

**Liberty Township – Delaware, Ohio**  
**Employee Handbook – August 2018 Edition**  
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## **LIBERTY TOWNSHIP BOARD OF TRUSTEES – Mission**

Liberty Township provides quality services to our residents, businesses and visitors in a fiscally responsible and customer friendly manner. Our goal is to ensure our residents, our business community and our visitors receive high quality, expedient fire and medic services, well maintained greenspace, recreational areas and roadways in a community which is developed and planned to preserve the natural and scenic setting of Liberty Township. We strive to be professional and disciplined in the actions we take and to make decisions that are in the best interest of our residents, the public and our business community.

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## **ARTICLE I – PREFACE, AMENDMENT OF RULES AND OBJECTIVES**

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### **1.1 Employee’s Duty to Read, Follow and Acknowledge Receipt of Handbook**

It is required that all employees read this document to ensure they are fully aware of its contents and how it applies. You may contact the Township Administrator with any questions regarding this handbook. All employees are required to sign an acknowledgement of receipt of the Employee Handbook and Township Policies. Compliance with these policies does not guarantee employment for any particular period of time (see Employment-At-Will Policy in this Handbook).

The Handbook located in the office of the Township Administrator will serve as the most current and correct issue. If there should be, at any time, any conflict between this document and the source material, the reference or source material that is current at the time is the official statement.

### **1.2 Handbook Purpose**

It is the purpose of this Handbook to implement the provisions of the Ohio Revised Code (ORC) and Liberty Township personnel resolutions by establishing standards and procedures. These regulations are also provided as a guideline to be followed when a situation occurs which is not specifically considered in the Ohio Revised Code, personnel resolutions, or specifically modified by an applicable labor contract. The Board of Trustees reserves all rights authorized to them by the Ohio Revised Code for personnel administration. Section 511.10 of the ORC reads, in part, “[t]he Board of township trustees may appoint such superintendents, architects, clerks, laborers, and other employees as are necessary and fix their compensation. Any person so appointed may be removed by a majority of the members of such board at any time.”

This Employee Handbook serves as a summary of personnel policies and practices, benefits, responsibilities and opportunities available to Township employees. This Handbook is an official document governing the personnel administration of all employees of Liberty Township with references to the Ohio Revised Code and other administrative orders and resolutions.

While the Liberty Township Board of Trustees (“Board”) believes in and intends to follow these policies and procedures, these policies do not in any way constitute, nor shall they be construed in such a manner so as to create any contractual or vested rights for employees, either express or implied, regarding their employment.

### **1.3 Amendments**

Amendments to this Handbook shall be made by the Board of Trustees and approved by Resolution. The Township will endeavor to give employees advance notice of any handbook changes. However, the Township may revise these policies with or without notice. Notice of revisions shall be provided to all employees

### **1.4 Administration**

The Board of Trustees shall be charged with applying the provisions of this handbook to provide for the orderly conduct of dealing effectively with the employees of the Township in its pursuit to serve its citizens efficiently. The following provisions of this chapter are hereby adopted and enacted as part of the Personnel Regulations of Liberty Township, in accordance with relevant sections of federal and state law. The Board of Trustees and/or the Township Administrator shall interpret those areas not specifically covered by this Handbook and/or appropriate bargaining unit contract.

### **1.5 Administrative Orders and Bargaining Agreements**

Nothing contained in these rules shall prohibit the promulgation of department work rules, standing orders, general orders or other instructions either oral or written. However, when in conflict, the more definite shall apply. To the extent that contractual obligations exist, these Personnel Rules & Regulations shall

provide details where said documents are silent, but shall not supersede negotiated contract obligations or legal requirements relating to personnel rules and practices. Contract obligations will apply to the appropriate bargaining unit only.

### **1.6 Delegation**

The Board of Township Trustees may delegate such duties and functions as they deem appropriate. The Township Administrator or Fiscal Officer may be designated to perform certain personnel functions.

### **1.7 Merit System**

In the application of the merit system, employees and applicants shall be evaluated solely on merit without regard to race, sex, religion, disability, national origin or any factor precluded by applicable law.

These policies and procedures provide for the recruitment, selection, training, evaluation and retention of the best employee for each position in Liberty Township. They provide for the orderly establishment of procedures for personnel administration that are consistent with the following merit principles:

- Recruitment, selecting, and advancing employees on the basis of their relative ability, knowledge and skills, including open competition of qualified applicants for initial appointment, where appropriate;
- Establishing pay rates consistent with the principle of providing comparable pay for comparable work;
- Training employees, as needed, to assure high quality performance;
- Retaining employees on the basis of their satisfactory performance; correcting unsatisfactory performance and separating employees whose unsatisfactory performance cannot be corrected;
- Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, handicap, race, color, age, national origin, citizenship, sex, or relation
- Assuring that employees are protected against coercion from partisan, political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.

### **1.8 Equal Opportunity Employer/Americans with Disabilities Act**

The Board of Trustees shall implement these policies in accordance with the letter and spirit of federal, state and local laws and regulations prohibiting discrimination on the basis of race, color, religion, national origin, citizenship, sex, age, and disability both in the employment and supervision of township employees.

Liberty Township is an equal opportunity employer. It is the policy of the Township to provide equal employment opportunities to employees and candidates for employment in accordance with applicable state and federal laws, rules, regulations and guidelines. Discrimination against employees and applicants due to race, color, religion, sex, sexual orientation, national origin, disability, age or veteran status is illegal.

In order to provide equal employment and advancement opportunities to all individuals, the Township's employment decisions will be based on merit, qualifications and abilities. The Township shall make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, termination and access to benefits and training.

## **ARTICLE II – GENERAL PERSONNEL MATTERS**

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### **2.1 Employment Status - Definitions**

**FLSA Exempt Employee** – employees not covered by the Fair Labor Standards Act (FLSA) overtime provisions and do not receive either pay or compensatory time in lieu of overtime compensation (as defined in FLSA)

**FLSA Non-Exempt Employee** – an employee who is covered by the Fair Labor Standards Act (FLSA) overtime provisions, and is entitled to receive overtime compensation or, if the employee so agrees, compensatory time in lieu of overtime compensation (as defined in FLSA).

**Full-Time Employee** – an employee will generally be scheduled to work, and expected to work forty (40) or more hours per week; for the purposes of health insurance only, a non-seasonal or non-temporary employee generally scheduled to work less than forty (40) hours but more than twenty-nine (29) hours per week shall be considered full-time and benefits eligible.

**Part-Time Employee** – an employee who is reasonably expected to work less than thirty (30) hours in a standard work week or less than 1,500 hours in a calendar year.

**Seasonal or Temporary Employee** – an employee working for a brief period of time or on a specified project that has a termination date regardless of whether the employee works full-time or part-time. Seasonal and Temporary Employees, like all non-bargaining unit employees, are at-will employees. Student help, college interns and intermittent employees shall be considered seasonal or temporary employees.

### **2.2 Employment-At-Will**

All employees who are not party to a collective bargaining agreement or a written contract signed by the employee and the Board of Trustees for a specific duration of employment are "at-will" employees. As an "at-will" employee, you may resign your employment at any time, with or without reason, and with or without notice. Likewise, the Township may terminate your employment at any time with or without reason, and with or without notice. No supervisor, employee or representative of the Township except the Board of Trustees, has authority to make any agreement contrary to the foregoing and any such agreement must be in writing and approved and signed by the Board of Trustees and the employee.

### **2.3 Probationary Period**

Newly hired or newly promoted employees may be required to successfully complete a probationary period. Members of the IAFF and USW bargaining units will serve probationary periods in accordance with the respective collective bargaining contracts. The Board of Trustees, may, at their discretion require non-bargaining unit employees to successfully complete a probationary period of no less than sixty (60) days and no more than three hundred sixty-five (365) days. The probationary period shall begin on the first day for which the employee receives compensation from the Township. The Board may extend a probationary period to no more than twelve (12) months. The employee shall receive a performance evaluation at the completion of the probationary period by the direct supervisor and/or the department head. Employees in probationary status shall generally not be eligible for pay increases until successful completion of the probationary period. Pay increases are subject to the approval of the Board of Trustees and are not guaranteed. If, at any time during the probationary period, a newly hired employee's service is determined to be such that it does not merit further employment, he may be terminated without appeal rights.

Whenever an employee is promoted, he or she shall begin a probationary period of the same length as would be served by an employee in an original appointment to that position. However, if during the probationary

period following a promotion, the employee's services are found to be unsatisfactory, he or she may be reduced to the position that he or she held prior to the promotion.

The date an employee completes their probationary period becomes the annual evaluation/merit increase consideration.

#### **2.4 Performance Evaluations**

Each employee will be evaluated upon completion of the probationary period and, from that point further, at least once every year. Performance evaluations provide all involved with a better understanding of expectations and goals. Evaluations are intended to identify the strengths of an employee's performance as well as to determine whether an employee is maintaining an overall acceptable level of performance. Such evaluation shall be in writing and carried out by the employee's supervisor and placed permanently in his or her personnel file. A supervisory meeting will be conducted between the supervisor and the employee to discuss the evaluation and performance issues. The employee will be asked to sign the evaluation. An employee's signature will reflect their receipt of the evaluation, not their agreement with its contents. Should an employee refuse to sign, a notation will be made reflecting the date and time of the supervisory meeting along with the employee's refusal to sign. The Department Head and/or Township Administrator will review and/or sign off on performance evaluations after the supervisory meeting. All such evaluations shall be shown to the employee and be discussed thoroughly with him or her. Evaluations may be conducted more frequently as determined necessary by the Board of Trustees or Township Administrator. If an employee disagrees with their performance evaluation, written comments may be submitted and attached to the evaluation to be entered into the employee's personnel file. In cases where performance is below satisfactory or where, for other reasons, a performance improvement plan is implemented, the employee shall receive more frequent evaluations in an effort to provide support and guidance in meeting the established improvement plan. The Board of Trustees may consider annual merit increases in conjunction with the annual performance appraisal.

#### **2.5 Township Supervisory Rights**

The Township reserves the right and authority to administer the business of the Township, direct its operations, and promulgate rules and regulations and to otherwise exercise the prerogatives of management.

