

**Liberty Township – Delaware, Ohio**  
***Employee Handbook – May 2024 Edition***  
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## **Appendix:**

- Appendix A: Liberty Township Injury Leave Policy, Resolution 17-0517-13
- Appendix B: Township FMLA policy
- Appendix C: Liberty Township Public Records Policy
- Appendix D: Liberty Township Motor Vehicle Policy
- Appendix E: Cell Phone Policy
- Appendix F: Social Media Policy
- Appendix G: Liberty Township Credit Card Policy
- Appendix H: Liberty Township Teleworking Policy

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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**

This Handbook applies to all Township employees and officials. It is required that all employees acquaint themselves fully with, and abide by, the contents of this Handbook. 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, Section 2.2).

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 communicate basic employment terms and policies of Liberty Township employment and what is expected of employees. 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.

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 approved by the Board of Trustees. When amendments are made and approved by the Board these changes, additions, or deletions shall be provided to employees a minimum of 14-days prior to enforcement. This notification may be issued by electronic means (email or the Townships employee administrative software such as HR Butler), or by physical document. It is the responsibility of each department head and/or supervisor to ensure that all subordinates are made aware of Handbook changes and assure all employees acknowledge the changes via written or electronic acknowledgement.

### **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 Departmental Policy and Bargaining Agreements**

The Liberty Township Departments may, at their discretion, develop operational policies, orders or directives to be applied to their respective department. Such policies are supplemental to, and shall not conflict with, any of the policies set forth in this Handbook. This Handbook is intended to be construed in such a manner as to comply with all applicable federal and/or state laws, as well as any contracts and collective bargaining agreements between Liberty Township and any employee or group of employees. If any provision of this Handbook is determined to conflict with the law, contract or collective bargaining agreement, the conflicting provision of law, contract or collective bargaining agreement shall apply and the remainder of this Handbook will continue in full force and effect.

## **1.6 Delegation**

The Board of Township Trustees may delegate such duties and functions as they deem appropriate. The Township Administrator, Fire Chief 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, disability, 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**

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. This policy governs all aspects of employment, including selection, job assignment, compensation, termination and access to benefits and training.

### **1.9 Reasonable Accommodation**

The Township shall make reasonable accommodations for qualified individuals with known disabilities, who are pregnant or who have pregnancy-related conditions, or who need an accommodation due to their sincerely held religious practices, unless doing so would result in undue hardship upon the Township or a direct threat of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by a reasonable accommodation. All employees are required to comply with safety standards. Applicants and employees who pose a direct threat to their own safety or that of others, in which the threat cannot be eliminated by reasonable accommodation, will not be hired or retained.

Requests for accommodation shall be made to the Department Head and/or the Township Administrator and should be in writing to avoid confusion; however, verbal requests will be considered. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. The Board of Trustees is responsible for implementing this policy, including resolution of accommodation requests and safety and undue hardship issues.

## **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 at least forty (40) hours per week; a non-seasonal or non-temporary employee generally scheduled to work less than forty (40) hours but more than thirty (30) hours per week shall be considered full-time and may be eligible for benefits and leave time, in accordance with the Affordable Care Act and as approved by the Board of Trustees.

**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 regardless of the daily hours worked. Seasonal and Temporary Employee appointments include, but are not limited to, college interns, students, seasonal park workers, interim and intermittent employees.

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

Unless otherwise provided by law, all employees of the Township are employees “at-will” and serve at the pleasure of the Board. This Handbook is not a contract of employment or a promise or guarantee of employment or of any rights. 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 agreements. 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 review 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, the employee may be terminated without appeal rights.

Whenever an employee is promoted, they 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, they may be reduced to the position that they held prior to the promotion.

#### **2.4 Performance Reviews**

Each employee may be reviewed upon completion of the probationary period and, from that point further, at least once every year. Performance reviews provide all involved with a better understanding of expectations and goals. Reviews 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 review shall be in writing and carried out by the employee's supervisor and placed permanently in the employee's personnel file. A supervisory meeting will be conducted between the supervisor and the employee to discuss the review and any performance issues. The employee will be asked to sign the review; this reflects their receipt of the review and 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. All reviews shall be shown to and discussed thoroughly with the employee. Reviews may be conducted more frequently as determined necessary by the Board of Trustees, Township Administrator, Fire Chief or Department Head. If an employee disagrees with their performance review, written comments may be submitted and attached to the review 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 reviews in an effort to provide support and guidance in meeting the established improvement plan.

#### **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 their Department Head of the secondary employment in writing 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. Employees are prohibited from engaging in secondary employment during the hours for which they are normally scheduled to work for the Township. 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 manner. 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.

## **2.11    Attendance Policy**

The Township defines an absence as failure to report for and remain at work as scheduled; this includes late arrival at work and leaving early. Absence then includes all time lost from the job whether excused or unexcused, avoidable or unavoidable. The only exceptions to this definition of absence are holidays, vacations, death in the immediate family, Workers' Compensation cases, approved leaves of absence and days for which no work is scheduled.

