



PLAIN TOWNSHIP EMPLOYEE MANUAL

Table of Contents

PREFACE.....	4
ARTICLE 1 – PURPOSE, AMENDMENT OF RULES, AND OBJECTIVES.....	5
1.1 How to use this document.....	5
1.2 Purpose.....	5
1.3 Amendments.....	5
1.4 Administration.....	5
1.5 Administrative Orders.....	5
1.6 Interpretation.....	6
1.7 Delegation.....	6
1.8 Equal Employment Opportunity Statement.....	6
1.9 Severability Clause.....	6
1.10 Prior Policies.....	7
1.11 Definitions.....	7
ARTICLE II – PROBATION.....	9
2.1 Initial Probationary Period.....	9
2.2 Disciplinary Action.....	9
2.3 Probationary Period Following Promotion.....	9
2.4 Disciplinary Probation.....	9
ARTICLE III – HIRING, PROMOTIONS, TRANSFERS.....	10
3.1 Hiring Policy.....	10
3.2 Rehire Policy.....	10
3.3 Promotions – Fire Department Personnel.....	10
3.4 Transfers after Successful Completion of Probationary Period.....	12
ARTICLE – DISCIPLINE.....	13
4.1 Offenses.....	13
4.2 Progressive Discipline Policy.....	14
4.3 Disciplinary Procedure.....	14
4.4 Appeals to the Board of Trustees.....	15
4.5 Grievance Procedure.....	15
ARTICLE V – LAYOFF/RECALL.....	17
5.1 Work Force Reduction.....	17
5.2 Recall Eligibility List.....	17
5.3 Recall to Work.....	17
5.4 Rehire Procedure.....	17
ARTICLE VI – HOURS OF WORK AND COMPUTATION OF PAY.....	18
6.1 Payment of Wage.....	18
6.2 New Employees.....	18
6.3 Demotions.....	18
6.4 Pay Increases.....	18
6.5 Longevity Pay.....	19
6.6 Sunday and Holiday Work.....	19
6.7 Call in Pay for Hourly Employees.....	19
6.8 Minimum Wage.....	19
6.9 Standard Work Week.....	19
6.10 Flex Time (Excluding Fire Department Employees).....	19
6.11 Computation of Pay.....	20

6.12 Overtime	20
6.13 Authorized Leave	20
6.14 Garnishment/Child Support	20
6.15 Cash Advance Policy	20
ARTICLE VII – PAID TIME OFF	21
7.1 General Policies	21
7.2 Holiday Leave	21
7.3 Vacation Leave	22
7.4 Military Leave	23
7.5 Civil Leave	24
7.6 Injury Leave	24
7.7 Light Duty	25
7.8 Funeral and Bereavement Leave	25
7.9 Sick Leave	26
7.10 Leaves of Absence	27
7.11 Unauthorized Leave	28
7.12 Family and Medical Leave Act (FMLA)	28
ARTICLE VIII – COMPENSATORY	31
8.1 Non-Exempt Employees	31
8.2 Compensation Time for Exempt Employees	31
8.3 Use of Compensatory Time	31
8.4 Maximum Accrual	31
ARTICLE IX – BENEFITS AND INSURANCE	32
9.1 Worker’s Compensation	32
9.2 Insurance	33
9.3 Hospitalization	33
9.4 Uniform Allowances	33
9.5 Travel	34
9.6 Tuition Expenses	34
ARTICLE X EMPLOYEE EVALUATION SYSTEM	36
10.1 Evaluations	36
10.2 Performance Ratings	36
10.3 Personnel Status Change Forms	36
ARTICLE XI – SICK LEAVE PAYOUT	37
11.1 Sick Leave Payout	37
ARTICLE XII – SEPARATION OF EMPLOYMENT	38
12.1 Notice	38
12.2 Procedure	38
12.3 Exit Interview	38
ARTICLE XIII – PERSONNEL FILES & RECORDS	39
13.1 Pertinent Information	39
13.2 Accessing Files	39
13.3 Updating Files	39
ARTICLE XIV – POSITION DESCRIPTION AND POSITION CLASSIFICATION PLAN	40
14.1 Explanation	40
14.2 Maintenance of Plan	40
14.3 Interpretation of Class and Position Specifications	40

14.4 Official Copy of the Position Classification Plan41

ARTICLE XV – SPECIFIC RULES AND REGULATIONS42

15.1 Attendance Policy42

15.2 Ohio Ethics Law42

15.3 Character and Workplace Behavior.....42

15.4 Personal Appearance Policy42

15.5 Punctuality – Fire Department.....42

15.6 No Show for Duty – Fire Department.....43

15.7 Bonds.....44

15.8 Memberships in Organizations.....44

15.9 Acceptance of Gifts and Gratuities44

15.10 Smoking Policy44

15.11 Political Activity44

15.12 Outside Employment.....45

15.13 Public Relations – Open Records Act.....45

15.14 Use of Township Equipment45

15.15 Technology Use Policy.....45

15.16 Mobile Device Acceptable use Policy47

15.17 Safety.....48

15.18 Standing Orders.....49

15.19 Appointments of Relatives.....50

ARTICLE XVI – PUBLIC RECORDS POLICY.....51

16.1 Public Records Policy51

ARTICLE XVII – STATE AND FEDERAL LAW COMPLIANCE57

17.1 Code of Ethics.....57

17.2 Immigration Law Compliance57

17.3 Equal Employment Opportunity Statement.....57

17.4 The Americans With Disabilities Act of 199058

17.5 Anti-Harassment Statement58

17.6 Sexual Harassment Statement.....59

17.7 Violence Free Workplace60

17.8 Workplace Searches61

ARTICLE XVIII – SOCIAL MEDIA USE POLICY63

18.1 Social Media Use Policy.....63

ARTICLE XIX – DRUG AND ALCOHOL FREE WORKPLACE65

19.1 Drug and Alcohol Free Workplace Policy65

19.2 Definitions65

19.3 Reporting Suspected or Observed Violations67

19.4 Criminal Activity Involving Illegal Drugs67

19.5 Rehabilitation68

19.6 Drug and Alcohol Screenings.....68

PREFACE

UNLESS OTHERWISE PROVIDED BY LAW, ALL EMPLOYEES OF THE TOWNSHIP ARE EMPLOYEES AT WILL AND SERVE AT THE PLEASURE OF THE BOARD OF TRUSTEES. Each employee is to be employed by the Township on an indefinite basis until the **Board of Trustees** or the employee terminates such employment.

This Handbook is not a contract of employment and an employee or the employer, by majority vote of the **Board of Trustees**, may terminate the employee's employment at any time, with or without cause, for any reason or for no reason whatsoever, and, in the case of the employer, in the sole and absolute discretion of the **Board of Trustees**.

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

Information included in this Employee Manual does not alter the at-will employment of all employees and does not constitute any promise of continued employment.

The **Board of Trustees** may interpret, modify, revoke, suspend, terminate, or change any or all policies and procedures at any time, with or without notice. Any such action shall apply to existing as well as future employees with continued employment being the consideration between the employer and employee.

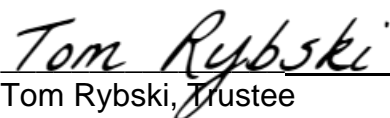
No one other than the **Board of Trustees** may alter or modify any of the policies in this document. No statement or promise by a supervisor, manager, or department head may be interpreted as a change in policy nor will it constitute an agreement with an employee.



David Ferguson, Chair



David Olmstead, Vice-Chair



Tom Rybski, Trustee

ARTICLE I - PURPOSE, AMENDMENT OF RULES, AND OBJECTIVES

1.1 How to use this document

All employees will be provided a copy of this Employee Manual. All employees shall review this document and make sure they are aware of its contents and how it applies to their employment with the **Township**. Employees may wish to keep this document at work where they can refer to it as the need may arise. From time to time this document will be updated. It is recommended that any changes received be immediately included in the employee's copy of the document to avoid any misunderstandings.

Specific policies, benefits, or practices can be found by referring to the Table of Contents in the front of this document or by looking up the content area. These statements are written in a manner designed to apply generally to all employees, unless otherwise indicated.

Questions regarding the Employee Manual should be directed to a supervisor or the Township Administrator.

The elected Fiscal Officer shall be the appointing authority for Fiscal Office employees. The Fiscal Officer may designate a Finance Officer or other fiscal employee to exercise the authority and responsibility of the Township Administrator within the Fiscal Office.

1.2 Purpose

It is the purpose of this Employee Manual to set forth a summary of personnel policies and practices, benefits, responsibilities and opportunities available to you as an employee.

1.3 Amendments

Amendments to this Employee Manual shall be made by the **Board of Trustees** and may be made as the **Board** determines, with or without prior notice to employees. The **Board of Trustees** may consult with the various department and division heads or other knowledgeable persons prior to making recommendations and amendments.

1.4 Administration

The Board of Trustees and Administrator shall be charged with applying the provisions of this Employee Manual to provide for the orderly conduct of dealing effectively with the employees of the **Township** in its pursuit to serve its citizens efficiently.

The Board of Trustees reserve all rights authorized to them by the Ohio Revised Code for personnel administration.

1.5 Administrative Orders

Nothing contained in this Employee Manual shall prohibit the promulgation of department work rules, standing orders, general orders, or other instructions either oral or written. Employee safety

shall take precedent in the event of any conflict with this Employee Manual. When in doubt, confer with your supervisor.

1.6 Interpretation

The Employee Manual is intended to cover most personnel issues and actions that arise. Those not specifically covered shall be interpreted by the **Board of Township Trustees**.

1.7 Delegation

The Board of Township Trustees may delegate certain personnel functions to the Administrator as they deem appropriate. The Township Fiscal Officer may be designated to perform certain personnel functions in the Administrator's absence.

1.8 Equal Employment Opportunity Statement

Plain Township is an Equal Opportunity Employer. It is the policy of Plain Township to provide equal employment opportunity to employees and candidates for employment; therefore, there shall be no discrimination against any employee or candidate for employment due to race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information or other unlawful bias.

This statement is applicable to the policies governing recruitment, placement, selection, promotion, training, transfer, rates of pay and all other terms and conditions of employment.

Compliance with this policy is the personal responsibility of all personnel, especially those whose duties are related to the hiring of new employees and the status or tenure of current employees. Further, as an Equal Opportunity Employer, Plain Township will cooperate fully in the implementation of applicable laws in accordance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, as well as similar Ohio laws and executive orders. A violation of this section by any person charged with the duty of appointing or promoting or grading any employee may subject that person to immediate dismissal.

Employment with Plain Township is based strictly on the basis of merit and ability to perform without regard to race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information or other unlawful bias. Job descriptions for each position are filed with the Township Administrator. These serve as a basis for recruitment and pre-employment interviews. Employment policies are subject to approval by the Board of Trustees. Any employee or prospective employee who feels discriminated against should immediately bring the matter to the attention of the Board of Trustees.

1.9 Severability Clause

If sections of this Employee Manual are held invalid, the remaining sections shall not be affected and shall remain in effect.

1.10 Prior Policies

Any prior resolutions, memorandum, or other written documents in conflict with this Employee Manual are hereby repealed.

1.11 Definitions

Active Pay Status - includes time on duty, vacation leave, sick leave, and holidays

Actual Hours Worked – includes only time on duty and excludes paid and unpaid leave.

Appointing Authority - the person or agency that, based on the Ohio Revised Code, has the authority to employ persons to perform the required duties of the office or agency. Included is the companion authority to dismiss, promote and perform other normal activities. The **Board of Trustees** is the appointing authority for **Township** employees.

Classification - a group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A class may include only one position in some circumstances.

Department Head – The highest ranking employee within a department, such as the fire chief, maintenance superintendent, or finance officer, who supervises at least one subordinate.

Discipline - an action taken against an employee by the supervisor or management as the result of an employee's violation of rules and procedures of the organization, failure to perform adequately, or violation of law.

Exempt Employee - employees who are not covered by the Fair Labor Standards Act (FLSA) overtime provisions and who do not receive either overtime pay or compensatory time in lieu of overtime pay.

Employer - the **Board of Trustees**, or the designee of the **Board of Trustees** specifically authorized to make policy decisions on its behalf

Full Time Employee - an employee hired for a position that regularly works 30 or more hours per week, 130 or more hours per month and at least 1,500 hours per year.

Grievance - an action initiated by an employee voicing a complaint or concern about work rules, policies, or procedures.

Immediate Family - the immediate family of an employee includes the employee's spouse and the employee's or spouse's, child (including adopted and foster child(ren)), parent, brother or sister, grandparent, son or daughter in-law, stepmother, stepfather, stepbrother, and stepsister.

Non-Immediate Family - aunt, uncle, nephew, niece, or cousin.

Non-Exempt Employee - employees who are covered by the Fair Labor Standards Act (FLSA) overtime provisions, and who receive overtime pay or compensatory time in lieu of overtime pay for hours actually worked over forty in a workweek.

Part-Time Employee - an employee who is hired with the expectation that the employee will not work more than 1500 hours per year, and will normally be scheduled to work for less than 30 hours per week or works on a seasonal basis. Part-time firefighters will need to work at least one shift per quarter to remain active, current employees of Plain Township.

Personnel Rules and Regulations - the rules and regulations governing the day-to-day relationships between the employer and employee, and which explain the privileges, benefits, and rights of the employee as well as the responsibilities of the employer.

Seasonal or Temporary Employee - an employee working for a brief period of time or on a specified project that has a termination date.

Seniority This policy deals with seniority among all fire department personnel within each department, full-time and part-time alike. Full-time and part-time, however, have separate seniority within their respective groups only.

In the application of seniority, employees shall be ranked based on the following criteria:

1. Employees will be ranked by their date of hire in chronological order. "Date of hire" is defined as the date an employee was last appointed by the **Plain Township Board of Trustees**.
2. In cases where more than one employee has the same date of hire, seniority within that group is based upon the final scores of the hiring process, with higher scores having more seniority.
3. Seniority does not "carry over" between employment status groups (i.e. volunteer, part-time, full-time). When employees change their employment status, they lose whatever seniority they had in the previous group. Fill-in part-time and scheduled part-time are equal.
4. Promotion to an officer/supervisor does not constitute a change in employment status, and therefore no loss of seniority. There is, however, seniority among officers/supervisors of equal rank.
5. Seniority cannot be "carried over" from employment at another township-government job, except for the relationship between years of service at that job and vacation accrual rates. When an employee is hired by **Plain Township**, the employee loses any seniority from the previous job.
6. A Seniority List will be established and maintained by the Chief/Head Supervisor, for both full-time and part-time employees, based on the above criteria.