#### **2.6 Immigration Law Compliance**

The Township employs only United States citizens and those non-U.S. citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986. Each employee, upon hire or re-hire, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

#### **2.7 Bond Requirements**

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

#### **2.8 Driving Record Check and Criminal Background**

For Township employment which requires driving Township owned vehicles, upon a conditional offer of employment, but prior to placement, the Township Administrator or designee shall obtain a current driving record of the employee/prospective employee. Certain employment within the Township, including but not limited to, positions which will require work in parks or around minor children, may require the employee to submit to a background check conducted by the state Bureau of Criminal Information and Investigation (BCII) and/or Federal Bureau of Investigations (FBI) of pending charges and criminal conviction records. The criminal background check report, is considered public information. The Township will procure a background check report only with the written permission of the individual. Refusal to provide written permission to conduct a criminal background check is grounds for withdrawal of any offers of employment or contract services. Background check reports will be stored in the employee's personnel file upon hire or in the application file if the candidate is not hired. Both the prospective employee's driving record and the



results of the background investigation shall be made available to the Board of Trustees for its review and consideration. The Board of Trustees reserves the right, in its sole and absolute discretion, to withdraw conditional offers of employment based upon a prospective employee's driving record, the results of the background investigation, or for any other reason. In making this determination, the Township may consider the relationship between each conviction/offense, the responsibilities of the position and the time that has passed since the offense and/or completion of the sentence.

## **2.9 Outside Employment**

The Township recognizes that full-time Township employees may hold positions of employment outside of their Township employment. In these situations, the Township considers itself to be the primary employer and requires that the employee notify the Board of the secondary employment immediately. Employees may hold outside jobs as long as the employees meet the performance standards of their job with the Township and the outside employment does not pose a conflict of interest. Employees shall not use Township owned equipment for employment outside of Liberty Township employment purposes. If the Board determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Township, the employee may be required to terminate the outside employment if the employee wishes to remain with the Township.

## **2.10 Honesty Clause**

The Township expects all employees to conduct themselves in an honorable fashion. Honesty is an important attribute to the Township. Therefore, any misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like will not be tolerated. The same honesty standard applies to any face to face meeting, interview, investigation or the like. Any violations will result in corrective action, up to and including termination.

## **ARTICLE III – PERSONNEL ADMINISTRATION**

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### **3.1 Payroll**

Salaries and compensation will be determined by resolution of the Board of Trustees, in accordance with established practices, bargaining unit contracts, ORC, etc. Employees will be paid bi-weekly, elected and appointed officials are paid monthly. The Fiscal Officer or designee will prepare payroll. The salaries and compensation shall be subject to withholding of federal, state and local taxes, if any, and such other taxes and charges as may be lawfully authorized. The preferred method of payment of wages is by direct deposit of funds by electronic transfer. No payroll advances are permitted. Any errors in an employee's paycheck are to be promptly reported to the Fiscal Officer so that corrections may be made.

### **3.2 Timesheets**

The Fiscal Officer shall specify the format of time sheets and the procedure for time sheet completion to ensure proper documentation of hours worked by all employees. Accurately recording time worked is the responsibility of every employee, whether hourly or salary. Time worked is the time actually spent on a job performing assigned Township duties. The Township does not pay for extended breaks or time spent on personal matters. The Township requires all employees, including Supervisors, to complete and submit a timesheet verifying the amount of hours worked. Supervisor's shall review and approve an employee's timesheet prior to forwarding the same to the Administrator and/or Fiscal Officer. FLSA Non-Exempt Employees should record the time work commenced and ended. Approved leave of absence from work must be reflected on the timesheet. Electronic submission of a timesheet by an employee to their supervisor and by the supervisor to the Fiscal Office shall serve as certification of the accuracy of the number of hours worked by the employee. Falsification of any timesheet, is prohibited and may be grounds for disciplinary action, up to and including termination.

### **3.3 Standard Work Week**

The regular work schedule for full-time Township employees shall be determined by the Board, but will normally average forty (40) hours per work week and eight (8) hours per work day for non-IAFF Members. IAFF Member employees assigned to twenty-four (24) hour shifts are referred to as fifty-six (56) hour employees. Standard operating hours for the Township Administration and Zoning Offices are 8:00 a.m. to 5:00 p.m. daily except Saturday, Sunday and legal holidays. The Parks and Road Services Department normally operate from 7:30 a.m. to 4:00 p.m., but hours vary according to weather and operational need. The Fire Department is a twenty-four (24) hour operation.

The standard work day includes an unpaid lunch period as determined by the Department Head and two (2) paid fifteen (15) minute breaks. Breaks are to take place on Township property. Leave time must be used for any time in excess of the fifteen (15) minute break periods or the authorized lunch period. With the exception of unpaid lunch breaks, employees may not leave the workplace until the end of their designated work time except for Township business and work related duties. Full-time employees are expected to keep regular attendance and to be on time and ready to work at the beginning of each scheduled workday. An employee's work day begins at the time they are at their assigned work location and prepared to begin work. Commute time is not included in an employee's standard working hours.

The Board of Trustees, Administrator, or Department Heads may alter the work schedules to provide the efficient delivery of services. This authority includes, but is not limited to, the right to change the employee's regular work schedule and hours and the right to require the employee to work overtime. Nothing in this Handbook shall be construed as a guarantee of a particular number of hours of work per week nor as a restriction on the Township's right to require overtime.

Part-time, temporary or seasonal employees' hours will vary in accordance to operational need.

### **3.4 Attendance and Call-In Procedure**

Should an employee be unable to report for work, or in the event an employee is going to be late for the scheduled start time, the employee must inform their supervisor as soon as possible, no later than one (1) hour prior to commencement of the regular work shift, or as otherwise required by Department Head. If the absence will extend beyond one day, the employee must notify their supervisor of the date the employee plans to return to work. Approval for the absence will be in accordance with the Leave Policies contained in Article V and/or the appropriate bargaining unit contract.

If an employee not on an approved absence fails to come to work and fails to call in for two (2) consecutive workdays or more, the employee will be deemed to have voluntarily terminated employment with the Township.

Excessive absenteeism, unexcused absences, tardiness, and failure to follow the call-in procedures are violations of this policy and, as with any Township policy, will subject the employee to disciplinary action up to and including termination of employment.

### **3.5 Overtime**

Liberty Township reserves the right to require employees to work overtime hours in excess of forty (40) hours per week. Overtime is defined as hours worked by Township employees classified as “non-exempt” under the Fair Labor Standards Act (“F.L.S.A”) (hereinafter referred to as “Non-Exempt Employees”) over forty (40) hours in a given work week.

Non-Exempt Employees shall receive overtime compensation according to the F.L.S.A at a rate of one and one-half (1 ½) times their hourly rate for all hours worked in excess of forty (40) hours actually worked in a given work week. The term “hours actually worked” shall not include hours for which the Employee receives sick leave payment.

Employees must have prior approval from the Department Head and/or the Administrator to work overtime. Employees shall not be paid for overtime work which has not been authorized, and may subject themselves to discipline if they work overtime without prior approval of their supervisor. There shall be no duplication or pyramiding in the computation of overtime or other premium payment. Nothing in this Handbook shall be construed to require the payment of overtime and/or other premium paid more than once for the same hours worked and/or credited. All overtime hours must be reflected on the employee’s timesheet.

Township employees employed in exempt executive, administrative, or professional capacities (FLSA Exempt Employees) are not eligible to receive overtime pay.

### **3.6 Compensatory Time Policy**

Non-Exempt Employees of Liberty Township may elect to receive compensatory time, instead of paid overtime, to be accrued at one and one-half (1 ½) hours for each hour of overtime worked in accordance with the F.L.S.A. and the regulations promulgated there under by the Department of Labor. The agreement to receive compensatory time in lieu of overtime pay shall be made prior to the employee’s performance of overtime work.

For non-bargaining unit employees, compensatory time accumulated during one pay period must be used or paid out during the year it is accrued unless permission is given by the Board to use it in the following year. Exceptions may apply to employees of the Parks & Road Services Department and Fire Department and to members of the USW or IAFF Collective Bargaining Agreements. Employees must, when requesting the use of compensatory time, submit a written request in advance. The employee shall be permitted to use such time at the requested time, or at a reasonable time after making the request, provided

that the use of time does not unduly disrupt the operations of the Township or create additional overtime costs.

Employees may accrue up to 240 hours of compensatory time. Any compensatory time accrued to the employee's credit, as of the first bi-weekly pay period in December of each calendar year, shall be paid out on the second pay in December at the rate of pay in effect on that pay period. Any work performed during the balance of the calendar year which qualifies for receipt by the employee of overtime compensation shall be paid in the normal payroll cycle at the rate of one and a half (1 ½) times the employee's regular rate of pay.

### **3.6.1 Cashing of Compensatory Time**

An employee with an unused balance of accrued compensatory time shall, upon termination of employment for any reason, be paid for accumulated and unused compensatory time at the appropriate rate of pay received by employee at the time of separation. Employees may apply for payment of compensatory time consistent with Fiscal Office guidelines.

### **3.7 Call in Pay for Hourly Employees**

Employees required to report to the Township for emergency work will be paid a minimum of three (3) hours at the employee's regular rate of pay, regardless of whether employee ultimately works three (3) hours. If the emergency hours actually worked by the employee would qualify for overtime pay, then the employee will be paid at the rate of one and a half (1 ½) times the employee's regular hourly rate of pay for all such hours actually worked.

### **3.8 Garnishment/Child Support**

A claim may be made against an employee's salary 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. A claim may also include court ordered child support payments.

### **3.9 Personnel Records**

It is the Township's policy to maintain certain records on each employee which are directly related to the employee's job with the Township. A personnel file and a payroll file shall be created for each employee of the Township.

The personnel file shall include the application, the notice of appointment as well as other information that may be pertinent, such as an employee's education, training and experience, background information, performance evaluations, work related commendations and/or disciplinary actions and payroll documents such as tax forms and benefits enrollment documents. Documents in the personnel file may be considered in the promotional process and, therefore, these items should be reviewed by the employee periodically to be sure they are up-to-date. Medical information is kept in a confidential medical file, stored separately from the personnel and payroll files.

Employees are responsible for notifying HR and the Fiscal Office of changes in the following:

- Name;
- Address and other contact information, such as telephone number;
- Marital Status (for benefits, insurance and tax withholding purposes);
- Number of dependents;
- Address and telephone numbers of dependents and spouse/former spouse (for insurance purposes);
- Beneficiary designations for any Township provided insurance or retirement plans; and
- Emergency contacts.

The following records shall be included in each personnel file of all Liberty Township firefighters:

1. Physical Exam
2. Hepatitis B vaccine given or signed refusal; and
3. Copy of any required firefighter and/or paramedic certifications.