## **ARTICLE III – PERSONNEL ADMINISTRATION**

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### **3.1 Payroll**

Salaries and compensation will be determined by 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 Office 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. 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 Office 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 number of hours worked. Supervisors shall review and approve an employee's timesheet prior to its submittal to the Fiscal Office and/or the payroll services provider. 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 workweek and eight (8) hours per workday 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 7:00 a.m. to 4:30 p.m., but hours vary according to weather and operational need. The Fire Department is a twenty-four (24) hour operation.

The standard workday 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 workday 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, but 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, who is 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 (“FLSA”) (hereinafter referred to as “Non-Exempt Employees”) over forty (40) hours in a given workweek.

Non-Exempt Employees shall receive overtime compensation according to the FLSA 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 include work hours as well as all vacation, injury leave, compensatory time and military leave, but specifically excludes sick leave. The term “hours actually worked” shall also include all hours expended in training required by the Township.

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 (or electronic via the schedule or timekeeping software) 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 by the end of that calendar year. 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. See respective CBA for the maximum accruals and cash out process for USW and IAFF Member employees.

### **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 may 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 reviews, work related commendations and/or disciplinary actions and payroll information, which may include 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, including all Family and Medical Leave Act information and documentation, shall be maintained in a separate, confidential medical file with limited access to only those in a position of a need to know; typically, this is supervisor(s), Administrator, Fire Chief, Human Resources.

Employees are responsible for ensuring the following information is updated and current in the Township's human resources information system (HRIS). This may be done by the employee or their representative or by contacting the Fiscal Office:

- 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 their 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 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 Office. The only information that the Fiscal Office 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 officials 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, Township Administrator, Fire Chief 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 and/or Fire Chief may issue verbal and written warnings. The Board of Trustees may enforce any type of discipline, including, demotion, reduction in pay, suspension with or without pay, forfeiture of earned leave, and 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 shall 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 or the Fire Chief, warrant immediate action. Notification of discipline of bargaining unit employees shall be in compliance with the respective collective bargaining agreement.

#### **4.6 Appeal Procedure - 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/or 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.

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

#### **4.7 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 their 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.

#### **4.8 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, Juneteenth, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. At the prior approval of the Board of Trustees, Administrator and/or Department Head and as operationally necessary, holiday hours may be used on dates other than the recognized holiday date, provided they are used in eight-hour increments and are used in the year in which they are accrued.

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.

An employee must be in paid active status to be eligible for a paid holiday. Employees will not be paid for holidays which occur during an unpaid leave of absence or disciplinary action.

#### 5.1.1 Working on a Holiday

An employee required to work on a holiday shall receive time and a half their regular rate of pay in addition to holiday 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.

### 5.2 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 through 5 years	3.07 hours	2 weeks (80 hours)
6 years thru 10 years	4.62 hours	3 weeks (120 hours)
11 years thru 15 years	6.15 hours	4 weeks (160 hours)
16 years thru 20 years	7.69 hours	5 weeks (200 hours)
21 years or more	9.23 hours	6 weeks (240 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. Employees shall not accrue vacation beyond their maximum accrual limit, which is equal to one year's worth of vacation accrual plus one week of vacation accrual.

#### 5.2.1 Prior Service Credit/No Transfer of Accrued Leave

Employees hired on or after July 5, 1987 will have their prior full-time service with townships counted when calculating their entitlement to accrued vacation (aka calculated service date). Employees who retire in accordance with the provisions of a state retirement plan shall not have their prior service with a township counted for purposes of computing vacation leave. No transfer of accrued but unused vacation leave previously accumulated by employees in the employment of other employers shall be accepted by the township to their credit.

### **5.2.2 Use and Scheduling of Vacation Leave**

An employee may, with the prior approval of their supervisor, 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.

Upon approval by the Township Administrator and/or Department Head, an employee's vacation leave accrual may go into a negative balance of not more than forty (40) hours. Bi-weekly accruals of vacation leave shall be applied until the leave balance has been brought out of the negative. In the event an employee separates from Township employment with a negative vacation leave balance, the negative vacation leave balance shall be deducted from the employee's final paycheck until it is no longer negative at the hourly rate of pay at the time of the employee's separation.

### **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 unearned 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 their 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 their 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 them from performing any military service as they 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, they shall be reinstated in their position without loss of seniority or reduction in their pay rate.

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

## **5.4 Civil Leave**

An employee shall be given necessary time off without loss of pay when performing jury duty, appearing in court as a witness in answer to a subpoena, in an official capacity in connection with Liberty Township or as an expert witness. An employee must notify their supervisor five (5) days prior to jury duty. Any compensation received for appearing in court as a Liberty Township employee or representative must be turned over to the Fiscal Office. The funds may be credited to the appropriate fund or returned to the appropriate party. If the employee is on a paid leave using accrued leave balances, they are 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 or if the employee poses a health risk to other employees or visitors to Township facilities.

#### **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 Ohio Public Employer. 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, bargaining unit employees may be eligible to convert to cash payout a portion of sick leave accrued to their credit in the accordance with the provisions of their respective collective bargaining agreements. Non-bargaining unit employees will be eligible for quarterly conversion to cash payout of 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.