Supervisor - an individual who has been authorized by the **Board of Trustees** to oversee and direct the work of subordinate employees on a daily basis.

ARTICLE II – PROBATION

2.1 Initial Probationary Period

Upon appointment by the **Board of Trustees**, all appointees shall serve a minimum probationary period of six months. Prior to the end of the probationary period, the employee shall be considered a probationary appointee. The completion of the probationary period shall be automatic unless the department head or immediate supervisor, upon approval of the **Board of Trustees**, extends the probationary period. The probationary period may be extended a maximum of six months, when a performance review is completed for the probationary period. Probationary employees may accrue and use sick and vacation leave during the probationary period.

2.2 Disciplinary Action

A probationary employee may be removed, demoted, or disciplined at any time during the probationary period by written notice to the employee from the **Board of Trustees**, if and when the department head or immediate supervisor indicates that the employee's performance is unsatisfactory. Such removal or demotion shall not be subject to appeal. Copies of notices involving removal or demotion shall be filed with the **Board of Trustees**.

2.3 Probationary Period Following Promotion

Whenever an employee is promoted, he or she immediately begins a probationary period of six (6) months. The probation can be extended up to six months. This probationary period is to ensure that the employee is satisfactorily performing in the new position. If the employee's performance during the probationary period following promotion is unsatisfactory, the employee may be reduced to the position that he or she held prior to promotion or an equivalent position of that same grade. Such reduction shall not be subject to appeal. Copies of notices involving a reduction during a probationary promotion shall be filed with the **Board of Trustees**.

2.4 Disciplinary Probation

The **Board of Trustees** may place an employee on disciplinary probation when necessary to address disciplinary matters. This period of probation can be any length of time determined necessary by the **Board of Trustees**. Any dismissal, demotion or discipline during the probationary period shall not be subject to appeal. Copies of all such notices involving dismissal, demotion or discipline shall be filed with the **Board of Trustees**.

ARTICLE III - HIRING, PROMOTIONS, TRANSFERS

3.1 Hiring Policy

Plain Township makes every effort to recognize the skills and talents of its employees and will attempt to hire from within whenever possible. However, to ensure that we find the most qualified candidates and improve the capability, professionalism, diversity, and effectiveness of the organization, **Plain Township** will seek candidates through a variety of channels including, but not limited to, open testing, public notices and recruitment. Applicants may be extended a conditional offer of employment and required to submit to a background check and pre-employment drug screen.

3.2 Rehire Policy

Past employees may be eligible for future employment if recommended by their supervisors and approved by the **Board of Trustees**.

Unless otherwise determined by the **Board of Trustees** at time of rehire, all rehired employees shall be considered a new employee for all purposes, unless otherwise stated herein.

3.3 Promotions - fire department personnel

The following guidelines will be used to promote fire department personnel to the rank of lieutenant, captain or battalion chief when a permanent vacancy occurs at that rank. Permanent vacancy refers to the demotion, promotion, resignation, retirement, etc. of a current officer. Please refer to job descriptions for qualifications.

During the interim period from the separation date of any officer to the appointment of a replacement, the chief may appoint an acting officer to the vacated position. Such an appointment will be temporary, until the testing process is completed and an officer is formally appointed. During this interim period, the acting officer will earn pay equivalent to an appointed officer of that rank.

A promotion to any rank will not change an employee's overall seniority as a fulltime firefighter, but will place that employee as least senior among officers of equal rank. When more than one employee is promoted to equal rank (i.e. 2 lieutenant vacancies) at the same time, seniority will be determined by final testing process scores.

Per the Employee Manual, promoted employees will serve a six (6)-month probationary period at their new rank immediately upon appointment.

Promotion and Selection Process

The following process will be used to promote to the ranks of lieutenant, captain, and battalion chief. Upon completion of this process, an eligibility list will be established for each rank and maintained for one year with the **Trustees** having the right to extend the list for up to one additional year.

When the chief announces, in writing, the intent to test for any position, all interested employees with the appropriate qualifications must submit a letter of intent to take the test. This letter must be submitted to the chief within fourteen (14) calendar days of the announcement date.

Those who submit letters of intent and who meet the position qualifications will then continue through the following evaluation steps in order. The weight of each step is noted:

- 30% 1. A written examination, written and administered by a testing agency. The written examination must be passed with a minimum score of 70.0%. Scores in excess of 70% will be the weighted component. (75% = 5 points; 90% = 20 points) Written components for Lieutenant, Captain, and Battalion Chief will be selected by the Fire Chief (or designee) and posted within the time limits required for testing.
- 30% 2. A skills assessment including an evaluation and oral review panel defined by the fire chief (or designee). The assessment will be designed to identify communication, management, and leadership capacity.
- 40% 3. A structured interview with the Fire Chief, Assistant Fire Chief and **Township Administrator**;

A recommendation from the applicant's direct supervisor evaluating the individual's capacity for leadership and supervisory skills.

The Fire Chief, Assistant Chief and Township Administrator will recommend the top 5 qualified candidates to the Board of Trustees for consideration based on the testing and interview process. Final selection will be made by the Board of Trustees based on the recommendation of the Fire Chief, Assistant Chief and Township Administrator and the Board's interview of the recommended applicants.

Employees taking the written examination will have five (5) business days from the date of the examination to contest any question that they feel is in error. This is the only portion of the testing process that an employee may contest. The written examinations will not be graded until the 5-day contesting period has passed. If any question is contested, the written examinations will not be graded until the contest is resolved.

Employees who turn in a letter of intent to test for an officer's position will be issued a list of study materials from which the test will be written. This list will be issued at least ninety (90) days prior to the date of the written examination to provide ample study time.

3.4 Transfers after Successful Completion of the Probationary Period

Any employee may be transferred from one department to another as long as he or she is assigned to equivalent type and level of work. Transfers may be either temporary or permanent in order to meet the needs of the **Township**. Transfers may also be made at the request of the employee in order to provide the employee with new supervision and experience.

Any employee may be transferred to the same or similar position within the department or in a different department without being subject to a probationary period. **An employee desiring to be transferred should make the request in a letter to his/her supervisor, Administrator or Board of Trustees.** A transfer must be approved by department heads of both divisions involved.

ARTICLE IV – DISCIPLINE

4.1 Offenses

Every employee in the service of the **Township** shall be expected to exhibit good behavior, and perform efficient and effective service. Any employee of the **Township** may be disciplined for any of the following offenses or any other reason as determined by the **Board of Trustees**:

- Conviction of any criminal offense.
- Fighting, threatening or attempting bodily injury to another person.
- Stealing, theft or unauthorized use of township property and equipment.
- Misconduct or mischief resulting in the injury or destruction of property of other employees, **Plain Township**, or residents.
- Unauthorized possession, consumption, selling or being under the influence of illegal drugs, hallucinogens, narcotics or related drugs, medically unauthorized prescription drugs or alcoholic beverages on working time or while acting on behalf of the **Township**, and having the presence in one's system of any of the above described substances on working time or while acting on behalf of the **Township**.
- Supplying false or misleading information or withholding pertinent information when applying for employment, or at any time during employment.
- Unauthorized altering, falsifying, or destroying office reports or records.
- Insubordination, including but not limited to, refusal or failure to perform work assignments.
- Lack of good personal appearance, sanitation and cleanliness or failure to report any conditions of health that might endanger an employee or others.
- Loitering or sleeping on the job.
- Willfully hindering, limiting or sabotaging office operations.
- Offering, taking, or soliciting a bribe or gratuity in exchange for job preference, promotion, or performance.
- Offering, taking, or soliciting a bribe or gratuity in connection with any office negotiation or transaction.
- Unreported absence from work without providing a valid excuse.
- Engaging in illegal gambling while on duty.
- Making or publishing false statements that are hateful or discriminatory toward township employees or officers or contribute and/or promote discriminatory activities.
- Excessive absenteeism or tardiness without a valid excuse and/or proper notification, or falsely reporting the reason for absence or tardiness.

- Failure to observe established fire and safety rules or common safety practices, engaging in dangerous or potentially dangerous horseplay, playing tricks, jokes or dangerous pranks upon others, or failing to report any personal injury or accident sustained while on the job.
- Failure to perform job or work assignments satisfactorily, safely and efficiently.
- Smoking in other than designated areas, or improper disposal of smoking materials.
- Working overtime without prior approval.
- Willful neglect in the care or use of **Township** property and equipment.
- Incurring costs or obligations in the name of the **Township** without the authority or prior approval.
- Immoral or indecent conduct, including fighting, use of threatening or abusive language, making indecent remarks or advances or violating the Discriminatory Harassment policy.
- Disrespectful conduct, coercion, intimidation, or threats of any kind against supervisors or fellow employees or the public while on duty, or the use of vulgarity or profanity.
- Failure to comply with the provisions of this document.
- Any violation of **Township** Work Rules, Regulations or Standard Operation Procedures.
- Any other failure of good behavior, misconduct, misfeasance, malfeasance or nonfeasance, including violation of any policy set forth in this document.

4.2 Progressive Discipline Policy

Disciplinary action may consist of one or more of the following progressive disciplinary measures:

- Verbal warning
- Written Warning
- Probation
- Suspension from duty without pay
- Demotion in rank and/or wages
- Dismissal

4.3 Disciplinary Procedure

The **Board of Trustees** or the appropriate department head shall be responsible for the discipline of employees within their departments per the progressive disciplinary policy. Discipline may be applied based upon a combination of factors, including the severity of the offense, past history of the employee, past disciplinary actions against the employee, and any other factors deemed relevant.

Department heads may issue verbal warnings and written warnings to members of their

departments and should provide any documentation to the **Administrator**.

The **Board of Trustees** may impose any type of discipline it determines appropriate, including dismissal.

Employee Notification

- ✓ For disciplinary measures that are more severe than a written warning, the **Administrator** will cause the charges to be delivered to the employee by certified mail return receipt requested or by hand delivery with verification of receipt. .
- ✓ Prior to the imposition of discipline, the employee may be placed on paid administrative leave, approved by the board of trustees, notice of which will be delivered to the employee by certified mail return receipt requested or by hand delivery with verification of receipt.

4.4 Appeals to the Board of Trustees

The **Board of Trustees** shall follow appeal procedures required by Ohio Revised Code § 505.38, 733.35-733.39 and any amendments thereto. Verbal Warnings and Written Warnings may be appealed to the **Board of Trustees** by submitting a written statement of the grounds for appeal to the **Board of Trustees** within 10 business days of the discipline. All other discipline is approved by the **Board of Trustees** and not subject to appeal to the **Board of Trustees**.

4.5 Grievance Procedure

A grievance is defined as any cause of complaint or dissatisfaction arising between the employer and the employee regarding terms or conditions of employment.

It is the policy of the Board of Trustees that all employees have the right to voice their complaints. We recognize the meaningful value and importance of full discussion in resolving misunderstandings and preserving good relations between management and our employees. It also protects the employer's and employee's rights. Accordingly, we believe that the following procedure will ensure that complaints receive full consideration.

4.5.1 Procedure

- (A) In the event the employee feels a problem remains unresolved, following discussions with the supervisor, the employee may submit the complaint in writing for reconsideration. A Grievance Report (see Section 4.5.3) is to be submitted to the immediate supervisor, Department Head and the Township Administrator. Upon reviewing the complaint, the Department Head should arrange a meeting with the employee within three (3) working days after receipt of the written complaint and return a decision within seven (7) days of the meeting. Normally, complaints will be resolved at this step of the grievance procedure.
- (B) An employee who feels the complaint has not received adequate attention at the department level may direct the complaint to the Board of Trustees. Such complaints are to be submitted to the Board of Trustees in writing within three days of receiving the answer

provided by the Department Head. The Board of Trustees will review the complaint with the Department Head and Township Administrator and arrange a meeting with the employee within seven (7) days of receiving the complaint. The Board of Trustees shall have final authority in all such grievances. All other means should be exhausted prior to bringing a complaint to the Board of Trustees.

4.5.2 Right of Counsel

The employee/grievant shall have the right to have a grievance counselor present, at the employee's cost, 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.

4.5.3 The Grievance Report

Grievances should be in writing in order to:

- (1) Reduce the possibility of conflicting decisions.
- (2) Reduce the number of arguments over facts.
- (3) Reduce the number of unfounded grievances.
- (4) Aid record keeping and grievance analysis.

The Grievance Report is used by the employee to report and describe the grievance. The report should be completed with copies for the employee, the employee's personnel file, and the immediate supervisor. It must be completed in full, dated and signed by the employee and presented to the immediate supervisor who will distribute the copies. It is to be used only after a meeting and verbal discussion with the immediate supervisor.

ARTICLE V - LAYOFF/RECALL

5.1 Work Force Reduction

Should a reduction in the work force of **Plain Township** be necessary, the **Administrator and/or Board of Trustees** shall determine those employees reduced in number. Work force reductions in the fire department will be made in order of seniority. By department, part-time employees will be reduced before full-time.

5.2 Recall Eligibility List

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, after which time the list will be declared invalid. The order of that list shall be made in inverse order in which the layoff occurred.

5.3 Recall to Work

When situations so warrant, those employees who have been laid off may be called back to work in the order as indicated on the recall eligibility list. Should an employee be unavailable to return to work in a period of time as deemed reasonable by the **Board of Trustees**, or refuse to return to work, that employee's name shall be removed from the recall eligibility list. Any such employee shall be eligible to apply for original appointment in accordance with the appropriate section of this Employee Manual.

5.4 Rehire Procedure

When a break in service occurs and the employee is rehired within twelve (12) months, the rehired employee will continue to accrue benefits at the rate when the break in service began.

Employees must work at least 24 hours per quarter to remain current active employees. When an employee is inactive for twelve (12) or more consecutive months, the employee will be considered a new hire upon re-employment.

ARTICLE VI - COMPUTATION OF PAY AND HOURS

6.1 Payment of Wages

Salaries and compensation will be determined by resolution of the **Board of Trustees**. Employees will be paid bi-weekly (26 pay periods annually). The Township Fiscal Officer will prepare payroll. Overtime will be paid at 1-1/2 times the regular hourly rate for hours in excess forty hours in a workweek for non-exempt status employees. The pay period starts every other Saturday and runs for (14) calendar days. Full-time Firefighters' pay is based upon ninety-six (96) hours per pay period, and overtime will be based at 1-1/2 times hours in excess of 106 in a pay period. The Plain **Township Fiscal Office** shall specify the format of a time sheet to ensure proper documentation of hours worked by all employees. **The employee and his/her supervisor must sign time sheets before submission to the Township Fiscal Office.**

All employees are encouraged to enroll in direct deposit of payroll.