The Fire Chief shall be responsible for insuring that the firefighter personnel records are complete.

Access to the personnel/payroll files shall be in accordance with Ohio law regarding public records. Internally, personnel/payroll files will be limited to the Board of Trustees and those individuals who have the expressed permission of the Board of Trustees to have access to the personnel/payroll files. Employees are permitted access to and may copy any material contained in the personnel file maintained in the Administrative Offices with reasonable advance notice.

If an employee disputes specific records being included in their personnel file, a written statement may be submitted to the Fiscal Office/Human Resources for review; the employee will be notified of the decision. All documents kept within the personnel files are subject to the appropriate approved Township records retention schedules.

The personnel and payroll files of an employee who has resigned and/or been terminated shall be “closed out” and maintained in accordance with the Township’s Public Records Policy.

### **3.10 Reference Checks and Employment Verifications**

Providing information regarding the employment history of an employee or former employee is a delicate matter that should only be done by those appropriately trained and experienced. Providing information which may be truthful, but which is not documented, may subject the person providing the information and the Township to liability. In order to avoid potential liability, all requests for information regarding present or former employees should be handled by the Fiscal Officer. The only information that the Fiscal Officer will provide is verification of dates of employment and job title unless given written authorization by the employee to provide other information, such as payroll, benefits, etc.

## ARTICLE IV – DISCIPLINE

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### 4.1 Discipline

Every employee of the Township is expected to exhibit good behavior, and perform efficient and effective service. Any employee of the Township may be disciplined, up to and including termination, for failure to meet performance requirements, failure to follow common and generally accepted standards of behavior or any violation of Township policy and procedure including, but not limited to, those set forth in this Employee Handbook. The Township reserves the right to determine the severity of the discipline to be enforced on an individual basis.

### 4.2 Offenses

The following offenses are *examples* of the type of conduct that can subject an employee to disciplinary action under this policy (this list is provided only as an example and is not exhaustive):

- (A) Conviction of any criminal offense;
- (B) Fighting, threatening or attempting bodily injury to another; stealing, malicious mischief resulting in the injury or destruction of property of other employees or Liberty Township;
- (C) Consumption of alcohol while on the job or during work hours;
- (D) Use or possession of illegal drugs;
- (E) Unethical or immoral conduct on Township time;
- (F) Insubordination, including but not limited to, refusal or failure to perform work assignments and the use of profane or abusive language to supervisors, employees or officers of the Township;
- (G) Absence from duty without notice or permission of the supervisor or excessive absenteeism;
- (H) Willful neglect in the care or use of Township property or equipment;
- (I) Failure to satisfactorily perform the duties for which employed;
- (J) Gross or habitual carelessness or recklessness, playing of tricks, jokes or other dangerous pranks upon others. Disregard for safety and comfort of fellow employees;
- (K) Engaging in outside employment or personal business that conflicts with Township duties;
- (L) Repeated failure to report to work on time and ready for work;
- (M) Incurring costs or obligations in the name of the Township without the authority or prior approval;
- (N) Discourteous and/or unprofessional treatment of the public;
- (O) Violation of Township Work Rules, Policies or Standard Operation Procedures, including but not limited to those detailed in this document;
- (P) Violation of the Township's Anti-Harassment/Anti-Discrimination policy;
- (Q) Bringing an unauthorized firearm onto Township property;
- (R) Misfeasance, malfeasance, nonfeasance or neglect in performance of employee's duties;
- (S) Failure to maintain minimum qualifications for the position;
- (T) Theft or damage to, or inappropriate use of Township equipment or property of any employee;
- (U) Engaging in behavior which results in personal injury or damage to private property;
- (V) Falsification of credentials or information contained within application for employment.

### 4.3 Types of Discipline

Disciplinary action shall consist of one or more of the following:

1. Verbal warning;
2. Written warning;
3. Suspension from duty without pay;
4. Demotion in rank and/or salary;
5. Termination of employment.

#### **4.4 Disciplinary Procedure**

The Board of Trustees or Department Head shall be responsible for the discipline of employees within their departments. Discipline may be progressive in nature and shall be applied based upon a combination of factors, including the severity of the offense, past history of the employee, and past disciplinary actions against the employee. Department Heads may issue verbal and written warnings to members of their department and shall provide documentation to the Township Administrator for inclusion in the employee's personnel file. The Township Administrator may issue verbal and written warnings, suspension from duty without pay and termination. The Board of Trustees may enforce any types of discipline, including termination. Discipline of bargaining unit employees shall be in compliance with the respective collective bargaining agreement.

Before the imposition of any reduction in pay, suspension without pay, or removal becomes necessary, the Township or its representative may hold a pre-disciplinary hearing which may include the employee, Township representatives, Township legal counsel and union representation and/or counsel. In this case, the pre-disciplinary hearing shall be scheduled as promptly as possible by the Township. Any discipline issued as a result of pre-disciplinary hearing will be issued in writing to the employee.

#### **4.5 Employee Notification**

For disciplinary measures that are more severe than a written warning, the disciplined employee will be informed in writing of the right to appeal the disciplinary action to the Board of Trustees. The written order will be provided to the employee prior to the effective time of the order for all disciplinary actions, except extreme circumstances which in the sole discretion of the Township Administrator warrant immediate action. Notification of discipline of bargaining unit employees shall be in compliance with the respective collective bargaining agreement.

#### **4.6 Appeal Procedures**

Disciplinary actions need not be deferred pending the possible submission of an appeal.

#### **4.7 Employee's Responsibility**

Employees, with the exception of Department Heads and the Administrator, may appeal disciplinary actions of suspensions of more than three (3) days or change of status (e.g., termination or demotion) in writing to the Board of Trustees. All such appeals must be written and shall be filed with the Board of the Trustees and Township Administrator within ten (10) days of the employee's receipt date of the written notification of disciplinary action. The appeal must be signed by the individual who is appealing and specify either or both of the following grounds for appeal:

1. There was a failure on the part of a Township official to observe or correctly apply the provisions of the Personnel Rules or the terms of the subject's appointment; and/or
2. There was not a complete consideration of the facts regarding the disciplinary action taken against the appellant.

The appeal request should contain all written material relevant to the case. The appeal hearing will be held in executive session pursuant to ORC 121.22(G)(1); however, the appellant may request at the time the written appeal is submitted that the hearing be held in open session.

Department Heads or the Administrator may, in writing, appeal disciplinary actions directly to the Board of Trustees.

#### **4.8 Board of Trustees Responsibility and Authority**

The Board shall set a time for an appeal hearing promptly, generally within ten (10) days after receiving the appeal request. The Board will review all written material submitted. If present, the Board shall hear

the appellant or his or her counsel. If present, the Board shall hear Township representatives, Department Head and counsel. The Board may affirm, disaffirm or modify the disciplinary measure taken against the employee. The Board's decision shall be final and binding on all persons.

#### **4.9 Discipline Records**

All disciplinary actions, including minor reprimands, written reprimands, suspensions or dismissal, will be maintained in the employee's personnel file. Records of verbal and written reprimands will be removed from the personnel file, upon the written request of the employee, two (2) years after such reprimands were issued provided no further or subsequent disciplinary action has been issued. Any and all discipline issued at levels higher than a written reprimand (i.e., suspension, demotion, reduction of pay, termination) are not eligible for removal upon request and shall remain in the employee's personnel file.



## ARTICLE V – LEAVE POLICIES

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### 5.1 Holiday Leave

Except as otherwise provided in a current collective bargaining agreement, the following days shall be observed as holidays by full-time employees of Liberty Township: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

When a holiday falls on a Saturday, the preceding Friday is observed. When a holiday falls on a Sunday, the following Monday is observed. Township offices are closed on legal holidays as appointed by the Board of Trustees. Holidays are treated as time "actually worked" for purposes of overtime calculations.

To be eligible for a paid holiday, the employee must be in paid leave status the day before and the day after the holiday or present just cause to his or her supervisor justifying the absence.

#### 5.1.1 Working on a Holiday

When an employee is required to work on any of the above holidays, he or she shall receive time and a half employee's regular rate of pay. Administrative Employees may receive permission from the Administrator to utilize Holiday leave on other days; such use or "switch" shall be compensated at normal straight time rates.

#### 5.1.2 Holiday During Leave

Employees will not be paid for holidays which occur during an unpaid 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.

### 5.2 Vacation Leave

Only full-time Employees are eligible to accrue and use vacation leave. Vacation time shall accrue by pay period beginning upon the Employee's first day of work. The Department Head, Township Administrator and/or Board of Trustees may deny a vacation leave request based on operational necessity, performance issues, incomplete probationary period or for any other valid reason to ensure efficient and effective operation of Township services. The Employee shall not be eligible to use accrued vacation leave until satisfactory completion of the initial probationary period. Vacation time shall automatically accrue each pay period as follows:

<u>Years of Continuous Active Service</u>	<u>Accrual Rate per Pay Period</u>	<u>Annual Accrual of Vacation Time</u>
Initial hire thru five (5) years	3.07 hours	2 weeks (80 hours)
Start of six (6) thru ten (10) years	4.62 hours	3 weeks (120 hours)
Start of eleven (10) thru fifteen (15)	6.15 hours	4 weeks (180 hours)
After the start of sixteen (16)	7.69 hours	5 weeks (200 hours)

The higher rate of accrual will begin on the first day of the pay period after which a year of continuous service is completed. Upon a break in service, no vacation time shall accrue until the Employee returns to active service with the Township.

#### 5.2.1 No Prior Credit Transfer

No transfer of accrued but unused vacation leave previously accumulated by the Employee in the employment of another employer shall be accepted by the Township to the credit of the Employee.

#### 5.2.2 Use and Scheduling of Vacation Leave

The Employee may with the prior approval of the Supervisor or Department Head, use vacation time which has accrued to the Employee's credit (aka 'earned' vacation). Vacation leave requests must be approved

in advance by the employee's supervisor, department head, Township Administrator and/or Board of Trustees. Vacation leave must be used in no less than one hour increments. An Employee is not permitted to use un-earned vacation in advance.

Employees shall not accrue vacation beyond their maximum accrual limit which is equal to one years' worth of vacation accrual plus one week of vacation accrual.

