using the township credit card.
    - (b) Invoices and/or receipts must show the transaction date, the dollar amount of the transaction, as well as a description of the transaction (service or item(s) purchased), and the authorized signature (if applicable) of the Township elected official or e employee making the purchase.
    - (c) All such paperwork must be submitted to the Township Fiscal Officer no later than the next business day after completing the transaction.
  - 2. Personal credit cards are not to be used for purchases.
  - 3. Reimbursements will not be made for any such purchases. The township credit card is not to be used for personal purchases under any circumstances.

### 626.4 CREDIT CARD PROCESSING POLICY STATEMENT

#### Access Procedures

(a) **Access to Customer Credit Card Data**

a. Access is authorized only for Township personnel who are responsible for processing or facilitating credit card transactions. Access may be granted by the supervisor of a department with Township approval to handle credit card information. Only authorized Township personnel may process credit card transactions or have access to documentation related to credit card transactions.

b. A copy of this policy must be read and signed by authorized personnel on initial employment and annually thereafter.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## *Authorization to Charge and Credit Cards*

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- c. Signed policies will be maintained by the department supervisor.

### **Transmission Procedures**

#### **2. Transmission of Credit Card Information**

Unsecure (unencrypted) transmission of cardholder data is prohibited. Credit card numbers and cardholder data may not be emailed, faxed, or sent via any electronic messaging technologies such as instant messaging or chat. Only telephone, in person or on-line web-site payments are to be processed.

##### **2.a Telephone Payments**

- 2.a1 Enter credit card information directly into virtual terminal and process payment when given, during call. (Follow processing steps). If circumstances will not allow to process payment at time of call, offer other method(s) for processing. If caller still wishes to make payment by phone, obtain a name, call back number & best time to call (during business/operating hours). Follow up with caller once processing is available. (It is not permissible to record and store the three-digit security code (CVV2).
- 2.a2 Have caller repeat information to ensure accuracy.
- 2.a3 Inform caller that Photo ID may be required at time of picking up key or vehicle. Only to be issued or released to card holder.
- 2.a4 Store transaction documentation and merchant receipt in a secure (locked) area, if applicable.

##### **2.b In-Person Transactions (Follow Processing Steps)**

Available during business and/or operating hours of township.

##### **2.c Consumer Driven On-Line Payment System**

(Link & guidelines given on our township's website. Available 24/7.)

### **Transaction/Processing Steps & Procedures**

#### **3. Receipt of Credit Card Information in Email**

3.a Under no circumstances will credit card numbers received in email/fax or message be processed.

3.b The recipient of the credit card number will respond to the sender with the standard template provided below advising that the transaction cannot be processed and offer an acceptable method for transmitting card information. Credit card numbers will be deleted from the response and received email/fax or message is then to be immediately deleted or shredded.

Standard Template for Transactions that cannot be processed:

"Dear Consumer,

## *Authorization to Charge and Credit Cards*

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Your recent request for payment processing cannot be processed via (choose one: email/fax/message). Please visit our website at [Washington-twp.com](http://Washington-twp.com) to make your payment or you may visit our Township office during regular business hours between 9am to 2pm. Credit card numbers will be (choose one: deleted/shredded) from your (choose one: email/message/fax). If you have any questions or need assistance, please call our office at: 419-726-6621. Thank you, Washington Township".

3.c In the event of suspected loss or theft of documents or files containing cardholder data, the IT Security Department should be notified immediately.

#### **4. Processing Credit Card Transactions and Storage of Cardholder data on Township Computers**

4.a Offices that make payment card transactions on the web (that is, enter a customer's credit card number on a website in payment for a purchase or donation to the Township) must do so from a computer designated for that purpose on the campus PCI VLAN.

4.b Card numbers must be entered on a computer that is expressly designated as belonging to the PCI environment.

4.c Cardholder data should not be retained or stored by the Township, before or after processing.

4.d Credit Card Transactions over the Township WiFi network is forbidden.

#### **5. Processing Involving Third-Party Service Providers**

5.a Our Township has provided service for our on-line payment process through Huntington using Clover Gateway.

5.b A written agreement must be maintained that includes an acknowledgment that the service provider is responsible for the security of cardholder data the service provider possesses or otherwise stores, processes, or transmits on behalf of the Township.

5.c Service provider PCI DSS compliance must be verified on an annual basis by obtaining the service provider's Attestation of Compliance or checking for the service provider's compliance status on the Visa Global Registry of PCI DSS Validated Service Providers."

5.d The Information Technology Security Administrator should be consulted if any engagements are made with new service providers to assure PCI DSS compliance and assess risk.

#### **6. Credit Card Processing Steps (w/Dispute Prevention)**

6.a Department Heads are to maintain a list of all POS devices and personnel authorized to use them. (Virtual Terminals are to be used).

6.b If applicable, Point-of-Sale devices must be inspected for tampering before the first use of the week and the inspection must be logged.

*Authorization to Charge and Credit Cards*

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- 6.b1 In the event of suspected tampering or substitution of a Point-of-Sale device or computer belonging to the PCI environment, and IT Security should be notified immediately.
- 6.c Washington Township transactions only are to be processed.
- 6.d Make sure all sales drafts are written clearly and calculated correctly.
- 6.e Ensure agreement/contract has been signed, if applicable.
- 6.f Inform consumer of refund and/or cancellation policy on agreement.  
Clearly state: "No refund" if no refund exists.  
Rentals: clearly state: "Deposit for securing rental date is nonrefundable and will be applied to rental costs at time of obtaining key".
- 6.g Notify consumers of surcharge before processing credit card. (Debits no surcharge applied. .)
- 6.h If in person, visually validate credit card being processed:
  - 6.h1 Picture ID is required if the card is not signed.
- 6.i Check expiration date on credit card.
- 6.j Confirm transaction amount.
- 6.k Accept only one form of payment per transaction.
- 6.l Ensure account #'s are correct before processing.
- 6.m Discontinue processing a transaction when a "declined" authorization has been received.
- 6.n Avoid splitting transaction amounts to obtain authorization after decline has been received.



## **INDEX / TOPICS**