6.2 New Employees

Generally, a new employee shall be paid the minimum rate of pay for his or her class. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class/job description. If a new employee more than meets the minimum qualifications for a position, he or she may be appointed at the second step or in unusual cases at a still higher step. Cases will be thoroughly analyzed and measured against objective standards.

6.3 Demotions

When an employee is demoted, that employee shall be paid at a rate that is within the approved range for the lower classification. The rate of pay shall be set by the **Board of Trustees**, taking into consideration the circumstances and surrounding reasons for the demotion, and any other factors.

6.4 Pay Increases

It is the policy of **Plain Township** to reward good job performance by establishing an equitable system of providing pay increases. Any compensation increase will be effective at the beginning of the pay period that follows the effective date of the approved change, unless otherwise determined by the **Board of Trustees**.

All wage increases are subject to availability of funds as determined by the Fiscal Officer and the Board of Trustees.

6.5 Longevity Pay

Full-time firefighters will be paid longevity pay at \$.04 cents per hour, beginning in the sixth year of service. That amount will be paid every year up to a maximum of \$1500 per year. All other full-time employees will be paid longevity pay at \$.05 cents per hour, beginning in the sixth year of service, paid every year up to a maximum of \$1500 per year.

6.6 Sunday and Holiday Work

When employees, with two exceptions, are required to work on Sundays and holidays, they shall receive pay at a rate one and one-half times their normal hourly rate for each hour worked, with a minimum of three hours for each occurrence. Any overtime resulting from the Sunday or Holiday hours worked will be paid at one and one-half times their normal hourly rate for each overtime hour worked on a Sunday or Holiday. The two exceptions are FLSA-exempt employees and those employees working on shift work (e.g. firefighters) whose normal shift requires Sunday or holiday work.

6.7 Call in Pay for Hourly Employees

Employees called in for work will be paid a minimum of two hours and may be paid at a rate of (1-1/2) times their normal pay if the call in time exceeds forty hours in a week. Firefighters who are called in for emergency work will be paid a minimum of two hours. Their rate of pay may or may not be overtime depending upon their total actual hours worked.

6.8 Minimum Wage

Township employees will be paid a minimum wage, no less than that required by FLSA and state law.

6.9 Standard Work Week

The standard workweek for employees shall be forty (40) hours per week, eight (8) hours per day, five (5) days per week. Township offices shall be open to the public from 8:00 A.M. to 4:00 P.M. daily except Saturday, Sunday, and legal holidays. All full-time non-emergency employees are provided a meal break that is not counted as time worked and two rest breaks. Rest breaks are considered time worked, generally consist of one 15-minute period for each four hours of work, and disconnected from the meal period. There will be no compensation for rest breaks that are missed. However, breaks are not guaranteed. When warranted, an employee's break may be cancelled by the Supervisor/Department Head. Cancelled breaks will not lead to overtime or leaving work early. The **Administrator or Board of Trustees** may vary these hours according to need. The **Administrator or Board of Trustees** may also alter the work schedule to improve the efficient delivery of services. Firefighters' standard workweek and holidays do not apply to the above; their standard workweek consists of 48 hours.

6.10 Flex Time (Excluding Fire Department Employees)

Flex-time allows an employee to begin their shift early or extend their shift later in order to make up

for an approved absence within the work week. Office and Maintenance staff may use flextime from 7:00 a.m. through 6:00 p.m. Monday through Friday. If an employee needs to use flextime to alter their regular work hours, that employee will be responsible for obtaining approval from the department head or Administrator. The following procedures for flextime will be used:

- Call your supervisor as soon as possible
- Inform your supervisor of the hours you need to use flex time
- Ensure a co-worker is available to cover your normally scheduled time if you will be absent
- Inform your supervisor of the hours you will work to make up your flextime hours in order to complete a full work week.

6.11 Computation of Pay

An hourly employee's pay shall be computed by multiplying the hourly rate by the hours in active pay status in the workweek. Pay will be disbursed to employees at intervals not to exceed every two weeks on days determined by the **Fiscal Officer**.

6.12 Overtime

Approved overtime will be paid to appropriate employees classified as non-exempt according to the Fair Labor Standards Act at a rate of one and one-half times their calculated hourly rate for hours in paid status beyond forty (40) hours worked per standard work week. Full-time and part-time firefighters will be paid one and one-half times their hourly rate for approved overtime hours in paid status over 106 hours per pay period.

6.13 Authorized Leave

Employees are required to be at work during the prescribed hours unless on authorized leave or using flex-time. Should employees be unable to report for work, the employee shall report that inability to their supervisor or Administrator prior to commencement of the regular work shift. Employees shall notify the **Township** immediately as to when they will return to work.

6.14 Garnishment/Child Support

A claim may be made against an employee's wages for unpaid debts. This claim is called a garnishment and is a court order that requires the **Township Fiscal Officer** to make a deduction from the employee's paycheck to pay a debt. Employers are required by law to adhere to the requirements of the garnishment order. A claim may also include court ordered child support payments.

6.15 Cash Advance Policy

It is the policy of **Plain Township** that no advance in an employee's pay is made, regardless of need. This policy is necessary for the protection of public funds with which the **Township** is entrusted.

ARTICLE VII - PAID TIME OFF

7.1 Leaves and Absences

Combining Paid Time Off/Leaves - 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 may be used for any remaining days away from work.

Unscheduled Absence from Work - Employees who are going to be absent from work on a non-scheduled basis shall notify their immediate supervisor as early as possible prior to the start of the normal scheduled work period. Employees shall not be absent without the permission of the department head. Department heads shall not be absent without the permission of the **Administrator or Board of Trustees**.

Special Periods – The Administrator, Fire Chief, or Board of Trustees may deny leave requests of any kind during special periods such as an emergency situation or departmental need. An unauthorized absence from work shall be considered insubordination and subject to progressive discipline.

7.2 Holiday Leave

The following eleven (11) holidays will be observed by full-time employees and part-time employees, whose regularly scheduled hours fall on one of these holidays, beginning at hire date: ***New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Juneteenth (the 19th day of June), Independence Day, Labor Day, Columbus Day (observed the day after Thanksgiving), Veterans Day, Thanksgiving Day, and Christmas Day.*** All full-time employees, except firefighters, shall be paid for eight hours on each of these holidays.

If those holidays celebrated on a specific date fall on a Saturday or Sunday, the closest working day will be observed as the holiday (Friday or Monday). Holidays will be compensated at the employee's regular rate of pay.

Full-time firefighters' working twenty-four (24) hour shifts will receive holiday leave pay (152 hours or the prorated portion of the holidays depending upon the date the employee was hired full-time) as designated by the Fire Chief, to be paid in the last pay period of November prior to Thanksgiving to eligible firefighters. Full-time firefighters working peak-time twelve (12) hour shifts will receive holiday leave pay (152 hours or the prorated portion of the holidays depending upon the date the employee was hired full-time) as designated by the Fire Chief, to be paid in the last pay period of November prior to Thanksgiving to eligible firefighters, and four (4) observed township holidays to be assigned by lottery or otherwise assigned by the Fire Chief. All other full-time employees will be paid for their holiday during the pay period in which it occurs.

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

Religious Holiday - Special holidays of a religious nature, aside from the standard holidays

recognized and listed above, may be allowed upon advance request of the individual employee. The employee may take leave as unpaid or use available paid leave during the approved absence. Requests should be submitted to the department head and/or **Administrator** at least two weeks in advance, with additional notice provided for longer requests. Reasonable effort shall be made by the department head or **Administrator** to accommodate all requests submitted after that period.

Personal Leave - Each full-time employee is authorized two unpaid personal days per calendar year, one for each six-month period. A reason for this type of leave is not required. A request must be submitted to the supervisor for authorization, in the same manner as vacation leave. Personal leave will not accumulate from year to year and can only be taken by employees who have completed their probationary period.

7.3 Vacation Leave

Vacation is earned by all full-time employees. Full-time employees earn vacation at the rate of 3.08 hours for each 80 hours scheduled beginning in the first year of employment. At the beginning of the fourth year of employment, full-time employees will earn 4.62 hours for each 80 hours scheduled, at the beginning of the seventh year of employment, 6.16 hours for each 80 hours scheduled, at the beginning of the fifteenth year of service, 6.93 for each 80 hours scheduled and at the start of the 21st year of service, 8.47 hours for 80 hours scheduled.

Vacation leave is accrued as follows:

<i>Years of Service</i>	<i>Accrual Rate for each 80 Hours Scheduled</i>	<i>40-hr. Employee – Hours per Pay Period / Annual Hours / 8-hr. Days</i>	<i>Firefighter – Hours per Pay Period / Annual Hours / 24-hr. Days</i>
Hire to end of 3 Years	3.08 Hours	3.08 / 80.08 / 10 Days	3.70 / 96.20 / 4 Days
Start of Year 4	4.62 Hours	4.62 / 120.12 / 15 Days	5.54 / 144.04 / 6 Days
Start of Year 7	6.16 Hours	6.16 / 160.16 / 20 Days	7.39 / 192.14 / 8 Days
Start of Year 15	6.93 Hours	6.93 / 180.18 / 22.5 Days	8.32 / 216.32 / 9 Days
Start of Year 21	8.47 Hours	8.47 / 220.22 / 27.5 Days	10.16 / 264.16 / 11 Days

Regardless of hours worked in excess of a regular workweek, no further accumulation of vacation hours will be accrued. (e.g. earned vacation hours are limited to a “regular workweek” and vacation time is not accumulated for “overtime hours” paid.)

Beginning on January 1, 2021, and each January 1st thereafter, all fulltime employees will receive their total annual vacation accrual hours for that year in one lump-sum credit. New hire employees will receive a prorated lump-sum credit of vacation time based on their hire date. During years in which an employee transitions to the next accrual rate, their January 1 lump-sum credit will be the combined total annual hours of the two accrual rates prorated to the pay period in which their anniversary date occurs.

Accrued vacation time may be carried over annually to the maximum of that earned in three (3) years, based on the employee’s accrual rate on December 31 of each year, beginning on December 31, 2021. Any vacation time accrued but unused in excess of this maximum will be

eliminated by the **Township** on December 31 of each year, beginning on December 31, 2021. Any employee in danger of losing vacation time due to maximum accrual will be notified by the **Fiscal Officer** by November 1.

Upon retirement, resignation, termination with cause, or upon being placed on a permanent disability leave by the appropriate authority, **Plain Township** employees will be paid in a lump sum for any accrued but unused vacation time up to a maximum of three years of accrued vacation, based on the employee's accrual rate on the date of retirement, resignation, termination with cause, or start date of permanent disability leave. However, the lump sum payout will be reduced by an amount equal to the employee's accrual rate on such separation date times the number of whole pay periods remaining until December 31 of that year.

This payment will be at the employee's current rate of compensation. If death occurs during employment, the balance of vacation leave will be paid to the employee's estate.

Vacation leave is earned during the time the employee is on active pay status. It is not earned while on unpaid leave of absence or unpaid military leave. Vacation leave will be granted upon the approval of the employee's supervisor and/or **Administrator or Board of Trustees**. Vacation requests will be approved according to seniority. Requests will be granted unless the time requested would cause an undue hardship or burden of the employee's department or fellow employees.

Vacation requests are to be made a minimum of one week in advance with advance notice equaling at minimum twice the number of days requested. For example, a two week vacation leave request should be made at least four weeks in advance.

Vacation will be charged in minimum units of one hour. Vacation time is not meant to compensate for oversleeping or automotive repairs or disciplinary actions. Emergency vacation may be granted for illnesses in the family not covered by sick leave or for other mandatory personal business. Such request must be approved by the supervisor/department head. **Plain Township** reserves the right to revoke previously approved vacation requests in the event of an emergency. If an employee has previously worked for an Ohio Township (other governmental service not included unless provided for in the Ohio Revised Code), the years of service will be added on to the length of employee service with **Plain Township** at the end of the first year. This will enable the employee to earn vacation on the total length of **Township** service. It is the employee's responsibility to notify, in writing, the **Township Fiscal Officer** when this occurs.

Vacation payment will not exceed the normal workday or workweek earnings.

7.4 Military Leave

Plain Township complies with state and federal law regarding a military leave of absence. Employees returning from military service are subject to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Prior approval for military leave must be obtained from the **Board of Trustees or Administrator**. The request for such leave must be accompanied by a copy of all military orders.

Any permanent employee who is entitled to the leave provided under ORC § 5923.05(A), and who

is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

(1) The difference between the permanent public employee's gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month;

(2) Five hundred dollars.

Employees have the right to be reemployed if he or she leaves that Township to perform service in the uniformed service and:

- Ensures that their supervisor receives advance written or verbal notice of the service;
- The employee's cumulative service in the uniformed services while with the Township does not exceed five years;
- The employee returns to work or applies for reemployment in a timely manner after conclusion of service; and
- The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

If eligible to be reemployed, employees will be restored to the position and benefits he or she would have attained if not absent due to military service or, if that position is no longer available, a comparable position.

7.5 Civil Leave

A **permanent, full-time** 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, or performing emergency civilian duty in connection with national defense.

An employee must notify his or her supervisor five days prior to jury duty or service date. Any compensation received while on civil leave will be deducted from the employee's pay.

If an employee is involved in court in a personal case either as plaintiff or as defendant in a suit not resulting from his duties with the **Township**, he or she may be granted leave without pay for a reasonable period of time upon written approval of the **Board of Trustees** unless the employee elects to utilize any available vacation time.

7.6 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. If the employee requires more than six months of injury/illness leave, the employee, or designated responsible person, must apply in writing to the department head requesting additional injury/illness leave. In this request must be the specific reason additional time is requested. Orders of the Ohio Bureau of Worker's Compensation shall be followed for eligible employees.

The department head shall be the representative for **Plain Township**. All decisions concerning injury/illness leave shall be dealt with through the department head. The department head may make immediate decisions concerning injury/illness leave, but all decisions will be reviewed by the **Plain Township Board of Trustees**. The **Plain Township Board of Trustees** may accept, deny, delete or add to any decision concerning injury/illness leave made by the department head.

The employee shall be required as a condition of eligibility for injury leave status to furnish the **Board of Trustees, Administrator or Department Head** information required to make a determination.