### **5.2.3 Cashing of Vacation Leave**

Upon retirement or resignation from Township service, an employee is eligible for a cash payment of unused/earned vacation time not to exceed the maximum accrual value of a one-year period, plus one week of carryover from a prior year accrual period. The maximum hours of eligibility will be determined by the Employee's years of service and annual accrual rate. Payments will be made based on the Employee's hourly pay rate on the day of termination of employment. If, for any reason, the Employee's vacation accrual balance is negative and the Employee separates from employment with the Township, the cash value of the un-earned vacation used will be deducted from the Employee's final paycheck at the Employee's hourly pay rate on the day of termination.

If an Employee dies while in paid status, a cash payment will be made to his/her surviving spouse, dependents, or to the estate of the deceased in accordance with the above noted accruals eligible for cash payment.

The Employee agrees and understands that any accrued vacation time paid upon separation of service shall be paid in a lump sum and is not considered as salary for the purpose of calculating his/her final average salary for any purpose, and will not be treated as salary absent written instruction from the Public Employees Retirement Fund, or such other retirement fund in which the Employee is a vested participant.

### **5.3 Military/Uniformed Services Leave**

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

Military Leave shall be in compliance with ORC 5923.05. Permanent employees (employees required to work a regular schedule of twenty-six consecutive bi-weekly pay periods) shall be granted a leave of absence to perform service in the uniformed services with pay for periods up to one (1) month (twenty-two eight-hour work days or one hundred seventy-six hours; or for a public safety employee, seventeen twenty-four hour days or four hundred eight hours), for each federal fiscal year (beginning on the first day of October and ending on the thirtieth day of September) in which they are performing such service.

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

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

### **5.4 Jury Duty and Court Leave**

An employee shall be given necessary time off without loss of pay when performing jury duty, appearing in court as a witness in answer to a subpoena, in an official capacity in connection with Liberty Township or as an expert witness. An employee must notify his or her supervisor five (5) days prior to jury duty. Any compensation received while on civil leave will be deducted from the employee's pay. If jury pay is

higher than that paid by the Township, the employee is permitted to keep the difference. If the employee is on a paid leave using accrued leave balances, he or she is permitted to keep the pay.

If an employee is involved in court in a personal case either as a plaintiff or as defendant in a suit not resulting from duties with Liberty Township, the employee must utilize accrued leave balances, not including sick leave, or, if no accrued balances are available, request an unpaid leave of absence.

## **5.5 Sick Leave**

Each full-time employee shall accrue paid sick leave at the rate of approximately 4.62 hours of sick leave per bi-weekly pay period, for a total of fifteen (15) days (120 hours) of sick leave per calendar year. Part-time, temporary and seasonal employees earn no sick leave benefits. Sick leave, or any other forms of paid leave, does not accumulate while an employee is in any type of unpaid status in excess of one pay period. Sick leave may only be used for absences due to illness or another medically related reason, such as a doctor's appointment, of the employee or of someone for whom the employee acts a primary caregiver and for whom the presence or assistance of the employee is necessary.

An employee may use sick leave as it is earned. Sick leave must be used in one hour increments. Sick leave may be accumulated and carried over from year to year subject to a total accumulation limit of 1,040 hours (if, as of August 1, 2012, an employee under the provisions of this handbook has reached or exceeded the 1,040 maximum accrual limit, that employee's sick leave accrual will not be subject to the 1,040 maximum accrual limit).

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 other reasons permitted by this section. An employee who abuses sick leave may be subject to discipline, up to and including termination. The Board of Trustees may investigate all usage of sick leave and may withhold full payment of said sick leave until the investigation is completed. The Board may require the employee to furnish a written, signed statement justifying the use of sick leave. If medical attention is required, a certificate stated in the nature of the illness from a licensed physician may also be required.

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 Board of Trustees is 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.

### **5.5.1 Notification**

Employees seeking to use sick leave for illness, injury or other medically related reasons should call a supervisor two (2) hours prior to their regular starting time unless emergency conditions prevent such notification. The employee may be required to submit a request for leave for use of sick leave upon return to work. For future scheduled appointments, a request for leave is to be submitted to the employee's supervisor in advance of the appointment date. For a sick leave absence of more than three (3) days, the Township may require employees to furnish medical evidence from a medical provider. Failure to submit the required forms may result in the denial of sick leave benefits.

Should an employee become ill during the work day, the employee should notify their supervisor, department head and/or a Board member of the illness before using sick leave and leaving the work site.

The Township may require an employee to use sick leave (or any other form of leave) in those instances determined that the employee is unable to fulfill all of the duties of the employee's job without restriction as a result of illness, sickness or injury based on qualified health care provider input.

### **5.5.2 Transfer of Credits**

Liberty Township Board of Trustees may accept a transfer of up to eighty (80) hours of sick leave accrued to the credit of an Employee while in the next previous employment of another township. The determination of whether to accept the transfer is entrusted to the sole and absolute discretion of the Board of Trustees, whose decision shall be final.

### **5.5.3 Quarterly Conversion**

Upon the expiration of each calendar year quarter, or every three (3) months, USW workers in the Parks and Road Services Department may convert for a cash payout up to eight (8) hours of sick leave accrued to their credit. This option shall only be available to the employee if no sick leave is utilized by the employee during the preceding calendar year quarter. The election shall be made by the employee during the first five (5) work days of April, July, September and January, by delivery of that request to the Township Fiscal Officer. Payment to eligible employees shall be made as soon as practicable following the Fiscal Officer's receipt of the election.

### **5.5.4 Cashing Out of Sick Leave**

An employee who retires and meets the age and length of service requirements of the Ohio Public Employees Retirement System (OPERS) or the Ohio Police & Fire Pension Fund (OP&F) may redeem one-fourth of the accumulated sick leave accrued to the credit of the employee at the time of separation up to the equivalent of 240 hours. Members of the IAFF and USW collective bargaining agreements shall be paid in accordance with respective contracts. Sick leave shall be paid at the employee's current hourly rate

### **5.5.5 Sick Leave Donation**

Employees may contribute not more than 10% and not to exceed 40 hours of sick leave annually to fellow employees who become ill and who have depleted leave accrued to the benefit of the ill employee. Employees must have a sick leave balance of not less than 240 hours of available sick leave to donate.

### **5.6 Maternity Leave**

A full-time female employee with over one (1) year of continuous service shall be entitled to maternity leave. The start of maternity leave may begin earlier than the expected date of delivery if requested by the employee and approved the Board of Trustees. After delivery, the employee will be reinstated without any break in service, provided she has notified the Township within thirty (30) days of delivery indicating her desire to return to work. Maternity leave may be taken without pay and considered as a leave of absence. An employee who has vacation time or sick leave may elect to use all or part of this as maternity leave.

### **5.7 Injury Leave**

Non-bargaining Unit full-time employees may be granted injury leave with pay not to exceed four (4) months for each service-connected injury (bargaining unit employees shall be bound to the time limits in their respective collective bargaining agreements); provided such injury is reported to the Administrator or HR Specialist not more than three (3) days from the date such injury occurs. Service connected injuries are those injuries received while acting within the scope of, and arising out of, the Employee's employment as a full-time employee of Liberty Township. (*changed to "four months" October, 2018.*)

As a condition of receipt of injury leave benefits, the Employee must apply for and be approved for worker's compensation benefits under the Ohio Worker's Compensation program and in accordance with the Township Worker's Compensation policy and procedures. For complete details see the Liberty Township Injury Leave Policy, Resolution 17-0517-13.

#### **5.7.1 Required Endorsement**

The Employee shall endorse over to the Township any and all wage and salary benefits awarded to the Employee by the Ohio BWC system which extend over the same period for which the Employee is granted

injury leave. Any Employee receiving injury leave benefits shall execute a written Salary Continuation Agreement (BWC form C-55) with the Township.

### **5.7.2 Reporting while on Injury Leave**

The Administrator may periodically require the employee to be examined by a physician appointed and paid for by the Township. The Employee shall not return to work without the written approval of an attending physician. The Township may require a second opinion from a second health care provider designated and paid for by the Township. If the first and second opinions conflict, the Township may require the Employee submit to a third examination, at the Township's expense, by a health care provider chosen by the Administrator. The opinion of the third health care provider shall be final and binding.

### **5.7.3 Leave Use Pending Approval of Injury Leave**

While the request for injury leave is pending, the Employee may use accrued sick leave, which time usage will be credited back to the Employee's sick leave balance upon approval of Injury Leave by the Board of Trustees. If injury leave is not approved by the Township, the Employee will be charged the designated leave initially requested. If the Employee has exhausted his injury leave, the Township may permit the use of accrued but unused sick, vacation and compensatory leave.

### **5.8 Funeral and Bereavement Leave**

Regular full-time employees are permitted to use up to three (3) days of sick leave whenever there is a death in the immediate family. Immediate family for this section shall mean spouse, domestic partner, children, step-children, parents, parents-in-law, grandparents, siblings, siblings-in-law, legal guardian or other person who stands in the place of a parent (*loco parentis*).

Employee should contact his/her Department Head or the Administrator as soon as possible regarding the need to take funeral and bereavement leave. A leave of absence without pay is allowed for other funerals when approved by the employee's supervisor. Employees may also use other paid leave with approval of the Department Head or Administrator. The employee may be required to provide documentation to the Administrator consisting of either a letter from the funeral home or a newspaper obituary.

### **5.9 Family and Medical Leave Act (FMLA)**

The Township will provide eligible employees a leave of absence for specific reasons and subject to the guidelines as defined by the Family and Medical Leave Act. Eligible employees shall be provided up to twelve (12) weeks of leave during any twelve (12) month period in connection with specific qualifying events in accordance with the FMLA:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Employees must be restored to the position occupied when the leave began or to an "equivalent position" with equivalent conditions of employment.

#### **5.9.1 FMLA - Military Family Leave Entitlements**

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Please see the Township FMLA policy for more details.

#### **5.10 Unpaid Leaves of Absence**

An unpaid leave of absence may be approved by the Administrator or Board of Trustees under the following conditions:

- (A) Leave of absence is always without pay (unless covered by the FMLA);
- (B) Leave of absence may only be granted to regular, full-time employees who have been in the continuous employ of the Township for one (1) year and have successfully completed their probationary period;
- (C) The request for a leave of absence must be in writing from the employee outlining the reasons for the leave and requested in advance whenever possible;
- (D) On any approved leave of absence in excess of one month, the employee shall pay the total premium cost for their 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 can be terminated consistent with COBRA laws;
- (E) Failure to return from a leave of absence at the specified date will be considered as a resignation;
- (F) All approved leaves of absence shall be confirmed in writing to the employee by the Administrator or Board of Trustees with a copy to the employee's file;
- (G) Vacation and sick leave do not accrue on a leave of absence without pay. Leave balances may be reinstated immediately upon return;
- (H) Reemployment following an approved unpaid leave of absence is subject to the availability of employment at the time of the employee's requested return.