7.7 Light Duty Update for Workers Compensation

Light duty may be granted to a **Township** employee (with exception of an employee on FMLA) upon discretion of the department head in the capacity and hours deemed necessary, provided the employee has written permission from his doctor or a doctor hired by the township.

If an employee has returned to light duty following an injury on the job, no wages will be lost and no sick leave needs to be used. If an employee returns to light duty from an illness or injury not work related, the employee can work hours permitted by the department head and then the employee can use sick leave or vacation time so there will be no lost wages.

The department head shall report to the **Plain Township Trustees** any employee being placed on light duty and must comply with ADA.

7.8 Funeral and Bereavement

As bereavement leave, a full-time non-emergency employee may take three (3) days off with pay and a full-time firefighter may take twenty-four (24) hours off with pay for a death in the immediate family. Additional sick leave may be used, if necessary, upon approval by the supervisor, not to exceed a total of five (5) days. Full-time non-emergency employees may take off eight hours with pay for a death in the non-immediate family. For non-immediate family, if the funeral is held on a firefighter's duty day, a full-time firefighter may take that entire duty day off with pay.

Non-immediate family is defined as: aunt, uncle, nephew, niece, or cousin.

Leave of absence without pay is allowed for other funerals when approved by the employee's supervisor.

Employees seeking to use sick leave or funeral leave are required to call their supervisor as early

as possible prior to their regular starting time. Failure to do so will result in the employee being counted as missing, thus no sick leave benefit will be paid and the employee is subject to further disciplinary action.

Persons working shift work should notify their supervisor as early as possible so that a replacement can be found.

In order for leave to be paid, the employee may be required to provide documentation to the employee's supervisor. This information may consist of either a letter from the funeral home or a newspaper obituary.

7.9 Sick Leave

Sick leave is time for which an employee is compensated at his or her regular rate of pay when absent due to illness or another medically related reason, such as a doctor's appointment. *Full-time firefighters* earn sick leave at the rate of 6 hours per pay period. All other 40 hour full-time employees earn sick leave at the rate of 4.6 hours per pay period.

Employees are charged for sick leave only for days upon which they would otherwise have been scheduled to work. Sick leave payment will not exceed the normal workday or work week earnings.

Nothing in this section shall be construed as to require the **Board of Trustees** to approve the use of sick leave by an employee when the **Board of Trustees** is reasonably certain that the employee was not ill or was not absent for the other reasons permitted by this section. Examples of when the **Board of Trustees** may not approve sick leave are: concerted use of sick leave by an employee singly or in concert with others as a means of withholding services; a chronic abuse of sick leave in an established pattern; or other situations where past history and facts do not substantiate the legitimate use of sick leave. **The Administrator or Board of Trustees** may investigate all usage of sick leave and may withhold full payment of said sick leave until the investigation is completed.

Each employee may set his/her own cap on accumulated hours of sick leave, with the minimum allowable cap being 500 hours and the maximum allowable cap being unlimited. Once a cap has been set, it may be raised by the employee at any time the employee chooses to any higher level, but may NEVER be lowered.

After a **Plain Township** employee's capped hours have been accumulated, he/she will be paid for sick time above the chosen cap. A separate check for sick time will be issued the first payday in June of each year.

Should the **Board of Trustees** determine that an employee has not used sick leave properly, payment may be denied and discipline imposed. Employees who do not report for work due to sickness, and who have exhausted their sick leave days, are subject to disciplinary action for being absent without approved leave. The **Administrator and Board of Trustees** are authorized to approve leave without pay to employees in this situation where it is determined that such action is in the best interest of the **Township**.

New employees are eligible for sick leave as it is accrued. Seasonal employees earn no sick leave benefits. Sick leave does not accumulate while an employee is on suspension or any unpaid leave of absence in excess of one month.

Eligible Sick Leave

Sick leave may be used for absence due to temporary incapacitation caused by illness, injury, pregnancy or for exposure to contagious or communicable disease, which may be transmitted to fellow employees. Any such absence shall begin when the temporary disability or exposure shall be so severe as to prohibit an employee from attendance at work, and shall cease when an employee is able to return to work. Sick leave may also be used for a family emergency resulting from illness or injury to an employee's spouse, children or other dependents residing in the employee's household.

Sick leave may be used for medical/dental appointments during normal work hours. The employee should notify his/her supervisor as far in advance as possible of the appointment.

If a 40 non-emergency employee is off more than three (3) consecutive days or a firefighter is off for more than twenty-four (24) hours spanning consecutive duty days, a medical excuse stating the employee may return to duty will be necessary to return to work and be paid sick leave. In addition, the Township may require the employee to be evaluated by a physician of the **Township's** choosing, at the **Township's** expense, before the employee is allowed to return to work.

Notice

Employees seeking to use sick leave should call a supervisor as soon as possible prior to their regular starting time. Failure to do so may result in the employee being counted as missing - no sick leave benefit will be paid and the employee will be subject to disciplinary action.

Cashing and Buy-Back of Sick Leave

After an employee's capped hours of sick leave have been accumulated, he/she will be paid for sick time above the capped hours. This will be paid in a separate check the first payday in June each year. Upon separation of employment, employees will be paid in a lump sum for any accrued but unused sick leave at their current hourly rate to a maximum of 240 hours. This equals 30 eight-hour days or 10 twenty-four hour days depending upon whether the employee is a fire department employee. In order to be considered for the 240 hours of sick time buy back, the employee must not have used 50% of his/her sick days earned in the last two years.

7.10 Leaves of Absence

The **Administrator or Board of Trustees** may approve a leave of absence under the following conditions:

- Leave of absence is always without pay.
- Leave of absence may only be granted to regular, full-time employees who are not on probation or suspension.

- The request for a leave of absence must be in writing from the employee outlining the reasons for the leave.
- 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.
- Failure to return from a leave of absence at the specified date will be considered as a resignation.
- All approved leaves of absence shall be confirmed in writing to the employee by the **Administrator** or the Chairman of the **Board of Trustees** with a copy to the employee's file.
- Vacation and sick leave do not accrue on a leave of absence. Vacation allowance is paid at the time of departure on the amount unused and accrued. Any unused sick days accumulated prior to the leave may be reinstated immediately upon return.
- 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 federal and state laws governing military leave.

7.11 Unauthorized Leave

Any absence from work, which is not detailed in this section of this Employee Manual, shall be considered an unauthorized absence from duty. An employee must provide notice within three (3) days of any such absence. Any such unauthorized absence from duty shall constitute just cause for disciplinary action.

7.12 Family and Medical Leave

The **Township** provides a family and medical leave of absence pursuant to and in accordance with the terms of the Family and Medical Leave Act of 1993. Nothing in this guideline is intended to provide an employee with rights beyond those in FMLA. This information is provided as a summary of the provisions of FMLA.

What is FMLA?

The Family and Medical Leave Act of 1993 ("the Act") requires that employers provide up to 12 work weeks of unpaid leave during any 12-month period for employees for the following purposes:

- The birth of the employee's child;
- The placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, or parent of the employee who has a serious health condition;
- The existence of a serious health condition rendering the employee unable to perform the

functions of his/her position.

Employees may request one or more leaves under this Policy; however, the total amount of leave taken cannot exceed twelve workweeks in any rolling twelve-month period. Employees may request an intermittent leave or reduced schedule leave to care for a seriously ill family member or if the employee has a serious health condition that warrants such a request.

Eligibility

To be eligible for such leave, an employee must have been employed by the **Township** for at least 12 months and have worked for at least 1,250 hours during the previous 12-month period. Employees must also submit a physician certification to support the request for leave of absence. If the **Township** has reason to doubt the validity of the certification, the **Township** may require, at the expense of the **Township**, the opinion of a second health care provider designated or approved by the **Township** (but not regularly employed by the **Township**). If it becomes necessary to resolve a conflict between the original and the second opinion, the **Township** may require the opinion of a third doctor (again, at the expense of the **Township**). This third opinion will be considered final.

Family Leave

An eligible employee may take up to 12 workweeks of unpaid leave during any rolling 12-month period because of the birth of the employee's son or daughter and to care for that son or daughter, or because of the placement of a son or daughter with the employee for adoption or foster care. The right to such leave applies equally to both male and female employees. Leave taken for the birth or placement of a child must be taken within one year of the date of birth or placement.

Family Medical Leave

An eligible employee may take up to 12 workweeks of unpaid leave during any rolling 12-month period to care for the employee's spouse, son, daughter, or parent, if that family member has a serious health condition, or because of the employee's own serious health condition.

Restoration to Prior Position

Upon returning from leave, an employee will be restored to the position the employee held when the leave began, or to an equivalent position, with equivalent employment benefits, pay, and other terms and conditions of employment.

A written release from the employee's physician is required before employment can be resumed. If an employee does not return to work on the date provided, employment may be terminated.

Benefits

The taking of leave by an employee will not result in the loss of any employment benefits accrued before the date that the leave started. Moreover, the **Township** will maintain coverage under any

group health plan for the duration of the leave, at the level and under conditions that coverage would have been provided if the employee would have been working and had not taken leave. Employees may choose to discontinue any voluntary deductions during the leave. Leave taken under the Act does not constitute a qualifying event triggering continuation of health benefit provisions under COBRA. But a qualifying event triggering COBRA coverage may occur when it becomes known that an employee is not returning to employment and ceases to be entitled to leave under the Act.

An employee on unpaid FMLA must make arrangements to otherwise pay any insurance premiums for which the employee is responsible.

The employee will be required to pay back the portion of the **Township's** health insurance premiums during an unpaid family or medical leave under the FMLA if the employee does not return to work unless the reason is due to:

1. The continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave under FMLA or
2. Other circumstances beyond the employee's control

FMLA Leave

An employee must substitute the employee's accrued vacation, sick or compensatory leave for any part of the twelve (12) week leave taken under FMLA.

When FMLA leave is used concurrently with a short or long-term disability benefits policy or with Workers' Compensation, the leave policies for those programs shall override the requirement of this policy for employees to exhaust all of their accrued leave.

Paid leave and FMLA leave run concurrently.

If the employee does not have enough accrued leave time to cover the absence, the remainder of the FMLA leave will be unpaid.

ARTICLE VIII - COMPENSATORY TIME

8.1 Non-Exempt Employees

Non-exempt employees of **Plain Township** may be entitled to compensatory time (accrued at 1.5 hours in excess of 40 hours in a work week), instead of paid overtime. The **Board of Trustees** may, from time to time, establish the use of compensatory time for individual departments if the situation necessitates such a policy.

8.2 Compensation Time for Exempt Employees

Exempt Employees do not accrue compensatory time at 1.5 hours for each hour of overtime worked; they will accrue one hour of comp time for actual hours worked over 40 in a workweek.

8.3 Use of Compensatory Time

Before comp time is used, the employee will complete a request form in the same manner as requesting vacation, etc. Comp time may be split if the employee desires, e.g. if an employee earns five hours overtime, he may choose to be paid for 2.5 hours and add the remaining 2.5 hours to comp time earned.

8.4 Maximum Accrual

Employees may accrue up to 240 hours of compensatory time. Compensatory time over 240 hours will be paid once a year in December.

ARTICLE IX - BENEFITS & INSURANCE

9.1 Worker's Compensation

All **Township** employees are protected by the all laws and requirements as outlined under Ohio Workers' Compensation laws governing certain injuries and illnesses that occur in the course and scope of employment.

When the **Township** receives written notification of a claim from BWC, the **Township** will notify the BWC representative and the Third Party Administrator that the claim may be held for further review. During the review process, the **Township** will pay the employee's current hourly wage as wage continuation up to twelve weeks. After twelve weeks, the claim will be evaluated to decide whether the employee will continue to receive the current hourly wage. If current hourly wages are discontinued after twelve weeks, the injured worker may be entitled to compensation payments by the BWC.

If you have an injury:

It is very important to notify the contact person(s) in your department when an injury occurs. Notification in the beginning will allow us to keep the claim process moving smoothly.

The designated Battalion Chief is the contact person for the Fire Department. The township administrative assistant is the contact person for the Township Offices and Maintenance Department.

- Immediately notify your supervisor. Complete the BWC First Report of Injury Form (FROI) with your employer as soon as possible and fax immediately to CareWorks at 1-888-711-9284. Also complete internal accident report.
- If you are unable to notify your employer at the time of injury, call CareWorks at 1-888-527-7588 toll-free to report the details of your injury.
- Your claim reporting information will be sent to the Ohio Bureau of Workers' Compensation within 24 hours by CareWorks.
- To ensure payment on allowed claims, ***a medical provider in the CareWorks network and/or a BWC-certified provider must provide all treatment after the initial treatment.***
- BWC will send a written notice to the **Township** after a claim number and representative have been assigned to the claim.
- Upon receipt of the written notification, immediately call Frank Gates and BWC to let them know the claim may be held for further review.
- Notify the Department head that the written notification has been received. The Department Head, Administrator and **Trustees** will review the claim.

Transitional Work Program-Statement of Policy

The transitional work policy allows injured workers who are on restrictions due to a workplace injury to return to work before they are able to return to their normally assigned duty at full capacity. Only work related injuries would be considered for this program. The contact person(s) listed above will provide further information to get you started in the program.

9.2 Insurance

Regular full-time employees are covered by the health insurance program paid for by **Plain Township**, unless the employee accepts the option to not be covered because of coverage under another policy. This includes:

- Group medical insurance for employee and dependents: Hospitalization and Major Medical with full miscellaneous.
- Life Insurance.
- Dental and vision Insurance.

Upon retirement, resignation, termination with cause or death of the employee, federal C.O.B.R.A. provides that the employee or the employee's estate has the option to pay for health benefits for up to eighteen (18) months and in some cases thirty-six (36) months.

For a complete description of insurance benefits, please contact the appropriate insurance provider.

9.2.1 Insurance Option

Eligible full-time Plain Township employees are offered 25% of cost of the current Township medical insurance premium if they decide to waive medical coverage offered by the Township. They must provide proof of coverage with another medical plan (i.e., spouse's plan). Only medical coverage will be waived, not dental, life or vision coverage.

9.3 Hospitalization

For employees who have **Township** medical coverage, The **Township** will pay the employee's portion of health insurance premiums (who are covered under Township health insurance) for a maximum of six months from the time the employee is no longer working a regular schedule because of hospitalization. After the six months period, it will be up to the **Board of Trustees'** discretion whether to continue to pay the employee's health benefits.

9.4 Uniform Allowances

The **Township** may furnish uniforms to **Township** employees as designated by the **Administrator/Board of Trustees**. These uniforms and all other items issued by the **Township** remain the property of the **Township** and must be returned when the employee leaves the **Township's** employment

9.5 Travel Expenses

Travel expenses and registration fees for continuing education and development must be authorized in advance by the Department Head. The Department Head may approve fees and necessary expenses incurred while attending schools of instruction, conferences or conventions of nature relating to the art and science of their particular employment.

Travel expenses for general travel in a personal vehicle on behalf of the township will be reimbursed at the current IRS mileage rate.

Lodging and meals required for travel outside of Franklin County and contiguous counties may be reimbursed up to \$56 per day, or the adjusted per diem allowance per locality according to the US General Services Administration, whichever is greater. Alcohol purchases will not be reimbursed. Reasonable tips up to 20% may be reimbursed. Out of state travel must be approved by the **Board of Trustees** in advance.

Full-time employees will be reimbursed for registration fees and necessary expenses paid out of pocket and approved in advance by the Department Head. If township employees use their private automobile in the conduct of official business, they shall be compensated at the rate determined by the **Board of Trustees**. Employees traveling to the same location should car pool or travel together in a township vehicle as approved by the Department Head.

Township employees are required to provide itemized receipts for travel expenses, and the Township Fiscal Officer is hereby authorized and directed to reimburse employees for itemized travel expenses in accordance with the above policies.

9.6 Tuition Expenses

The Plain Township **Board of Trustees** may reimburse tuition for coursework or degrees related to an employee's employment with Plain Township. Permanent, full-time employees of Plain Township who have completed their probationary period are eligible for tuition reimbursement. Tuition reimbursement is not guaranteed and depends on the financial condition of the **Township**. Eligible employees shall submit an application for reimbursement and prior approval of the **Board of Trustees** is required. Only courses for which the employee obtains a passing grade of "C" or better may be reimbursed. Only tuition expenses, including instruction costs and lab fees, may be reimbursed.

Tuition reimbursement is limited to the maximum allowed per employee per calendar year by IRS regulations as a tax-free education assistance benefit. Any employee participating in the tuition reimbursement program who resigns or retires or is discharged for cause must repay to Plain Township the tuition reimbursement according to the following schedule: If the employee resigns, retires or is terminated for cause less than 12 months following the date of reimbursement, the employee must repay 100% of the tuition reimbursement; if the employee separates 12 to 24 months following the date of reimbursement, the employee must repay 50% of the tuition

reimbursement; If the employee separates more than 24 months following the date of reimbursement, no repayment is required.

ARTICLE X - EMPLOYEE EVALUATION SYSTEM

10.1 Evaluations

Each employee will receive a performance evaluation at least once every year. Evaluations may take into consideration merit, fitness, longevity, responsibilities of the position as described in the job description, and any other factors in the judgment of the department head or **Township Administrator** which may be pertinent in determining individual advancements and compensation. The evaluation will be on a standardized form and will be placed permanently in each employee's personnel file.

All evaluations shall be shown to the employee being rated and discussed thoroughly with him or her. **At the conclusion of the discussion, the employee will be asked to sign the evaluation form.** Signing does not mean agreement. Employees will be given ten (10) working days to respond in writing to the evaluation if desired.

Advancement in rates of compensation ordinarily shall be to the next higher step where applicable, but may be made to any higher step at the **Board of Trustees'** discretion. In addition to the steps set forth in this Article, the **Board of Trustees** may set intermediate steps and rates of pay applicable hereto. **This article does not apply to seasonal or part-time employees.** The pay plan consists of the pay schedule and the authorized positions list. Pay increases are not guaranteed and may depend on budgetary needs in addition to the considerations listed above.

10.2 Performance Ratings

Performance ratings shall be considered in determining wage increases and decreases within the fixed limits of the compensation plan, as a factor in determining order of layoff, and as a factor in determining the demotion or dismissal of an employee. A satisfactory performance review does not guarantee a raise or wage increase.

10.3 Personnel Status Change Forms

The **Board of Trustees** shall prescribe the necessary forms to report all personnel changes in the **Township** service, which shall be used by all appointing officers and supervisors.

ARTICLE XI - SICK LEAVE PAY OUT

11.1 Sick Leave Payout

Upon separation of employment, Plain Township employees will be paid in a lump sum for any accrued but unused sick leave up to a maximum of 240 hours. This equals 30 eight-hour days or 10 twenty-four hour days depending on whether the employee is a fire-fighter or hourly employee. In order to be eligible for the 240 hours of sick time buy back, the employee must have used less than 50% of his/her sick days earned in the last two years.

ARTICLE XII – SEPARATION OF EMPLOYMENT

12.1 Notice

Employees who resign their employment should give a minimum of two weeks' notice in writing prior to the effective date of the resignation.

12.2 Procedure

At the time an employee resigns, for whatever reason, the following steps must be taken:

- 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. Turn in uniforms, credit cards, tools, building keys, keys to township offices and/or any other **Township** property to his or her immediate supervisor/administrator. A receipt will be issued to the employee for all property returned. Where permitted by applicable laws, the employer may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. Plain Township may also take all action deemed appropriate to recover or protect its property
- Advise the **Fiscal Officer** as to the type of action desired with regard to employee's retirement plan.

12.3 Exit Interview

The purpose of an exit interview is to help the organization understand why a person is leaving, to understand how it is perceived by employees who voluntarily leave, to identify where some improvements can be made, to collect information that could help improve working conditions, and can also be used to address any outstanding but routine matters such as return of property, status of projects, etc. An exit interview process also offers closure and is both healthy and productive prior to an employee's departure.

The exit interview can be conducted by the immediate supervisor, department head or personnel officer. Exit interviews are voluntary for the employee. The employee may request another person to be present. We request that answers be honest and frank, however, we cannot guarantee confidentiality of the information provided in light of the Public Records Law. The interviewer will prepare a final report detailing the exit interview that will be used by management to evaluate both positive and negative trends. The exit interview notes will be maintained in a separate file from the employee's personnel folder.

Questions for the exit interview include but are not limited to the following:

1) Please list in rank order how important the following factors (if applicable) were in your decision to leave employment with Plain Township.

_____ Compensation

_____ Benefits

_____ Flexibility

- _____ Organizational Culture/Environment
- _____ Working Conditions
- _____ Philosophical Differences
- _____ Management Style
- _____ Fair Treatment/Respect
- _____ Upward Mobility

- 2) Did you find the projects on which you worked interesting and/or challenging?
- 3) Do you think your skills were well used?
- 4) Is there anything you wish you had known before you took the job?
- 5) What did you enjoy the most about working in this particular department?
- 6) What was the most rewarding aspect of your job?
- 7) What did you like least about your job?
- 8) What knowledge, skills, abilities, qualities, or attributes have you found to be the most critical for successful performance of your position's duties? Which of these should we focus on the most in selecting your replacement, if applicable?
- 9) What changes would you recommend to improve your department's efficiency?
- 10) What suggestions or feedback can you share that would make our organization stronger and more successful?
- 11) If you could describe your general attitude about your job satisfaction, which of the following would best reflect your feelings? Very Satisfied, Satisfied, Somewhat Satisfied, Dissatisfied
- 12) If you were leading your department, what would you do differently?
- 13) If you were leading the Township, what would you do differently?
- 14) Do you have any suggestions to improve employee service to the Township, management relationship with employees, or service to the public?
- 15) Is there anything that could have kept you from resigning?
- 16) What advice would you give to the employee who we will be hiring to replace you in your position (if applicable)?
- 17) What employee benefits did you most appreciate?
- 18) Is there anything else you would like to add that we haven't discussed?

ARTICLE XIII - PERSONNEL FILES & RECORDS

13.1 Pertinent Information

The **Board of Trustees** shall create, or cause to be created, a personnel file for each employee of the **Township**. Such a file shall include the original application and the notice of appointment in addition to other information that may be pertinent. Personnel files are maintained by the **Township Fiscal Officer's Office**.

13.2 Accessing Files

Access to the personnel files shall be in accordance to the Ohio law regarding public records. Access to personnel files will generally be limited to the **Administrator, Board of Trustees and Fiscal Officer** and those individuals who have the permission of the **Administrator, Board of Trustees and Fiscal Officer** to have access to the personnel files.

13.3 Updating Files

It is the responsibility of the employee to update any personal information, including a change in address. 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 shall notify the **Township Fiscal Officer** of any changes in marital status or dependents as they may relate to insurance coverage.

ARTICLE XIV - POSITION DESCRIPTION AND POSITION CLASSIFICATION PLAN

14.1 Explanation

Position Classification is a system of identifying and describing the different kinds of work in an organization and then grouping positions together with respect to nature of work, level of difficulty, responsibility, and training and experience. Position Descriptions will be used in developing the Classification Plan. Position Descriptions are a vital component of the Classification Plan A Position Description may include, but is not limited to, the following information: job title, listing of essential functions, and an outline of all required and preferred job related knowledge, skills and abilities. Upon appointment, an employee of **Plain Township** will be provided a position description that details the duties, expectations and physical characteristics of the position.

Evaluations may take into consideration merit, fitness, longevity, change in responsibilities of the position, and any other factors in the judgment of the **Board of Trustees** or **Administrator** which may be pertinent in determining individual advancements and compensation. The evaluation will be on a standardized form and will be placed permanently in each employee's personnel file. All evaluations shall be shown to the employee being rated and discussed thoroughly with him or her. At the conclusion of the discussion, the employee will be asked to sign the evaluation form. Signing does not mean agreement. Employees will be given ten (10) working days to respond in writing to the evaluation if desired. Evaluations will be done at the end of the probationary period and annually.

The **Board of Trustees** may from time to time adopt a pay scale with pay steps for a class or classes of position within the township. Advancement in rates of compensation ordinarily shall be to the next higher step, but may be made to any higher step at the Board of Trustees' discretion.

14.2 Maintenance of Plan

The **Administrator and/or Board of Trustees** shall work to ensure that the position classification plan is maintained and updated as necessary.

14.3 Interpretation of Class and Position Specifications

The class and position specifications are descriptive and not restrictive. The use of a particular description as to duties, qualifications, or other factors shall not be held to exclude others of a similar kind or quality. They are intended to indicate the kinds of positions that shall be allocated to the classes established.

14.4 Official Copy of the Position Classification Plan

The **Administrator and/or Board of Trustees** shall be responsible for maintaining an official copy of the position classification plan. The official copy shall include a list of class titles and class specifications plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

ARTICLE XV - SPECIFIC RULES AND REGULATIONS

15.1 Attendance Policy

Employees are required to be present for work according to their approved work scheduled unless otherwise provided herein. Plain Township defines an absence as failure to report for and remain at work as scheduled; this includes late arrival at work and leaving early.

15.2 Ohio Ethics Law

All employees of the **Township** are governed by Chapter 102 of the Ohio Revised Code. It is the responsibility of all employees of the **Township** to familiarize themselves with the Ohio Ethics Law and related statutes. All new employees will be provided with a copy of the Ohio Ethics Laws.

15.3 Character and Workplace Behavior

Each employee should be especially careful that they do not engage in gossip, half-truths, or the release of confidential information pertaining to the **Township** or its operations, employees, customers or residents. The close association of the business and home lives of people in the community makes it necessary that employees use the utmost consideration and good judgment when speaking to others about their work and daily contact.

15.4 Personal Appearance Policy

Each employee's dress, grooming, and personal hygiene should be appropriate to the work situation. All employees are expected at all times to present a professional, business-like image to the public and co-workers. Business casual attire is appropriate in most situations. Hair should be clean, combed, and neatly trimmed or styled. Sideburns, mustaches, and beards should be neatly trimmed.

Although individuality and personal expression is recognized, the **Township's** goal is to provide professional, efficient and courteous service to the public. For that reason, body piercing (other than minimal numbers of earrings), tattoos on the face, head, neck, or hands (with the exception of a wedding band tattoo), and extreme or unusual hair colorings will not be permitted to be revealed in the workplace. Visible tattoos may not include obscene, offensive, extremist, or gang related images or language.

Fire Department personnel shall comply with standard operating guidelines addressing appearance and apparel that are adopted by the Fire Chief.

15.5 Punctuality - Fire Department

All employees are responsible to the **Township** and to other employees for promptness in reporting for duty. Administrative, fiscal and maintenance personnel shall report for duty on time according to their approved work schedule. Fire Department personnel shall report for duty as scheduled in accordance with standard operating guidelines adopted by the Fire Chief.

Below is the suggested progressive discipline for late arrival, although the **Board of Trustees** may initiate alternative discipline, including the progressive discipline policy or any other discipline it deems appropriate. Dismissal is subject to ORC § 505.38. All unexcused late to work occurrences will be disciplined as follows (except for employees whose tardiness relates to an approved FMLA condition for intermittent leave or recognized ADA accommodation). A 12-month period begins with the date of the first late occurrence.

- *First late arrival per 12-month period - verbal reprimand by the employee's Immediate Supervisor.
- Second late arrival in the same 12-month period - written reprimand by the Department Head.
- Third late arrival in the same 12-month period - written reprimand by the Department Head, report of this reprimand to the **Board of Trustees** and a suspension without pay of 24 hours.
- Fourth late arrival in the same 12 month period – employee will forfeit three days of pay and receive a final written reprimand.
- Fifth late arrival in the same 12-month period – automatic dismissal from the department.

15.6 No Show for Duty - Fire Department Personnel

All employees shall promptly report for duty on their scheduled shift day at the scheduled time, including overtime and trades. Allowances may be made for part-time employees coming from another job if prior arrangements have been made with their supervisor.

If an employee is not present at Roll Call or shift change without prior notification and/or approval (vacation, trade, etc.), the Lieutenant/FFIC will call their home and page them if they have a pager. If there is no reply within two (2) hours of the scheduled start time, the employee will be considered a no show. The Lieutenant/FFIC will then find a proper replacement for the absent employee.

When an employee does reply, they will have no more than two (2) hours from the time of their reply to report for duty or they will be considered a no-show. Employees reporting for duty within this 2-hour time limit will instead be disciplined as late for duty.

Below is the suggested progressive discipline for no-show, although the **Board of Trustees** may initiate alternative discipline, including the progressive discipline policy or any other discipline it deems appropriate. Dismissal is subject to ORC § 505.38. A 12-month period begins with the date of the first no-show. First no-show per 12-month period - 24 hours off without pay

- Second no-show per 12-month period - 30 calendar **days suspension** without pay
- Third no-show per 12-month period automatic dismissal from the department.