#### **5.11 Unauthorized Leave**

Any absence from work which is not detailed in these Personnel Rules shall be considered an unauthorized absence from duty. Any such unauthorized absence from duty shall be constitute just cause for disciplinary action.

## **ARTICLE VI – EMPLOYEE BENEFITS PROGRAMS**

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### **6.1 OPERS & OP&F Contribution**

In general, all Township employees, except Fire Department personnel, are required to be a member of the State of Ohio Public Employees Retirement System (OPERS). The Township will deduct 10% of the employee's gross wages or salary as the employee's contribution to OPERS. The Township is required to make a contribution on behalf of the employee each quarter. The Township contribution may vary - the current amount is 14% of the employee's gross wages or salary. Current percentages can be found at the OPERS website.

Generally, full-time Fire Department personnel participate in the Ohio Police & Fire Pension Fund (OP&F). Employee contributions are deducted from their gross earnings before taxes are applied. Part-time fire personnel, hired after August 3, 1992, participate in Social Security (FICA) instead of OPERS or OP&F. The Township will deduct 10% of the employee's gross wages or salary as the employee's contribution to OP&F. The Township is required to make a contribution on behalf of the employee, this is the employer portion. The current amount is 24% of the employee's gross wages or salary. Federal law requires all public employee pension groups to inform public employees who are not paying into Social Security about the Government Pension Offset and Windfall Elimination Penalty. Employers are required to have employees hired after January 1, 2005 complete and sign Form SSA-1945 Statement Concerning Your Employment in a Job Not Covered by Social Security.

### **6.2 Worker's Compensation**

All Township employees are protected at township expense under Ohio Workers' Compensation Program. From this fund, medical expenses are covered for workers who suffer injury or certain kinds of illness in the course of their employment. Liberty Township provides Injury Leave to those employees with an approved Worker's Compensation claim in accordance with the Township Injury Leave Policy and section 5.7 of this handbook.

#### **6.2.1 Notification of Injury**

The Employee shall immediately notify the supervisor of a work related injury or illness and complete a BWC First Report of Injury (FROI) as soon as practicable after the injury (or in the case of a disease, illness or death, an Occupational Disease or Death Form must be provided). The employee, supervisor or department head shall submit a copy of the FROI and any and all other required BWC forms and medical documents to the Township Administrator or HR Specialist. All injuries or workplace illnesses shall be reported immediately. It is the responsibility of the Supervisor, HR Specialist and/or Administrator to establish the validity of a claim based on the information received by the supervisor and employee which may lead to a Workers' Compensation claim. This includes a determination that the injury was actually sustained in the performance of the employee's duties. Should it be found that the injury did not occur on the job, the facts of the case must be reported in writing to the Board of Trustees.

When an employee is injured on the job, a written explanation or "Liberty Township Work Related Accident/Illness Report" shall be prepared by the employee and his or her immediate supervisor. All required information must be supplied and submitted within seven (7) days following the injury. All injuries should be reported at once. Failure to report an injury may preclude approval by the Bureau of Worker's Compensation and can result in disciplinary action against the employee for failure to comply. The Board of Trustees may require the employee to submit to a medical examination, a vocational examination, or a vocational questionnaire.

### **6.3 Transitional Work Program**

Transitional work is a temporary accommodation. The aim of this program is to provide employment after the onset of a non-work or work related injury, accident, or illness; allowing for reasonable accommodations

and/or alternative positions within the Township based upon any restrictions established by the treating physician. When appropriate and available, the Transitional Leave Program is mandatory for employees with BWC qualifying injuries or illnesses. Contact the Township Administrator for policy details.

#### **6.4 Health Benefits - Insurance**

All full-time employees and elected officials may choose to participate in the group medical, dental, vision, short term disability and life insurance plans, or other policies authorized by Ohio Rev. Code §§ 505.60, *et seq.*, uniformly made available to full-time employees of the Township, subject to all terms and conditions of the agreement between the Township and the insurance carrier. For the purposes of health benefits only, full time shall mean those employees regularly scheduled to work more than twenty-nine (29) hours per week.

For a complete description of insurance benefits contact the Fiscal Office, (740) 938-2007.

#### **6.5 Cash-In-Lieu Program**

The Township offers a “Cash-In-Lieu” Program for employees eligible to receive insurance but opt to get coverage elsewhere. Contact the Fiscal Office for eligibility and pay out details.

#### **6.6 Prescription Benefit - Healthiest You**

The Township provides, free of charge to employees on the Township sponsored health plan, access to HealthiestYou. HealthiestYou is 24/7 prescription benefit. Member benefits and sign-up information is available through the Fiscal Office.

#### **6.7 Life Insurance**

The Township shall provide term life insurance with a death benefit amount of \$35,000 for full time employees and \$5,000 for dependents. Full-time IAFF Member employees are provided with a \$70,000 accidental death benefit.

#### **6.8 Employee Assistance Program**

Liberty Township offers an Employee Assistance Program to all employees and their household family members. This includes the employee’s spouse/domestic partner, grandparents, biological children, adopted children, half-children, step-children and grand-children whose primary residence is that of the employee. Currently, the Township EAP provider is Balance EAP. Information on the program benefits may be found on their website: [www.BalanceEAP.com](http://www.BalanceEAP.com). Contact the Administrative Offices for log in information.



## **ARTICLE VII – SEPARATION FROM SERVICE**

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### **7.1 Retirement**

Any employee of Liberty Township who is eligible to retire or who is eligible for a disability retirement under the applicable rules, regulations and statutes of the State of Ohio (ORC 145.32) shall be permitted to do so in accordance with the rules of the Ohio Public Employee's Retirement System (OPERS) or the Ohio Police & Fire Pension Fund (OP&F).

Employees shall file with the Board of Trustees a notice of their intent to retire at least six months prior to the actual date of resignation. Although this notice should include the actual date of retirement, it will not be a formal resignation.

An employee who retires and meets the age and length of service requirements of the Ohio Public Employees Retirement System (OPERS) or the Ohio Police & Fire Pension Fund (OP&F), whichever is applicable, and who was also in the service of the Township for a period of ten (10) continuous years prior to retirement may redeem accumulated sick leave. Such redemption shall be paid at a rate of one-fourth the value of the accrued but unused sick leave provided that the maximum amount paid shall not exceed the value of 240 hours for OPERS Members or 540 hours for OPF Members. Leave shall be paid at the employee's current hourly rate.

### **7.2 Disability Retirement**

Any employee of Liberty Township who desires to apply for disability retirement shall do so in accordance with the rules set forth in ORC 145.35 through the Ohio Public Employees Retirement System (OPERS) or the Ohio Police & Fire Pension Fund (OP&F). The Public Employees Retirement Board is the final authority in determining eligibility for disability retirement. As part of determining eligibility, an employee may be required to submit to an examination by a physician.

#### **7.2.1 Involuntary Disability Separation**

Any employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition may be involuntarily disability separated. An involuntary disability separation occurs when Board of Trustees has received substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition.

The Board of Trustees shall request that an employee submit to a medical or psychological examination at a physician of the Township's choosing and conducted in accordance with appropriate laws and regulations, prior to the involuntary disability separating the employee unless:

- (1) The employee is hospitalized at the time such action is taken,
- (2) Substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.

The Board of Trustees shall institute a hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy-two hours in advance of the hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has the right to examine the Township's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

If the Board of Trustee determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform his or her essential job duties. If the appointing authority determines, after weighing the testimony presented and the

evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the Board of Trustees shall issue an involuntary disability separation order.

An employee may return to their same or similar position, if a same or similar position is available, within two years from the effective date of the Involuntary Disability Separation upon providing clear medical documentation to the Board of Trustees that the employee is able to and has been cleared by their physician to perform the required duties of the position.

### **7.3 Proper Notice - Resignation**

Employees who resign their employment are asked to give a minimum of two weeks' notice in writing to their immediate supervisor and Department Head prior to the effective date of the resignation.

At the time an employee separates from Township service, for whatever reason, the employee must take the following steps prior to receipt of final pay:

- (A) Notify the Township Fiscal Officer to ensure that the proper forwarding address is recorded in order to receive W-2 forms and any other pertinent information needed to file the current year's income tax returns. Also, employees should advise the Township Fiscal Officer as to the type of action desired, if any, with regard to employee's payroll and/or payouts if applicable, retirement plan, COBRA benefits, etc.
- (B) Turn in any Township property to employee's immediate supervisor.
- (C) Notify the Township Fiscal Officer of any changes in name, address, phone number, contact information for emergency contact person, or any other personal or family data such as marital status or dependents as they may relate to insurance coverage.

## **ARTICLE VIII – SPECIFIC RULES, POLICIES AND PROGRAMS**

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### **8.1 Ohio Ethics Law**

The township will make available a copy of the Ohio Ethics Law to all officers and employees. Officers and employees are asked to read the law, which is also available at <http://www.ethics.ohio.gov/education/factsheets/ethicslaw.pdf>. No township officer or employee may take any action to purchase or acquire services or property for the township where they, their family, or their business associates have financial interest in the service or property. No township officer or employee may take any action to employ their spouses, parents, grandparents, children, grandchildren, brothers or sisters and any relatives who live with the officers or employees. No township officers or employees may take any official action on matters that will result in a benefit to themselves, their family members, or their business associates. For additional information and assistance with the Ohio Ethics Law, township officers and employees should contact the Ohio Ethics Commission at (614) 466-7090.

Liberty Township requires that the actions of appointed Board Members and all employees be impartial and that decisions and policies be made through the proper channel of governmental structure in order to maintain the integrity of the Township and the public's confidence. In order to achieve this goal, all employees must act in an ethical manner and avoid conflicts of interest as described by law. Therefore, employees are prohibited from involving themselves in any conflict of interest, including, but not limited to:

- Authorizing, or using the employee's position to secure authorization of the investment of public funds in any kind of security to benefit the employee, a family member, or a business associate;
- Receiving any benefit from a contract entered into by the Township;
- Hiring or securing any contract benefits for the employee's spouse, parents, grandparents, children, grandchildren, or any other relatives living with the employee;
- Soliciting or accepting gifts, meals, gratuities, travel, loans or other things of substantial value;
- Participating in matters where something of value will result for the employee, or for the employee's family, business associates, or others with whom the employee has a close tie that could impair the employee's objectivity;
- Disclosing or using information deemed confidential; or
- Representing parties, before any public agency, in a matter in which the employee was involved as a public servant both during and for one year after leaving public service.