The first day of the first offense is considered day one of a five-year period. At the end of the fifth year it will be removed from the employee's permanent record.

15.7 Bonds

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

15.8 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.

15.9 Acceptance of Gifts and Gratuities

An employee may not accept gifts, gratuities, or loans from organizations, business concerns, or individuals that currently or propose to conduct official business with the **Township**. These limitations are not intended to prohibit employees from accepting articles of nominal value, which are widely distributed to the general public, nor from accepting social courtesies that promote good public relations. It is particularly important that **Township** employees guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. The securing of a loan by an employee from a financial institution doing business with the **Township** does not constitute a conflict of interest.

15.10 Smoking Policy

Effective immediately, **Plain Township** will be tobacco free. There will be no smoking or any by-products of smokeless tobacco inside **Township** buildings or **Township** vehicles.

Smoking and smokeless tobacco products will be permitted outside **Township** buildings in designated areas. All by-products of smokeless tobacco must be disposed of in proper containers. All cigar and cigarette butts will be disposed of in a container designated for such.

Plain Township's major medical coverage includes coverage for over-the-counter smoking cessation aids with a physician's prescription and includes coverage for smoking cessation programs.

15.11 Political Activity

An employee may not use the employee's official authority or influence for the purpose of interfering with an election or nomination to office.

An employee may not use the employee's official authority or influence to campaign on behalf of or in opposition to a candidate for office or issue.

An employee may on their own time, when off-duty, as a private citizen campaign on behalf of or in opposition to a candidate for office or issue.

Employee's may join or affiliate with civic organizations of a partisan or political nature, give

financial contributions to political candidates and organizations, circulate petitions on legislation relating to their employment, attend political meetings, and advocate or support the principles or policies of civic or political organizations.

Run for a political office that does not conflict with the employee's position and duties with **Plain Township**, according to the Compatibility of Public Offices Index published by the Ohio Attorney General or otherwise determined by the **Board of Trustees**.

15.12 Outside Employment

Full-time employees may not carry on, concurrently with their **Township** employment, any private business or undertaking, the attention to which affects their working hours or the quality of their **Township** work. Further, the performance of outside work of full-time employees should be reported to the **Department Head** or **Board of Trustees** for approval to ensure that no conflict of interest may arise.

15.13 Public Relations – Open Records Act

Employees shall conduct their activities and actions, both on and off the job, so as to improve relations between the **Township** and the public. In every contact, whether it is in the nature of trouble, service complaint, or request for information, the employee represents the **Township**. The employees' manners and attitudes toward the residents, as well as their competence in handling matters, are the basis for good public relations. The **Township** will meet all open records requirements according to the **Township's** public records policy.

15.14 Use of Township Equipment

The use of **Township** equipment, uniforms, or supplies for personal business or private use is strictly prohibited without prior permission of the **Department Head**. Personal use of **Township** equipment is discouraged, and any permitted use must comply with the terms of the Department Head. Violators are subject to disciplinary action upon misuse of **Township** equipment including, but not limited to, automobiles, trucks, tools, uniforms, and supplies.

15.15 Technology Use Policy

Employees utilizing Township computers, internet and email shall follow the guidelines outlined below. These guidelines have been put in place to ensure the integrity of the **Township's** network of computers and to maintain the highest levels of professionalism.

Computer Use

All **Township** computer resources, including but not limited to, equipment/hardware, software, documentation, and data are to be used primarily for **Township** business. Limited personal use of **Township** computers is permitted, provided that such use does not violate any provision of this Employee Manual, and provided further that such use does not interfere with the employee's performance of work-related duties or negatively impact the employee's productivity. Any use of **Township** computer resources for personal use, which would result in any charge accruing to the

Township is strictly prohibited. An employee's ability to utilize **Township** computer resources for limited personal use may be revoked by the **Board of Trustees** at any time, and will be revoked if abused.

Privacy

The privacy of **Township** files and systems must be respected and guarded. The **Township** retains the right, at the direction of the **Board of Trustees**, to review, audit, and monitor all directories, files, and emails, and to monitor internet activity. Employees should have no expectation of privacy in their use of **Township** computers and related equipment. The **Township** will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through the **Township** system.

Notwithstanding the **Township's** right to review, audit, and monitor all email messages such messages should be treated as confidential by other employees and accessed only by their intended recipient, absent specific authorization by the Board. No employee shall utilize any password(s) not on file with the Fiscal Officer.

Security

Each employee is responsible for the employee's individual account and shall take all reasonable precautions to prevent others from being able to access that account. Under no conditions shall an employee provide the employee's password(s) to any other person. No employee shall attempt to access another employee's account, without the express authorization of the Board. Employees shall immediately notify the system administrator and the Fiscal Officer in the event they identify a potential security risk.

Email and Internet

Employees will be held accountable for their use and misuse of the internet and email. Email sent and received on township email accounts is subject to disclosure under Ohio public records laws. The following guidelines shall be followed by employees utilizing email and accessing the internet via Township computer resources:

- Township email is intended to be used for **Township** business purposes only;
- Email shall not be used for operating a business for personal gain, sending chain letters, or soliciting money for religious or political causes;
- Email shall not contain offensive or harassing statements, including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious, or political beliefs;
- Email shall not contain incendiary statements which might incite violence or describe or promote the use of weapons or devices associated with terrorist activities;

- Email shall not be used to send or solicit, nor shall the internet be used to access or download, sexually explicit messages or images;
- Email shall not be used to disseminate or print copyrighted materials (including articles and software) in violation of copyright laws;
- Due to the threat posed by computer viruses, employees shall not download any email attachments or anything from a website that they are not convinced is safe; and
- Employees shall not utilize email or the internet to commit any illegal act or engage in any illegal activity.

15.16 Mobile Device Acceptable Use Policy

Purpose

The main purpose of this policy is to establish guidelines of acceptable use for **Plain Township** employees who have been provided a cell phone, smartphone, tablet, laptop or other mobile computing devices.

Use of Mobile Devices

Mobile devices are provided for business use, safety purposes and emergency contacts and should not disrupt daily business operations.

Employees must safeguard township provided mobile devices. Loss of township provided mobile devices shall be reported to the employee's supervisor immediately.

Personal Use

Township provided mobile devices are provided for business use and shall normally not be utilized for excessive personal use. Personal use shall be kept to a minimum and shall not adversely affect the employee's work performance.

Responsibilities

Department Heads and Supervisors are responsible for ensuring that employees' personal use is limited and does not interfere with their work. Department Heads and Supervisors will regularly monitor the monthly billing statements and follow up on unexpected charges and frequency. They will contact the employee, discuss frequently called telephone numbers and phone numbers that seem to be of a personal nature. Department Heads and Supervisors will direct reimbursement of charges.

Discipline

Excessive use of Township provided mobile devices, such as making or receiving personal calls or conducting business related to outside employment, may result in disciplinary action including

termination.

Text, SMS and MMS messages sent and received on township provided cell phones, as well as any record of calls on township-provided cell phones, can be reviewed and should not be considered private.

15.17 Safety

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

In the event that an employee feels that an unsafe and/or hazardous condition exists within the workplace or if any employee is injured during the course of his or her employment, he or she shall be required to report such a condition to his or her immediate supervisor.

To provide a safe and healthful work environment for employees, customers and visitors, Plain Township has established a workplace safety policy. This policy is a top priority for the Township. The Township has the responsibility for implementing, administering, monitoring, and evaluating the safety policy. Its success depends on the alertness and personal commitment of all.

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

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. The extent and type of training will depend upon the position of each employee.

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

In the case of accidents, regardless of how insignificant the injury or damages may appear, employees must immediately (within 24 hours) notify the appropriate supervisor. A written report shall be submitted within a reasonable time. For work-related personal injury, Form BWC-1101, First Report of Injury, Occupational Disease or Death, must be completed by the injured employee, and returned to the designated employee for certification no later than 48 hours following the time of injury. Such reports are necessary to comply with laws and initiate insurance and workers'

compensation benefits procedures.

The **Township** intends to make everyone's job safe in all respects and requires employees to report any hazardous conditions at once to their immediate supervisor or the **Board of Trustees**. The following is a list of general safety rules and regulations. Additional safety operating procedures for specific work may be provided in an employee Safety Document.

- Learn the right way to do your job. Never hesitate to ask questions about things you do not understand, especially on new jobs.
- Use and maintain in safe condition the correct equipment and tools for your work.
- Observe the recommended work procedures developed for your job.
- Keep your work area in good order. Cluttered floors, aisles, storage, and work areas all make your job more difficult as well as more dangerous.
- Always work at a safe speed. Never hurry foolishly, such as running in aisles or down stairs, taking short cuts through dangerous areas, or trying to speed up by removing machine guards.
- Avoid horseplay and practical jokes.
- Call your supervisor's attention to any unsafe conditions. Make suggestions when you feel they will improve the safety or performance of an operation.
- If you are injured, report promptly for first aid treatment. Even minor cuts and scratches can become infected unless proper care is taken.
- Learn first aid. Encourage your fellow workers to have a working knowledge of it.
- Respect moving machinery and equipment, electricity, ice on walks and excavated areas. Never operate equipment with guards removed.
- Wear protective equipment where appropriate.

15.17.1 Concealed Carry Law

Unless otherwise authorized by law, pursuant to the Ohio Revised Code, and in compliance with city ordinances within the City of New Albany and any other applicable local law, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordinance onto **Plain Township** premises.

15.18 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.

15.19 Appointment of Relatives

The **Board of Trustees** reserves the right to make decisions concerning the hiring of relatives on a case-by-case basis.

ARTICLE XVI – PUBLIC RECORDS POLICY

To be updated as needed to match the Public records policy

16.1 Public Records Policy

Introduction:

It is the policy of Plain Township that openness leads to a better-informed citizenry, which leads to more transparent government and sound public policy. It is our policy to strictly adhere to the state's Public Records Act as well as other state and federal laws.

Ohio's Public Records Act imposes two primary obligations upon public offices:

1. Provide prompt inspection of public records (R.C. 149.43(B)(1)); and
2. Provide copies of public records within a reasonable period of time (R.C. 149.43(B)(2)).

The Public Records Act evolved from the principle that Ohio's citizens are entitled to access the records of their government. We agree that to advance that principle, the Public Records Act should be interpreted liberally in favor of disclosure.

Section 1.0 Public records

Under Ohio law, a public office may only create records that are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities. (R.C. 149.40).

In accordance with the Ohio Revised Code and court rulings, "records" are defined as those items that meet all of the following:

1. Any document, device, or item, regardless of physical form or characteristic, including an electronic record (which includes but is not limited to e-mail or other record created, generated, sent, communicated, received, or stored by electronic means);
2. that is created or received by, or coming under the jurisdiction of a public office; and
3. that documents the organization, functions, policies, decisions, procedures, Operations, or other activities of the office. (R.C. § 149.011(G)).

The determination of whether a specific item constitutes a "record" will depend on the facts and circumstances surrounding the particular item requested. The Ohio Supreme Court has imposed an actual use standard in defining a "record," which means that an item is not automatically a "record" simply because the public office could (but did not) use a document it received to carry out

its duties and responsibilities.

Furthermore, a public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.

Section 1.1

It is the policy of Plain Township, Franklin County that, as required by Ohio law, records will be organized and maintained so that they are made available for inspection to any person at all reasonable times during regular business hours. (R.C. 149.43(B)(1)).

Copies will be made available upon request within a reasonable period of time. (R.C. 149.43(B)(1)).

A current record retention schedule will be readily available to the public upon request. (R.C. 149.43(B)(2)).

Section 1.2

Not all of Plain Township's records are "public records." Certain records are exempt from the Public Records Act. Exempt records include records: (1) the release of which is prohibited by state or federal law, or 2) that are subject to an express exception set forth in Ohio's Public Records Act, which may be released only if Plain Township decides to waive the express exception.

Examples of records, the release of which is prohibited by state or federal law, include, but are not limited to, the following:

Attorney-client privileged information;

Records of a Certified Public Accountant or public accountant in the performance of an audit of a public office (R.C. 4701.19(B));

Federal tax returns (26 U.S.C. 6103(a));

Criminal background information and other law enforcement information on the LEADS/CCH/NCIC computer database (42 U.S.C. 3789g);

Records that have been sealed pursuant to a statutorily authorized court order (i.e. R.C. 2953.52);

Peace officer's home address during the pendency of a criminal case in which the officer is a witness or arresting officer (R.C. 2921.24(A)); and

Employees' and their family members records that were created for purposes of the Family Medical Leave Act or the Americans with Disabilities Act (29 CFR 825.500(g) and 1630.14(c)(1)).

Examples of records that are subject to an express exception set forth in Ohio's Public Records Act, which may be released only if Plain Township decides to waive the express exception include, but are not limited to, the following:

Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, Children's services worker, or corrections officer, Residential and Familial Information (R.C. 149.43(A)(7));

Records that pertain to a patient's medical history, diagnosis, prognosis, or medical condition and that were general and maintained in the process of medical treatment (R.C. 149.43(A)(1)(a));

Records that contain information that was specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding (R.C. 149.43(A)(1)(g)); and

Records that pertain to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature and that, if released, would create a high probability of disclosing any of the following (1) the identity of an uncharged suspect, (2) the identity of a confidential source, (3) specific confidential investigatory techniques or procedures; (4) specific investigative work product; or (5) information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential source (R.C. 149.43(A)(2)).

The exemptions to the Public Records Act will be narrowly construed by this office in the favor of disclosure. This office may seek a legal review prior to determining whether or not an exception applies.

Section 2.0 Record requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow this office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that this office cannot reasonably identify what public records are being requested, then this office may deny the request. In such case, this office will provide the requester with an opportunity to revise the request by informing him/her of the manner in which records are maintained by the office and accessed in the ordinary course of this office's duties. (R.C. 149.43(B)(2)).

Section 2.2

The requester does not have to put a records request in writing, and does not have to provide his/her identity or the intended use of the requested public record. However, the records custodian may ask for a written request and may ask for the requestor's identity and/or intended use of the information requested if (1) it would benefit the requestor by helping the public office identify, locate or deliver the records being sought, and (2) the requestor is informed that a written request and the requestor's identity and intended use of the information requested are not required. (R.C. 149.43(B)(5)).

Section 2.3

This office will permit a requester to choose to have the public record duplicated upon paper, upon the same medium, which this office keeps it, or upon any other medium which this office determines that it reasonably can be duplicated as an integral part of the normal operations of this office. This office is not required to allow the requester to make the copies of the public record. (R.C. 149.43(B)(6)).

Section 2.4

Public records should be available for inspection at all reasonable times during regular business hours. Public records should be made available for inspection promptly. (R.C. 149.43(B)(1)). To the extent that an office may operate 24-hours-a-day, the records of that office will be made available for inspection during normal administrative hours.

Copies of public records should be made available within a reasonable period of time. (R.C. 149.43(B)(1)).

The determination of the terms "prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 2.5

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), resolutions, budgets, etc.

Section 2.6

Upon request, this office will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this office deems reasonable. (R.C. 149.43(B)(7)).

This office will limit to ten the number of copies of public records provided per month to a requester by United States Mail, unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. (The word “commercial” should be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research). (R.C. 149.43(B)(7)).

Section 2.7

By Ohio law, this office is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation if the subject of the investigation or prosecution were an adult, unless the judge who imposed the sentence or made the adjudication with respect to the person, or the judge’s successor in office, finds that the information sought in the public record is necessary to support what appears to be a justifiable claim of the person. R.C. 149.43(B) (8).

Section 2.8

This office, in response to a written request made and signed by a journalist, which must include the journalist’s name and title and the name and address of the journalist’s employer and which states that the disclosure of the information sought would be in the public interest, will provide the address of the actual personal residence of anyone employed by this office as a peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children’s services worker, or corrections officer, and, if such employee’s spouse, former spouse, or child is employed by a public office, the name and address of that public office. (R.C. 149.43(B)(9)).

Section 2.8

Any denial of public records requested, in part or in whole, should include an explanation, including legal authority, as to why the request was denied. If the initial request was provided in writing, the explanation for denial will be provided to the requester in writing. (R.C. 149.43(B)(3)).

If portions of a record are public and portions are exempt, the exempt portions should be redacted and the rest released. If there are redactions, the office will notify the requester of any redaction or make the redaction plainly visible. Each redaction should be accompanied by a supporting explanation, including legal authority, as to why the redaction was made. (R.C. 149.43(B)(1) and (2)).

Section 2.9

This office has no duty to provide records acquired after a request for records is complete.

Section 3.0 Costs for Public Records

Those seeking public records should be charged only the actual cost of making copies, unless the

cost is otherwise set by statute. (R.C. 149.43(B)(1)). Employee time should not be calculated into the charge for copying a public record. However, in the event that circumstances make it reasonable for this office to hire an outside contractor to make copies of requested records, the requester will be charged the actual cost paid to the outside contractor for the copying service. (R.C. 149.43(F)(2)(a)). These circumstances may include but not be limited to a lack of in-house photocopying resources or labor. This office has no duty to provide copies of public records free of charge to someone who indicates an inability or unwillingness to pay for them.

Section 3.1

The charge for paper copies is [FIVE] cents per page.

Section 3.2

This office may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested. (R.C. 149.43(B)(6)).

Section 3.3

Upon request, this office will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this office deems reasonable. This office may require such a requester to pay in advance the cost of postage or costs incurred for other supplies used in the mailing, delivery, or transmission. (R.C. 149.43(B)(7)).

Section 3.4

There may be instances when this office may be able to provide copies made in-house without disrupting its normal functions, but only over an extended period of time. In that instance, this office may offer the requester the options of (1) having the documents produced through a faster method by employing temporary personnel and equipment, (2) using an external private contractor, or (3) having the documents produced in-house by this public office's normal staff and equipment in a less efficient and more time-consuming manner.

Section 4. Failure to respond to a public records request

This office recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, this office's failure to comply with a request may result in the requester commencing a mandamus action against this office in either the court of common pleas, in the court of appeals, or in the Supreme Court of Ohio. The court may order this office to comply with the Public Records Act, as well as order this office to pay statutory damages of one hundred dollars for each business day (beginning with the day the requester files the mandamus action) during which this public office failed to comply (up to a maximum of one thousand dollars), as well as court costs and the requester's reasonable attorney fees.

ARTICLE XVII – STATE AND FEDERAL LAW COMPLIANCE

17.1 Code of Ethics

In order to maintain the integrity of the offices and departments within Plain Township, as well as the confidence that the public has in them, it is essential that employees of Plain Township not use their positions for their personal gain. To achieve this goal, all employees must act in an ethical manner and avoid conflicts of interest in accordance with Ohio Law.

No employee shall use their official position for personal gain, participate directly or indirectly in any activity that is in conflict with their official duties, or disclose confidential information regarding the business of Plain Township to any private concern for their personal benefit.

Any employee found to be in violation of this Section shall be subject to immediate dismissal and/or criminal prosecution.

Any employee who has a question as to whether or not their actions or activities are in violation of this Section should direct such inquiry to their Supervisor, the Township Administrator, or the Plain Township Board of Trustees.

An employee may not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he or she has official relationships of business with the Township. These limitations are not intended to prohibit employees from accepting articles of negligible value, which are widely distributed to the general public, nor from accepting social courtesies, which promote good public relations. It is particularly important that Township employees guard against relationships, which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. The securing of a loan by an employee from a financial institution doing business with the Township does not constitute a conflict of interest. No employee of the Township is permitted to use his or her position with the Township for solicitation of personal gain of any kind. Examples of personal gain include such things as the acceptance of free merchandise, discounts, free admissions, tax-free purchases, etc.

17.2 Immigration Law Compliance

Plain Township will comply with applicable federal immigration laws. Towards that end, **Plain Township** requires all individuals to provide documentation (I-9 form) verifying their identity and legal right to work in the United States after an offer of employment is made and in no event more than three (3) business days after an individual reports to work.

17.3 Equal Employment Opportunity Statement

Plain Township is an Equal Opportunity Employer. It is the policy of **Plain Township** to provide equal employment opportunity to employees and candidates for employment; therefore, there shall be no discrimination against any employee or candidate for employment due to race, religion, color, national origin or ancestry, age, sex, disability or other unlawful bias.

This statement is applicable to the policies governing recruitment, placement, selection, promotion, training, transfer, rates of pay and all other terms and conditions of employment.

Compliance with this policy is the personal responsibility of all personnel, especially those whose duties are related to the hiring of new employees and the status or tenure of current employees. Further, as an Equal Opportunity Employer, **Plain Township** will cooperate fully in the implementation of applicable laws in accordance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, as well as similar Ohio laws and executive orders. A violation of this section by any person charged with the duty of appointing or promoting or grading any employee may subject that person to immediate dismissal.

Employment with **Plain Township is based strictly on the basis of merit and ability to perform without regard to race, color, sex, handicap, age, creed or national origin.** Job descriptions for each position are filed with the Township Administrator. These serve as a basis for recruitment and pre-employment interviews. Employment policies are subject to approval by the Board of Trustees. Any employee or prospective employee who feels discriminated against should immediately bring the matter to the attention of the Board of Trustees.

17.4 The Americans With Disabilities Act of 1990

The **Plain Township Board of Trustees** believes in the basic civil rights of all individuals and is committed to securing and protecting these rights as outlined within the Americans with Disabilities Act of 1990.

The **Plain Township Board of Trustees** shall not unlawfully discriminate in employment practices such as recruitment, employment, training, advertising, layoff, termination, upgrading, demotion, transfer, and rates of pay, benefits, and compensation. The qualifications and duties of each position shall be based upon essential functions of the position and shall not be discriminatory.

The **Plain Township Board of Trustees** shall make reasonable accommodations to the known physical and mental limitation of any otherwise qualified disabled applicant or employee unless it can be demonstrated that such accommodation would impose an undue hardship on the operation of the program.

Pursuant to the Americans with Disabilities Act of 1990, **Plain Township** has a complaint procedure to address potential accessibility concerns with Township facilities, services, employment, and programs. Any concerns with accessibility should be brought to the attention of your immediate supervisor or the **Plain Township Board of Trustees**.

17.5 Anti-Harassment Statement

Plain Township strives to maintain an environment where all employees will work free from harassment. The Township will not tolerate harassment of any type whether the behavior, comment, or conduct is from an employee or a visitor, vendor and/or customer of Township facilities. Any form of harassment is illegal and will not be tolerated.

Harassment includes, but is not limited to, any action that singles out an employee, to the

employee's detriment, for unsolicited racial, ethnic background, sex, age, religious, disability, veteran status, and/or racist, ethnic, religious, age or sexist comments and/or behavior.

Other forms of harassment include comments, jokes, epithets, gestures, physical contact, display or circulation of written materials, including e-mail, pictures or objects derogatory to any individual's race, color, religion, sex, national origin, age, disability, veteran status, or any other legally protected characteristic.

It is the responsibility of any employee who is subjected to harassment to inform his/her immediate supervisor, next higher supervisor, **Township Administrator**, or **Trustees** of the fact regarding such harassment so that appropriate corrective action may be taken.

All incidents of harassment will be taken seriously and investigated in an efficient and expeditious manner. The employee will be informed that an investigation of the alleged harassment will be conducted and that appropriate corrective action will be taken if warranted.

The employee will be informed that no retaliation will be taken or allowed against individuals who in good faith raise or report concerns and/or incidents of harassment. Plain Township will attempt to keep the identity of the reporting employee as confidential as possible, but cannot and will not guarantee such confidentiality. The Plain Township Board of Trustees reserves the right to take disciplinary action against an employee who has been determined to have filed a bad faith or frivolous complaint.

17.6 Sexual Harassment Statement

Plain Township has a strong commitment that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment. Sexual harassment is any unwelcome or unsolicited sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Sexual harassment is illegal and will not be tolerated; therefore, **Plain Township** will treat sexual harassment as any other form of serious employee misconduct. Conditions that constitute harassment on the basis of sex include any unwelcome sexual advances, requests for sexual favors, or other verbal or physical sexual conduct when:

- Submitting to such conduct is made a term or condition of employment;
- Submitting to or rejecting such conduct is used as the basis for employment decisions;
- or
- Such conduct creates an intimidating, hostile, or offensive work environment.

Inappropriate behavior and/or conduct, based on the above information, are strictly prohibited and performance of this behavior is grounds for disciplinary action up to and including dismissal for cause.

One area that creates the potential for sexual harassment is a romantic relationship between employees. Although there is no prohibition against such relationships, employees are strongly cautioned about the risks and ramifications commonly associated with such relationships. In the event that work performance or the work environment is negatively affected by a romantic relationship between employees, the Township reserves the right to take appropriate action including disciplinary measures, transfers, or reassignment. In no event will romantic activity be tolerated in the workplace. Any employee in a romantic relationship still has all protections provided by the Township's sexual harassment policy.

If any employee has experienced any form of sexual harassment, the employee shall follow the procedure below to report the incident:

- The employee shall immediately report the harassment to his/her immediate supervisor; however, the employee is expected to bypass the standard chain-of-command and should report to the next higher supervisor, **Township Administrator**, or **Trustees** when reporting allegations of sexual harassment, when the person to whom the employee would normally report is the person who allegedly committed the harassment;
- Co-worker to co-worker and non-employee harassment shall be reported to the immediate supervisor.

No management employee or other employee may retaliate or discriminate against any employee for filing a complaint in good faith. Anyone acting in such a manner will be subject to disciplinary action up to and including dismissal.

Each and every allegation will be taken seriously, investigated thoroughly and completely, and an appropriate course of action will be taken to resolve the situation in the most expeditious means possible by law, if warranted.

17.7 Violence Free Workplace

Plain Township will not tolerate threats or acts of workplace violence and we are committed to providing a safe and professional work environment. All employees are expected to treat co-workers, managers, elected officials and the public in a mature and professional manner. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect Township employees or which occur on Township property will not be tolerated.

Prohibited workplace violence consists of:

- All threats or acts of violence occurring on Township property, regardless of the relationship between the Township and the individual involved in the incident.
- All threats or acts of violence not occurring on Township property, but involving someone who is acting in the capacity as a representative of the Township.

- All threats or acts of violence not occurring on Township property, but involving an employee of the Township if the threats or acts of violence affect the legitimate interests of the Township.
- Any threats or acts of violence resulting in the conviction of an employee or agent of the Township, or of an individual performing services on the department's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the Township.

It is the responsibility of each employee to report incidents of threats or acts of physical violence of which he or she is aware to his/her immediate supervisor or the next higher supervisor. If a Township employee is the individual reporting the incident, the report should be addressed with the reporting individual's immediate supervisor, next higher supervisor, or Township Administrator.

Any employee involved in incidents involving threats or acts of physical violence may be subjected to disciplinary action, which may include termination, in accordance with the applicable law, rule, policy, procedure or collective bargaining agreement.

17.8 WORKPLACE SEARCHES

The **Plain Township Board of Trustees** is concerned with the safety and security of its workplace. To provide a safe, secure, and healthy workplace, from time-to-time, workplace searches may be necessary and will be conducted when probably cause and/or reasonable suspicion is present as part of an investigation of specific allegations, including but not limited to drug/alcohol use or possession at the workplace, illegal possession of weapons at the workplace, evidence of theft from the workplace, and abusing the use of Township property for personal purposes or outside ventures.

All **Plain Township** facilities, buildings, offices, furnishings, equipment and computers are property of the Township, and are provided to employees for their use in the conduct of Township business. The Township retains the right to search all buildings, offices, furnishings, equipment, computers, cell telephones and other items brought onto Township premises at any time, with or without notice or employee consent, including personal property employees may bring to work such as purses, briefcases, lunch boxes, backpacks, bags, etc. Employees who bring personal property onto company premises, or use company equipment or materials for personal purposes do so at their own peril and should not expect privacy.

In addition, any supervisory has the authority to inspect packages or other articles leaving the Township's premises in the possession of any employee if that employee is reasonably suspected of removing Township-owned property without permission. **Plain Township** maintains the right to cut and remove personal locks from Township-owned property at any time. **Plain Township** also reserves the right to review records of Township-owned telephone usage, including cellular telephones.

If during an investigation or search, information indicating the possible commission of a crime or other illegal violations is discovered, **Plain Township** personnel may disclose that information to law enforcement authorities or to other appropriate persons.

Employees refusing to cooperate in a work-related search or security investigation may be disciplined with penalties up to and including termination of employment.