These limitations are not intended to prohibit employees from accepting articles of negligible value which are widely distributed to the general public. This policy is intended to avoid both the reality and appearance of impropriety on the part of Township employees in dealing with persons seeking to do business with the Township and to ensure the integrity of the Township in all respects. Any questions regarding the acceptance of gifts and gratuities should be directed to the Township Administrator.

## **8.2 Character and Workplace Behavior**

Each employee shall be held accountable for their personal appearance; friendly, courteous, and helpful attitude toward the public; loyalty to the Township; and willingness to cooperate with their superiors and fellow employees. Improper language is in extremely poor taste and displays an unsatisfactory attitude.

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, and 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 judgement when speaking to others about their work and daily contacts.

It is the policy of Liberty Township to provide the public with the best possible service; consequently, all employees are expected to treat members of the public, co-workers and other governmental employees in a courteous, respectful manner. Employees should always remember that our primary purpose is to serve the public. Complaints from co-workers and other governmental employees or the general public are taken seriously and investigated immediately. Any complaints about co-workers should be taken immediately to the appropriate Supervisor/Department Head or the Township Administrator. Under normal working conditions, employees who have a job-related problem, question or complaint from the public that they cannot readily answer should discuss it with their Supervisor, Department Head and/or Township Administrator.

## **8.3 Bonds**

Township officers and employees may be required to post bonds, paid by the township, prior to assuming the duties of their respective positions. The Board of Trustees may increase the bond amount to match the amount of cash handled during one year if he or she determines that the employee is handling more cash than the approved amounts.

## **8.4 Acceptance of Gifts and Gratuities**

An employee may not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he or she has official business relationships with the Township. These limitations are not intended to prohibit employees from accepting articles of negligible value that 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 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.

## **8.5 Nepotism**

Liberty Township may not hire individuals who have relatives who are employees of Liberty Township. Employees shall be defined as all full-time employees and all part-time employees. Persons involved in husband/wife, parent/child, parent/child-in-law, first cousins, aunt-uncle/niece, aunt-uncle/ nephew, siblings, grandparents/grandchild relationships shall be considered relatives for the purpose of this regulation. It shall be incumbent upon applicants to make known such relationships. If existing employees become relatives with one another or a related employee changes to a job classification which conflicts with this policy after commencement of their employment, the Township shall allow a choice to the persons involved as to who will resign. However, in the case where such a decision is not voluntarily made by the employees, then the person with greatest seniority will be given an opportunity to remain employed by the Township. The Board reserves the right to make decision concerning the hiring of relatives on a case-by-case basis. The provisions of the Ohio Revised Code render it unlawful for a public official to use his or her influence to obtain a benefit, including a job, for his or her relative. An exception to this policy shall be made in the case of appointments where neither individual involved is employed in a supervisory or management position and where neither individual involved, nor the work performed, nor the employment

of either individual, is or may be directly influenced by the other individual. The determination of such influence shall be at the discretion of the Board of Trustees. The employees must make application to the Board of Trustees prior to any event that would require an exception to allow continued employment. Failure to notify may result in the discharge of both parties.

## **8.6 Public Records Policy**

It is the policy of Liberty Township that openness leads to better informed citizenry, which leads to better government and better public policy. It is therefore the policy of the Board to strictly adhere to the state's Public Records Act. Liberty Township maintains many records pertaining to the administration and operations of Liberty Township. To ensure that all members of the public, as well as employees, have access to those records as required by Ohio law, the Board of Trustees has adopted a Public Records Policy. This policy explains the process by which a person may inspect and obtain copies of those records maintained by Liberty Township which are not exempt from disclosure by Ohio law. See the complete "Public Records Policy" in the Appendix section of this Handbook.

## **8.7 Use of Township Property**

The use of Township equipment, furniture, uniforms, or supplies for personal business or private use is prohibited. Violators are subject to disciplinary action. Such equipment includes, but is not limited to, office and telecommunications equipment, furniture, computers, automobiles, trucks, cruisers, tools, uniforms, and supplies.

## **8.8 Vehicle Policy**

The Township has a Motor Vehicle Policy which regulates the use of Township owned or leased vehicles as well as personal vehicles used for Township business. See "Motor Vehicle Policy".

## **8.9 Computers, Electronic Devices, Telephones and Cell Phones**

The availability of copiers and scanners, fax machines, internet access, landline telephones and electronic devices, such as computers, cell phones, laptops, tablets, etc. is for Township purposes, not for personal use. Specifically, this technology is meant to enhance operations by enabling employees to, among other things: locate and retrieve information; communicate more effectively with other departments, employees, organizations and the public; be contacted in cases of emergencies by Board Members or the Township Administrator; and more easily publish information of interest to the community and the general public. All communications and/or information created, stored, received, sent or otherwise transmitted on or through provided technology are considered Township property and are subject to the Freedom of Information Act and the Township Public Records Policy. The Township reserves the right to, can and will monitor or review text messages, e-mail, internet, or computer usage or files on Township owned devices at any time. The use of a Township provided password or code does not in any way restrict the Township's right or ability to access communications or information.

### **8.9.1 Cell Phones**

Employees who are assigned a Township owned cellphone or who have a reimbursement arrangement for a personal cellphone are required to respond when contacted by the Board of Trustees, Township Administrator, Department Head or employees. For Township owned cellphones, the Township will designate the appropriate service provider(s) for cellular service, the appropriate service plan for each employee and the required phone model(s). The employee assigned the phone shall be responsible for the physical security of the cell phone. Text messages, phone calls and/or internet searches made from or received on township owned devices may be subject to inspection and the Public Records Act.

The Board may approve alternate arrangements for reimbursement of costs of personal cell phone usage, if appropriate. Business related text messages and/or phone calls on personal cell phones of those employees receiving reimbursement for said devices may be subject to inspection and are subject to the provisions of the Public Records Act.

### **8.9.2 Use of Computers, Electronic Devices, Email, Text Messaging and Internet**

Employees of the Township shall not use Township equipment, electronics, landline or cell phone, fax machine, internet, email or online services in a manner that would violate any federal, state, or local laws or to transmit, download or print obscene, pornographic, threatening, or racially, sexually, or religiously harassing materials. (Employees with reimbursement arrangements for personal cell phones shall follow these same guidelines and rules when using their phone for business purposes.)

Communications, including but not limited to texts and emails, on Township owned devices and/or through the Township server shall not:

- Be used for operating a business for personal gain, sending chain letters, or soliciting money for religious or political causes;
- Contain offensive or harassing statements, including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious, or political beliefs;
- Contain incendiary statements which might incite violence or describe or promote the use of weapons or devices associated with terrorist activities;
- Be used to send or solicit, nor shall the internet be used to access or download, sexually explicit messages or images;
- Be used to disseminate or print copyrighted materials (including articles and software) in violation of copyright laws;
- Be used to commit any illegal act or engage in any illegal activity; and
- Be used to register for social media sites except as expressly permitted by the Township Administrator and/or Department Head.

### **8.9.3 Ownership and Property Rights**

Only software and hardware that the Township has purchased and installed may be utilized on Township equipment. Copying software, data, or documentation for personal use or for use on personal machines is strictly prohibited by the Township and by law.

Upon separation of employment with Liberty Township, the employee must return any Township owned communication or electronic device to their supervisor or the Township Administrator and may no longer use Township issued email address and/or phone numbers.

### **8.10 Privacy**

The privacy of Township files and systems must be respected and guarded. The Township retains the right, at the direction of the Board, to review, audit, and monitor all directories, files, texts and emails and to monitor internet and cell phone activity on any and all Township owned devices. The Township will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through the Township system.

Employees should have no expectation of privacy with regard to employee's use of e-mail, internet, computers, telephones, cell-phones, voicemail, equipment, furniture, and/or other facilities, equipment or systems provided by the Township or with regard to any communications over or activity on Township provided systems. Employees should have no expectation of privacy with regard to any items placed in or on any furniture, equipment or vehicle provided by the Township or brought onto the Township premises. The Township has no responsibility for personal property brought on to the Township's premises. The Township reserves the right to inspect personal belongings in order to maintain a safe and secure work environment for all employees. The Township will exercise any measure deemed reasonable to ensure the safety and security of our employees, inventory, and work locations.

### **8.11 Social Media Policy**

The Township may operate a Facebook and/or other social media sites in the interest of the Township and/or its' departments. These sites will be maintained and monitored by the Township Administrator or a designee. See Social Media Policy.

The Township maintains certain expectations with regards to employees' personal social media sites and/or chat groups. Township employees are prohibited from making personal attacks on elected officials, employees, supervisors and the operations or work performed by the Township on their own or on others' social media sites (including but not limited to Facebook, Twitter, Instagram, Topix, and other community chat groups) and are otherwise prohibited from engaging in activity which can be construed as insubordinate. Photos, images or likenesses of elected officials, staff or Township equipment or property are not to be used on any site without permission from the Administrator and/or the subject in the photo.

### **8.12 Political Activity**

Employees may not:

- a. Use official authority or influence for the purpose of interfering with an election or nomination to office, or affecting the results thereof; or
- b. Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary or compensation or anything of value to any party or committee, organization, agency, or person for political purposes; or
- c. Become a candidate for any political or appointed office exclusive to the township (e.g., office of Trustee or Fiscal Officer); or
- d. Take any action, including an active part in a political campaign, or an office in a political party, which will place the township in a partisan position, and interfere with the employee's ability to perform the duties of their position, or
- e. Circulate official nominating petitions for any candidate, or
- f. Campaign by writing for publications, by distributing political material, or by making speeches on behalf of (or against) a candidate for elective office, or
- g. Soliciting the sale of or selling political party tickets (e.g., raffles or special functions); or
- h. Include information pertaining to the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or a bond issue in a township newsletter.

Employees may join or affiliate with civic organizations of a partisan or political nature, serve as precinct election officials, give financial contributions to political candidates and organizations, circulate petitions on legislation relating to their employment, attend political meetings, vote, and advocate or support the principles or policies of civic or political organizations.

### **8.13 Travel Expense Reimbursement**

Travel expenses must be authorized in advance by the Board of Trustees, Administrator and/or the Department Head. Employees will be reimbursed for necessary expenses incurred while attending trainings, conferences, conventions, seminars, etc. relating to their Township employment.

The Township discourages use of personal vehicles while conducting Township business. The Board of Trustees and/or the Administrator must approve the use by an employee of their personal vehicle to conduct Township business. An Employee shall be compensated at the rate equal to that allowed by the Federal Government for private auto travel. Lodging expenses incurred while traveling on official Township business shall be reimbursed at a single occupancy rate plus tax.

If meals are included in fees for items such as conference registrations, no meal reimbursement shall be approved. Otherwise, when approved in advance by the Administrator or Board, an allowance shall be made for meals in an amount which shall be the lesser of the following:

1. Breakfast: \$15.00 or actual cost including 15% tip.
2. Lunch: \$20.00 or actual cost including 15% tip.
3. Dinner: \$28.00 or actual cost including 15% tip.

The Township will not reimburse employees for travel to and from an employee's home and a Township facility or job site, whether such job site be a home office or field assignment and the Township will not reimburse employees for travel expenses in the event that the employee is not authorized by the Board to drive on Township business.

Receipts for all expenses claimed are to be itemized and submitted within thirty (30) days after such expenses are incurred. The cost of alcoholic beverages will not be reimbursed. The Board may authorize reimbursement to an employee for expenses incurred for items other than those specifically outlined above. Reimbursement requests must be made to the Fiscal Officer. Frequent flyer mileage must be credited to Liberty Township Delaware County.

#### **8.14 Credit Card Policy**

The Township Fiscal Officer is responsible for issuing, accounting for, monitoring and retrieving Township issued credit cards and generally oversees compliance with the township's credit card policy. Township credit cards may be used only by an officer or employee of the township who is authorized by the Board of Trustees for the purchase of goods or services for the official business of the township. All transactions must be verified and approved by the Fiscal Officer. Any Township employee who uses a township credit card in a manner contrary to the established policy shall be subject to disciplinary action. See the Township Credit Card Policy.

#### **8.15 Fraud Reporting System/Whistleblower Provision**

The Ohio Auditor of State has an established Fraud Center which is accessible to all Ohio citizens through its' toll-free hotline, 1-866-FRAUD-O and at [www.auditor.state.oh.us/fraudcenter](http://www.auditor.state.oh.us/fraudcenter). The Fraud Center gives citizens the opportunity to anonymously report fraud, including the misuse of public money by any public official or office. The Auditor of State is required by law to keep a log of all complaints filed. The log is a public record under Section 149.43 of the Ohio Revised Code and must contain the date the complaint was received, a general description of the nature of the complaint, the name of the public office or agency with regard to which the complaint is directed, and a general description of the status of the review by the Auditor's office. Under House Bill 66, all public offices must make their employees aware of the fraud reporting system to all new hires.

Liberty Township encourages all employees to report potential legal violations. Employees may anonymously report potential violations or issues of fraud to the Equal Employment Opportunity Commission (EEOC), through the Auditor of State's Fraud Center or to a Township official, Department Head or Township Administrator. All employees are required to sign the Liberty Township Policy and Procedure Acknowledgement to verify that you have been made aware of the Ohio Auditor of State's Fraud Center.

Retaliatory action or conduct of any kind taken by any employee or elected official of Liberty Township against an employee as the result of that employee having sought redress under this policy is strictly prohibited and shall be regarded as a separate and distinct violation of this policy. Any suspected retaliation must be promptly reported.

#### **8.16 Severe Weather and Other Emergencies**

Emergencies, such as, but not limited to severe weather, fires, and power failures can disrupt Township operations, and in extreme cases, may require the closing of Township facilities. When operations are officially closed by the Township based upon the above or when a Level 2 Snow Emergency is declared by



the Delaware County Sheriff, non-essential Township employees should not report for work and any such time off from scheduled work will be paid. However, employees in essential operations (e.g. fire department personnel, maintenance personnel as may be determined by the Board of Trustees on a case-by case basis, and road maintenance personnel) may be required to work at times when operations are officially closed or when a Level 2 Snow Emergency has been declared.

Township employees who cannot report to work during an emergency, such as during snow and ice emergencies, when Township operations remain open, will not be paid for such time off. In instances such as these, employees may utilize vacation leave or unpaid personal leave, subject to the approval by the Department Head and/or Township Administrator, but may not utilize sick leave.

#### **8.17 Smoking and Tobacco Use**

Smoking and tobacco use is prohibited in all Township buildings, Township vehicles and in any area where smoking is otherwise prohibited. Employees who do not comply with the smoking policy will be subject to discipline up to and including termination.

#### **8.18 Standing Orders**

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

## **ARTICLE IX – HEALTH, SAFETY & WELL-BEING POLICIES**

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### **9.1 Health, Safety and Well-being**

The Township intends to make everyone's job safe in all respects and requires employees to report any hazardous conditions at once to his or her immediate supervisor or the Board of Trustees. 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.

- a. Learn the right way to do your job. Never hesitate to ask questions about things you do not understand, especially on new jobs.
- b. Use and maintain in safe condition the correct equipment and tools for your work.
- c. Observe the recommended work procedure developed for your job.
- d. 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.
- e. 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 or removing machine guards.
- f. Avoid horseplay and practical jokes.
- g. Call your supervisor's attention to any unsafe conditions. Make suggestions when you feel they will improve the safety or performance of an operation.
- h. If you are injured, report promptly for first aid treatment. Even minor cuts and scratches can become infected unless proper care is taken.
- i. Learn first aid. All employees should learn basic first aid.
- j. Respect moving machinery and equipment, electricity, ice on walks and excavated areas. Never operate equipment with guards removed. Never operate equipment while under the influence of drugs or alcohol.
- k. Wear protective equipment where appropriate.

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

In the case of accidents, regardless of how insignificant the injury or damages may appear, employees must immediately notify their supervisor. The employee's supervisor is required to email a summary of details of any work-related incident to the Human Resources office and/or the Administrator. If necessary, all appropriate and necessary BWC forms shall be completed and submitted as required. In certain instances, a report by the supervisor may be necessary to comply with applicable laws and initiate insurance and workers' compensation benefits procedures.

### **9.2 Anti-Discrimination and Anti-Harassment Policy**

The Liberty Township Board of Trustees seeks, in all of its operations, to employ individuals on the basis of merit and ability alone. Liberty Township will not tolerate the harassing of individuals with words or actions for any reason. All Liberty Township employees have the right to a working environment free of discrimination and harassment.

This policy shall apply to all personnel employed by Liberty Township, including all elected officials. Harassment is against Township policy and is a violation of law. Any harassment, whether based on sex, race, color, religion, sexual orientation, national origin, citizenship, age, disability, military status or veteran status is strictly prohibited. No Township employee or official shall engage in, or be subjected to, any form of harassment.

### **9.2.1 Purpose**

To maintain a working environment free of discrimination and harassment based on sex, race, color, religion, sexual orientation, national origin, citizenship, age, disability, military status or veteran status. This policy applies not only to harassing or discriminatory conduct in the work place and while conducting the business of the Township, but to any harassing or discriminatory conduct which has the purpose or effect of unreasonably interfering with an employee's work performance, creating an intimidating, hostile, or offensive working environment, or adversely affecting the career, pay, job or working environment of an employee.

### **9.2.2 Application**

This policy is not intended to enlarge the employee's civil or criminal liability in any way, and it shall not be construed as the creation of a higher legal standard of safety or care in the evidentiary sense with respect to third party claims. Noncompliance with this policy constitutes a violation of employment duty only, except in cases of noncompliance which also constitute a violation of duties imposed by law. Therefore, violation of this policy shall form the basis of Liberty Township disciplinary action. In the event of a violation of duties imposed by law, nothing herein shall be construed to relieve one from legal duty or from any action resulting from breach of that legal duty.

### **9.2.3 Discrimination**

The Township will not tolerate any conduct that intimidates, harasses or otherwise discriminates against any employee, or applicant for employment. All personnel decisions and practices including but not limited to, recruiting, testing, hiring, upgrading, promotion/demotion, lay-off, termination, benefits, selection for training, or any other terms or conditions, or privileges of employment, because of the individual's sex, race, color, religion, sexual orientation, national origin, citizenship, age, disability, military status or veteran status is illegal and will not be tolerated.

Unlawful discrimination is defined as treating individuals less favorably in their employment because of the individual's sex, race, color, religion, sexual orientation, national origin, citizenship, age, disability, military status or veteran status.

### **9.2.4 Unlawful Harassment**

Unlawful harassment is a form of employment discrimination. Harassment is unwelcome conduct that is based on an individual's sex, race, color, religion, sexual orientation, national origin, citizenship, age, disability, military status or veteran status. Harassment becomes unlawful when (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

### **9.2.5 Sexual Harassment**

Sexual harassment is defined as unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature when: (1) submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or (2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering; whistling; touching; pinching; assault; coerced sexual acts; suggestive, insulting, obscene comments or gestures; and display in the work place of sexually suggestive objects or pictures. This behavior by any Township official or employee is unacceptable and will not be tolerated.

### **9.2.6 Reporting of Suspected Harassment or Discrimination and Investigation**

Any employee who believes they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor or other individual otherwise affiliated with Liberty Township shall immediately report the conduct in writing to the Board of Trustees, Township Administrator or Human Resources. An accurate record of objectionable behavior is necessary to resolve a formal complaint of harassment. Employees who believe they have witnessed discrimination or harassment, or who have questions or concerns regarding discrimination or harassment shall immediately contact the Board of Trustees, Township Administrator or Human Resources. Any Township official or employee who witnesses first hand any form of harassment in violation of this policy has an affirmative duty to report the same to the Board of Trustees, Township Administrator or Human Resources.

The Township encourages legitimate complaints made in good faith in accordance with this policy. False complaints made in bad faith will not be tolerated. Unsubstantiated complaints made in accordance with this policy shall not be considered a “false complaint” subject to disciplinary action, unless the complaint is determined to have been made in bad faith. False complaints are considered to be a violation of this policy and an employee who makes a false complaint may be subject to discipline, up to and including termination.

Unlawful discrimination or harassment that affects an individual’s employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.

To avoid concerns of sexual harassment and other inappropriate behavior, employees are required to inform the Board of Trustees, Township Administrator or Human Resources if they currently are, or if they become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the Township determine that a conflict exists between an employee’s employment with the Township and a personal relationship with a co-worker, the Township will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.