ARTICLE XVIII – SOCIAL MEDIA USE POLICY

18.1 SOCIAL MEDIA USE POLICY

Plain Township does not seek to control, through this policy or otherwise, the purely personal online content posted by **Plain Township** staff members, when that content is posted during non-working time, is posted using the staff member's own equipment, is unrelated to and does not identify **Plain Township** or the staff member's position with **Plain Township**, and is not otherwise disruptive to **Plain Township's** mission.

However, the following rules apply to any online post by a **Plain Township** staff member that (a) occurs during working hours; (b) is posted using **Plain Township** equipment; or (c) identifies **Plain Township**, links to information about **Plain Township** or identifies the staff member's position with **Plain Township**. In the case of (c), these rules also apply to any subsequent posts by the staff member on the same forum (e.g., the same Facebook page, blog, etc.). In addition to being subject to the rules below, all such online activity (a, b and c) is subject to the same rules and guidelines that apply to **Plain Township** staff members' activities in general, including but not limited to **Plain Township's** Technology Use Policy and other policies found in the **Plain Township** Employee Manual

RULES:

1. Online activity during working hours or using **Plain Township** equipment must be primarily business related. Incidental personal use is permitted; however, personal use must not impede the staff member's or other staff members' work or adversely impact access to or the use of **Plain Township's** electronic resources for business purposes.
2. Respect your audience.
3. Don't use religious, racial or ethnic slurs, personal insults, or obscenity. Don't engage in sexual harassment or in any conduct that would not be acceptable offline in a work situation.
4. Show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory—such as politics, religion and personal life.
5. Do not participate in any political activity or political communication during work hours and/or with Plain Township resources (such as computers, blackberries and recording devices).
6. **Plain Township** staff members are personally responsible for the digital content they publish. Be mindful that what you publish will be public for a long time.
7. Protect your privacy. Before posting any content, determine what personal information you are comfortable sharing. Remember content can be removed but it can also be forwarded, digitally and manually. Though not directly business-related, background information you choose to share about yourself, such as information about your family or personal interests, may be useful in helping establish a relationship between you and your readers, but it is

entirely your choice whether to share this information.

8. Identify yourself. Anonymous postings are rarely beneficial to anyone. When discussing **Plain Township** or related issues, be sure your role at **Plain Township** is clear and state whether you are speaking for **Plain Township** or yourself.
 - a. If you are speaking for yourself, use a disclaimer such as this: "The views in this post are my own and don't necessarily represent my employer's positions, strategies or opinions."
 - b. If you identify yourself as a **Plain Township** staff member, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and partners. Only those officially designated by **Plain Township** have the authorization to speak on behalf of the agency.
 - c. The lines between public and private, personal and professional are blurred in online and mobile interactions. By virtue of identifying yourself as a **Plain Township** staff member, you are now connected to your colleagues and the **Plain Township** members. Ensure that content associated with you is consistent with your work at **Plain Township** and **Plain Township's** mission.
9. Respect copyright, fair use and public records laws.
 - a. For **Plain Township's** protection as well as your own, it is critical that you show proper respect for the laws governing copyright and fair use of copyrighted material owned by others, including **Plain Township's** own brand. You should never quote more than short excerpts of someone else's work. Always give credit where credit is due, and it is good general practice to link to others' work.
 - b. Where applicable, staff members must follow Ohio's public records procedures as outlined in **Plain Township's** Employee Guidebook and must not delete content and items without properly retaining these public records.
10. Protect confidential and proprietary information. Social media blurs many of the traditional boundaries between internal and external communications. For example, ask permission before posting someone's picture or publishing a conversation that was meant to be private.
11. Prior to **Plain Township** events, acquire:
 - a. Written agreements from speakers that all event materials be available to the public.
 - b. Written agreements from participants to use content created and photos/video taken during the event.
12. Don't create conflict. Be the first to correct your own mistakes. Don't alter previous posts without indicating that you have done so. When responding to a negative post, state facts and provide supporting documentation. Avoid ongoing conversations that do not progress toward greater understanding. Consider the purpose of the social media use. Online communications must not negatively impact achievement of your assigned tasks and goals or **Plain Township's** mission.

ARTICLE XIX – DRUG AND ALCOHOL FREE WORKPLACE

19.1 Drug and Alcohol Free Workplace Policy

The Plain Township Board of Trustees has adopted a Drug and Alcohol Free Workplace Policy for all employees of Plain Township. Plain Township is committed to providing employees with a safe, healthy, and productive environment by maintaining a drug and alcohol-free workplace. Employees who violate this policy may be subject to dismissal according to the Township Disciplinary Procedure.

In compliance with Federal Regulations, Plain Township prohibits the use, sale, distribution, possession, or manufacturing of illegal drugs and narcotics, or alcoholic beverages by Township employees and/or volunteers while on Township premises, while using Township property, or on Township business. In addition, an employee under the influence of unauthorized drugs or alcohol on Plain Township premises or while engaged in Township business will be in violation of this policy, and be subject to immediate discharge. This policy applies to all employees.

Plain Township views a violation of this policy as a serious offense that will be investigated. The employee is expected to cooperate with that investigation. Violating this policy or refusing to cooperate in an investigation may result in discipline up to and including termination.

- A positive test for alcohol or illegal substance during a pre-employment screening is grounds to revoke a conditional offer of employment.
- A positive test for alcohol or illegal substance by an active employee is grounds for discipline including probation, suspension, demotion, dismissal and or required substance abuse counseling.
- Self-Disclosure by an employee prior to a positive test under this section may be considered by the Board of Trustees who may elect to provide assistance through a substance abuse education or treatment program available through the township health insurance plan, The Board of Trustees may consider other mitigating circumstances in the event of a positive test under this section.

Employees taking prescribed or over-the-counter medications that may alter their work behavior or ability to perform their duties must report the use of these substances to their supervisors. Any employee taking prescribed medication that leaves him or her unable to perform the job responsibilities satisfactorily should notify the department head.

Failure to follow prescribed medical or psychological treatment and/or to improve work performance to an acceptable level will be justification for termination of employment on the same basis as any other employee whose work performance is unsatisfactory.

19.2 Definitions:

Unauthorized Drugs: Any substance that affects the body as a narcotic, depressant, stimulant, hallucinogen or cannabinoid. Unauthorized drugs include, but are not limited to: marijuana, tetrahydrocannabinol (THC), hallucinogens (e.g. LSD, PCP, mescaline), cocaine, heroin,

opium, crack, amphetamines, and barbiturates. Prescriptions drugs taken pursuant to a physician's instructions are excluded from this definition.

Under the Influence of Unauthorized Drugs: Laboratory evidence of the presence of an unauthorized drug in an employee's body, as defined by the Federal Drug Free Workplace Act of 1988.

Company Premises: Includes, but is not limited to, any property owned, rented, used or leased by Plain Township, including any and all vehicles or equipment owned or leased by Plain Township.

Company Property: Includes, but is not limited to, any buildings, equipment, land, or vehicles owned, leased, or rented by Plain Township.

Prescription Drugs: It is an employee's responsibility to notify his immediate supervisor in writing when he/she is taking any prescription or non-prescription medicine or substance which may impair his/her judgment or performance, or otherwise adversely affect the normal functions of his/her mental faculties or physical abilities. Any prescription drug used by an employee shall be contained in a pharmaceutical vial in the employee's name, and each such prescription shall be no older than one (1) year from the date issued. Plain Township at all times reserves the right to have a physician determine whether a prescription medication produces effects that may jeopardize the employee's safety. If such is determined, Plain Township will restrict the employee's work activity in a manner consistent with safety principles.

DOT 5-Panel Drug Screen: Mandatory testing for the following substances – amphetamines, cocaine, PCP, opiates, and marijuana. No variation allowed.

EBT Alcohol Test: Mandatory for employee required to undergo DOT 5-Panel Drug Screen. The intoxilizer utilized for testing is owned by an independent agency, not Plain Township.

Non-DOT 5-Panel Drug Screen: Choice of five substances to be tested determined by Plain Township and is as follows -- amphetamines, cocaine, PCP, opiates, and marijuana.

Split-Specimen: A urine specimen is split at the time of initial collection; one is tested, and the other is frozen. Should there be a positive result, the frozen specimen is sent to another lab for retesting.

Reasonable Suspicion: A belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and clear facts and reasonable inferences drawn from those facts in light of experience may be based upon the following:

- a. Observable phenomena, such as direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug;

- b. Abnormal conduct or erratic behavior while at work. Absenteeism, tardiness, or deterioration in work performance;
- c. A report of drug use by reliable and credible sources, which has been independently corroborated;
- d. Evidence that an individual has tampered with or attempted to mask a drug test during his/her employment with the current employer;
- e. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of alcohol and/or other drugs while working, or while on the employer's premises or operating the employer's vehicle, machinery, or equipment;
- f. The occurrence of a significant incident involving an employee's on the job actions which has resulted in the personal injury of any person, including the employee, in which medical treatment has been sought away from the scene, or which property damage has occurred where a vehicle or equipment has been towed away from the scene or is rendered inoperable.

19.3 Reporting Suspected or Observed Violations:

1. It is the responsibility of each employee to immediately notify his/her supervisor when he/she suspects any violation of this policy.
2. The Supervisor will immediately notify the Department Head and Township Administrator of the incident.
3. The **Township Administrator** and **Department Head** will discuss the incident and make a recommendation to the **Plain Township Board of Trustees** on the appropriate action to be taken, whenever possible.

19.4 Criminal Activity Involving Illegal Drugs:

1. If an employee is arrested for an offense involving illegal drugs or alcohol, he/she will be required to complete a drug screening after Plain Township learns of the arrest. If the Township determines that rehabilitation of an employee, whose tests results are positive, is in its best interest, then the Township may offer the employee a rehabilitation option.
2. Any employee who is convicted of or pleads guilty to an offense where possession, use or the existence of alcohol or illegal substance was a significant factor in the offense must notify Plain Township within five (5) days after receiving the notice of conviction. Failure to do this may be grounds for dismissal. Any employee convicted of such an offense will be required to complete a drug screening prior to returning to duty. Conviction will not

necessarily result in automatic dismissal.

3. Specimen falsification by an employee will be grounds for discipline, up to and including, dismissal.

19.5 Rehabilitation:

1. The Township recognizes that alcoholism and drug dependency can be successfully treated. There are a number of treatment alternatives available. Anyone interested in or inquiring about treatment programs is assured of confidentiality.
2. Volunteering to participate in a rehabilitation program in and of itself, will neither cause nor prevent disciplinary action for a prior violation of any Township policy that has already occurred, or a subsequent violation that may occur after the employee completes a program.

19.6 Drug and Alcohol Screening:

Plain Township utilizes laboratory drug and alcohol testing to detect or confirm suspected violations of this Policy. Laboratory testing includes, but is not limited to: urinalysis, breath analysis, and blood analysis. **Plain Township** will undertake laboratory testing of an employee under the following circumstances:

1. Pre-Employment

- a. Drug screening is part of the required pre-employment health evaluation process for all new hires or rehires and volunteer firefighters, who have been off the payroll for more than three (3) months. If the drug screening result is positive, Plain Township will not extend, or may withdraw an offer of employment. Employment candidates are advised in advance of this procedure, as well as all requirements of the selection interview process.
- b. No employment candidate will be placed on the payroll without passing the drug screening. Candidates not passing the evaluation will be offered an opportunity to reapply based on available job openings. Specimen falsification will be grounds for permanent disqualification from further consideration.

2. Random

- a. All employees are subject to random drug screening. Specimen collection will be performed on-site (Plain Township property) by trained professionals of a certified agency independent of Plain Township. The individual will be advised when to report for screening by their supervisor or the Human Resource Specialist.
- b. All employees required to have a CDL are subject to the mandatory DOT 5-Panel Drug Screen, and EBT Alcohol Test. If the result for the DOT 5-Panel Drug Screen is positive,

the employee may request a retest of the split specimen, however, the employee (not Plain Township) will be responsible for the split-specimen test fee.

- c. All employees NOT required to have a CDL are subject to the Non-DOT 5-Panel Drug Screen. If the result for the Non-DOT 5-Panel Drug Screen is positive, the individual may request a retest of the split specimen, however, the individual (not Plain Township) will be responsible for the split-specimen test fee.
- d. The individual whose test results are positive, may have rehabilitation as an option, if the Trustees so decide.
- e. Any employee who tests positive on a random drug or alcohol screen, will be removed from duty, without pay, until that individual receives a negative result. He/she will be subject to monitoring (by drug and/or alcohol screening) for a period of one (1) year. A positive test result, during this period or anytime thereafter, will result in discharge.
- f. Refusal to submit to a random test will result in immediate discharge.

3. Reasonable Suspicion

- a. If there is reasonable suspicion that any employee is under the influence of unauthorized drugs or alcohol, the individual will be driven by his/her supervisor to a certified lab for immediate drug and/or alcohol screening. If the individual tests positive, he/she will be driven back to his/her respective work area by his/her supervisor, and required to return home, by means of a friend or family member's transportation.
- b. The individual whose test results are positive, may have rehabilitation as an option, if the Trustees so decide.
- c. Any employee who tests positive on a reasonable suspicion drug or alcohol screen, will be removed from duty, without pay, until that individual receives a negative result. He/she will be subject to monitoring (by drug and/or alcohol screening) for a period of one (1) year. A positive test result, during this period or anytime thereafter, will result in discharge.
- d. Refusal to submit to a reasonable suspicion test will result in immediate discharge.

4. Post-Accident

- a. Your supervisor must be notified immediately in the event of an accident on Township premises, or involving damage to Township property. If supervisory personnel deem the damage to be of a serious nature, or the circumstances as a whole warrant further investigation, then you will be directed to report to a hospital emergency room or certified lab for a drug and/or alcohol screening.

- b. The individual whose test results are positive, may have rehabilitation as an option, if the Trustees so decide.
- c. Refusal to comply with a drug-screening request as part of the post-accident health evaluation, or failure to participate in a rehabilitation program after a positive test will result in discharge.
- d. Any employee who tests positive on a post-accident drug or alcohol screen will be removed from duty, without pay, until that individual receives a negative result. He/she will be subject to monitoring (by drug and/or alcohol screening) for a period of one (1) year. A positive test result, during this period or anytime thereafter, will result in discharge.

5. Workplace Injury

- a. An employee tests positive for being under the influence of alcohol, and/or other controlled substances at the time of a reported workplace injury, the burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause (main reason) of the work-related injury.
- b. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.
- c. The employee does have a right to dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause of the work related injury under ORC Section 4123.54 (Rebuttable Presumption).