When the Township becomes aware of any alleged harassment or discrimination, it will investigate the matter within a reasonable time period. The investigation will be conducted in an impartial manner and may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept confidential to the extent practicable and permitted by law, although confidentiality is not guaranteed. The investigator shall be the Township Administrator or an investigator appointed by the Township Administrator or the Board of Trustees. All employees are required to cooperate in any investigation of a harassment complaint. Failure to cooperate may result in disciplinary action, up to and including termination.

An employee accused of violating this policy shall ordinarily be informed of the nature and details of the alleged violation and the identity of the individual(s) alleged to have been harassed or discriminated against and given an opportunity to meet with the investigator.

Following completion of the investigation, the investigator will issue a report and recommendation to the Township Administrator and/or the Board. The Township Administrator or the Board, will review the report and recommendation and determine upon the appropriate action to take. If it is determined unlawful discrimination, harassment or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. Corrective action will be designed to stop the unlawful conduct and prevent its reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified.

The employee who was the subject of the alleged harassment or discrimination will be advised of the findings of the investigation and of any action that will be taken by the Township and is advised that any recurrence of the problem or suspected retaliation must be immediately reported.

Retaliatory action or conduct of any kind taken by any employee or elected official of Liberty Township against an employee as the result of that employee having sought redress under this policy is strictly prohibited and shall be regarded as a separate and distinct violation of this policy. Any suspected retaliation shall be reported to a Township Trustee, Township Administrator and/or Human Resources immediately. Any person found to have retaliated against an individual for seeking redress under this policy will be subject to discipline, up to and including termination. Disciplinary action for filing a false complaint is not a retaliatory act.

Paperwork regarding any complaint of a violation of this policy will not be kept in the complaining employee's personnel file and will not be kept in the accused employee's personnel file, unless the employee was found to have violated this policy and corrective action is taken.

### **9.3 Weapons Policy**

Liberty Township prohibits the wearing, transporting, storage, presence or use of dangerous weapons in all Township owned or leased buildings and surrounding areas, including but not limited to sidewalks, walkways, driveways, recreational areas and greenspaces, and in all Township owned or leased vehicles, regardless of whether or not the employee is licensed to carry the weapon. Dangerous weapons include, but are not limited to, handguns, firearms, explosive or incendiary devices, knives and other deadly weapons further defined by Ohio statute (ORC 2923.11). Any employee who violates this policy is subject to disciplinary action, up to and including termination. A client or visitor who violates this policy may be removed from the property and reported to proper police authorities. This policy does not apply to any law enforcement personnel or security personnel engaging in official duties. Licensed concealed carry holders are not prohibited from transporting or storing their firearm and ammunition in their personal vehicle or carrying their licensed handgun into any Township owned building, facility or vehicle by resolution of the Board of Township Trustees (ORC 2023.126(B)(7)). Employees who are concealed carry licensees may be subject to some restrictions as determined and authorized by the Board of Trustees, or in compliance with local, state or federal laws, or in compliance with Departmental policies approved by the Board of Trustees.

### **9.4 Workplace Violence**

Liberty Township is committed to maintaining a workplace that is free from the threat of violence. The Township has zero tolerance for any violent behavior. Behavior that creates a climate of violence, hostility, or intimidation will not be tolerated, regardless of its origin.

Any form of violence or threat of violence, actual or perceived, by a Township employee or member of the public that threatens a Township employee or family member must be reported. Violent behavior by an employee, regardless of classification or position, may result in discipline, including termination. Violence, threats, or intimidation towards employees of the Township will be met with an immediate response, including calling the police or taking legal action.

As a Liberty Township employee, you are expected to refrain from inappropriate conduct including but not limited to:

- Violent or threatening physical contact (e.g., fight, pushing, physical intimidation);
- Direct or indirect physical or verbal threats;
- Threatening, abusive, or harassing telephone calls, texts, e-mails, etc.;
- Verbal assault for the purposes of intimidation and /or coercion;
- Possession of a weapon or firearm inside of a Township facility, unless in accordance with 9.4 Weapons Policy;

- Stalking;
- Violation of a restraining order; and
- Threats of suicide.

To ensure the safety of other employees and to prevent workplace violence, any threats pertaining to employees, whether made by other Township employees or individuals not employed by the Township, shall be forwarded to the Administrator or Board immediately. The threatened employee, if other than the person hearing the threat, will also be notified by the Administrator or a member of the Board to forewarn such person so that the proper precautions may be taken by such employee. This requirement to report includes any serious threats made that could endanger an employee, an employee's property, or an employee's family.

## **9.5 Drug Free Workplace**

Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe that they may have an alcohol or drug addiction problem are encouraged to seek professional treatment and assistance. No employee who seeks such treatment or assistance prior to detection will have his job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. The Township will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.

Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. The Township may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.

The Township maintains a drug and alcohol free workplace in order to eliminate the inherent risks and liability to the Township, the affected employee, co-workers and the public. Liberty Township prohibits the manufacturing, distribution, dispensing, possession, use or being under the influence of alcohol, drugs, controlled substances, drug paraphernalia or any combination thereof on any Township premises or work site; including Liberty Township vehicles or private vehicles parked on Liberty Township's property or work sites. Work site is defined to mean the site for the performance of work done in connection with employment by Liberty Township. Employees may not consume alcohol, drugs or controlled substances while on paid or unpaid meal periods or breaks from their regularly assigned duties. Also prohibited is the illegal use of legal substances.

In order to further the Township's objective of maintaining a safe, healthful, and drug-free workplace, the Township may require an employee to submit to a urine and/or blood test if there is reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result.

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. The law establishes a rebuttal presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

### **9.5.1 Definitions**

**Controlled Substance:** Means any controlled substance contained in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in O.R.C § 3719.01).

Conviction: Means any finding of guilt, including a plea of no contest or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal Drug Statute: Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. § 3719.01 *et seq.*

### **9.5.2 Drug Free Workplace Policy**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the employer's work place is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.

Any employee convicted of any Federal or State criminal drug statute must notify the employer of that fact within five (5) calendar days of the conviction.

Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.

Any employee convicted of a drug or alcohol offense, who fails to timely report the conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.

### **9.5.3 Drug/Alcohol Testing Policy**

In order to maintain a safe and healthful work environment, the Township reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

Where the Township has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the Township's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a Township representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.

If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the Township. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.

Any employee who tests positive may request retesting of the original specimen at their own expense.

Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through the Liberty Township Employee Assistance Program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.

Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two (2) years from the date of their return.

Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.

Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.

Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the Township's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law.

#### **9.5.4 Discipline**

The Township may discipline an employee, up to and including discharge, for any violation of this policy. Nothing herein shall be construed as a guarantee that the Township will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a prescribed rehabilitation program, if offered, shall result in the employee's discharge [including a refusal to test or a positive test result on a return to duty or follow-up test]. No employee shall be provided more than one (1) opportunity at rehabilitation. The Township's decision whether to discharge an employee shall be made on the basis of the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g. injury, property damage, etc.) the employee's work record, and other factors traditionally considered when determining whether to retain an employee.

#### **9.5.5 Refusal to Test**

Employees who refuse to submit to the required testing shall be subject to disciplinary action up to and including discharge. A refusal to test for purposes of this policy shall include:

1. Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so;
2. Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, or a delay in providing a sample; and
3. Failure to execute or release forms required as part of the testing process.

#### **9.5.6 Prescription/Over-the-Counter (OTC) Medications.**

Employees must inform the Township if they are taking any medication that may impair their ability to perform their job. Employees on such medications must provide a written release from their treating licensed medical practitioner indicating that they are capable of performing their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any Township function or duty while taking legal drugs that adversely affect their ability to safely perform any such function or duty. Employee use of prescription or over-the counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the Township or its employees, or result in criminal behavior.

#### **9.5.7 Workplace Searches**

The Township is committed to 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 probable cause and/or reasonable suspicion is present as part of an investigation into specific allegations,



including but not limited to drug/alcohol use or possession in the workplace, illegal possession of weapons in the workplace, evidence of theft from the workplace, and inappropriate or unauthorized use of Township property.

All Township facilities, buildings, offices, furnishings, equipment, computers, and vehicles 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 Township buildings, offices, furnishings, equipment, computers, vehicles, and cellular 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 Township premises, or use Township equipment or materials for personal purposes, do so at their own peril and should not expect privacy.

In addition, a Board member, the Administrator and/or the employee's supervisor 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 property without permission. The Township maintains the right to cut and remove personal locks from Township-owned property at any time. The Township also reserves the right to review records of Township-owned telephones, including cellular telephones.

If during an investigation or search, information indicating the possible commission of a crime or other illegal violations is discovered, the 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 will be disciplined, with penalties up to and including termination of employment.

**ACKNOWLEDGEMENT AND CONSENT PAGE**

*(This page is not necessary if acknowledgement of receipt is submitted via Paylocity.)*

***At-Will Employment***

*(Non-collective bargaining employees ONLY)*

\_\_\_\_\_  
*Employee Initial*

\_\_\_\_\_  
*Human Res. Initial*

***Family Medical Leave Act Policy***

\_\_\_\_\_  
*Employee Initial*

\_\_\_\_\_  
*Human Res. Initial*

***Social Media Policy***

\_\_\_\_\_  
*Employee Initial*

\_\_\_\_\_  
*Human Res. Initial*

***Drug Free Workplace Policy***

\_\_\_\_\_  
*Employee Initial*

\_\_\_\_\_  
*Human Res. Initial*

***Weapons/Concealed Carry Policy***

\_\_\_\_\_  
*Employee Initial*

\_\_\_\_\_  
*Human Res. Initial*

***Receipt of Employee Handbook:***

I have received a copy of the Employee Handbook. This Handbook outlines the policies and procedures of Liberty Township. I understand that it is my responsibility to read and familiarize myself with the information contained in this Handbook. I understand that if I am a member of the USW, IAFF or other collective bargaining agreement, the policies and procedures outlined in this document will be enforced where the respective contracts are silent. I have received copies, read and initialed to represent my understanding of the Township policies noted above. I understand that from time to time this Handbook may be revised to reflect current Township policies and procedures and to reflect changes in the law. I understand that the most recent and up to date version of this Employee Handbook is available in the Administrative Offices. If I have any questions, I should contact the Township Administrator.

\_\_\_\_\_  
**Employee Printed Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Article 5.7 – Injury Leave – changed to “not to exceed four months” October 15, 2018, to reflect same change in USW Collective Bargaining Agreement.