#### **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. A request to donate leave must be submitted in writing to the Township Administrator for consideration for approval. If the donation is approved, payroll will process the leave transfer. Denials of such requests shall be in writing.

#### **5.6 Maternity/Paternity Leave**

Maternity/paternity leave for the purpose of the birth of a child(ren) and for the care of a newborn child(ren) is considered a Family Medical Leave Act absence. An FMLA absence for this purpose shall follow the procedures and guidelines for the FMLA policy (see Section 5.9).

#### **5.7 Injury Leave**

Non-bargaining unit full-time employees may be granted injury leave with pay not to exceed one thousand-forty (1,040) hours, equivalent to six (s) 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, Fire Chief (in the case of a Fire employee) or Human Resources not more than three (3) days from the date such injury occurs. For non-bargaining-unit employees, Injury Leave is approved at the sole discretion of the Board of Trustees. 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. In order to qualify as a "service-connected injury", the employee must apply for and be approved for workers' compensation benefits under the Ohio Workers' Compensation

program and in accordance with the Township Workers' Compensation policy and procedures. For complete details, see the Liberty Township Injury Leave Policy, Resolution 17-0517-13, Appendix A.

#### **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 Township 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 Township. 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 the claim by the Ohio Bureau of Workers' Compensation. If the injury claim is not approved by the Ohio BWC, the employee will be charged the designated leave initially requested. If the employee has exhausted available 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 shall be permitted a leave of absence with pay of up to three consecutive regularly scheduled work days for purposes of funeral attendance due to the death of a member of the employee's immediate family. One of the days must include the funeral. Immediate family for this section shall mean the employee's spouse, children, stepchildren, parents, parents-in-law, siblings (siblings-in-law), grandparents. Immediate family shall also include anyone for whom the employee stood in loco parental status or for whom the employee was providing direct care as demonstrated by a health care professional. Funeral and bereavement leave for IAFF and USW members will be in accordance with their respective contracts.

Employees should contact their Department Head or the Administrator as soon as possible regarding the need to take funeral and bereavement leave. A leave without pay and/or the use of appropriate accrued paid leave is allowed for other funerals when approved by the employee's supervisor. 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 a leave of absence of up to twelve (12) weeks 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.

Please see the Township FMLA policy, Appendix B, for more details.

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

Eligible employees whose spouse, son, daughter or parent is on covered active duty or called 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, Appendix B, 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 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 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. For USW Member employees, the Township currently contributes both the employee and employer portion to OPERS. Current percentages can be found on the OPERS website.

Generally, full-time IAFF 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 12.25% of the employee's gross wages or salary as the employee's contribution to OP&F. The current employer contribution made by the Township on behalf of the employee 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 Workers' 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 Workers' 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 their 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, Department Head or Human Resources. All injuries or workplace illnesses shall be reported immediately. It is the responsibility of the supervisor and/or Human Resources to establish the validity of a Workers' Compensation claim based on the information provided by the supervisory staff, the employee and witness(es). 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 provided to the BWC.

When an employee is injured on the job, a "Liberty Township Work Related Accident/Illness Report" shall be prepared by the employee and their immediate supervisor. All required information must be supplied and submitted within seven (7) days following the injury. All injuries are to be reported at once. Failure to report an injury may preclude approval by the Bureau of Workers' Compensation. 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. In the event of a personal injury or illness Transitional Work accommodations may be evaluated on a case-by-case basis and the needs of the Township.

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

All full-time employees and elected officials may choose to participate in the group medical, dental, vision 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      Life Insurance**

The Township shall provide term life insurance with a death benefit amount of \$35,000 for full time employees, \$5,000 for dependents and a \$35,000 ADD policy.

### **6.7      Employee Assistance Program**

Liberty Township may offer an Employee Assistance Program to all employees and their household family members. Contact Human Resources for current program 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 Employees Retirement System (OPERS) or the Ohio Police & Fire Pension Fund (OP&F).

Employees shall file with the Board of Trustees and/or the Administrator, in writing, a notice of their intent to retire as soon as possible prior to the actual date of resignation. Although this notice should include the actual date of retirement, the Township will not consider the notice of intent to retire as a formal resignation. As such, the employee shall notify the Township of the actual date of retirement in a separate notification. It must be recognized by the employee that a delay of a notice of intent to retire to the Township may delay benefits payout(s), delays in COBRA benefits and delays in the transmission of retirement information to the appropriate retirement system and are outside of the control or administration of the Township.

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 OP&F 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 the 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 Trustees determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing their essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform their 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 their 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 provide a minimum of two weeks' notice, in writing, to their immediate supervisor and Department Head prior to the effective date of the resignation. This notice allows the payroll office to properly process earned leave cash outs and final pays. Failure to provide two weeks' notice may result in the delay of earned leave payouts, COBRA benefits and other benefits processing.

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/payroll services provider to ensure that the proper forwarding address is recorded in order to receive W-2 forms and any other pertinent information. 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 Ohio Ethics Law applies to all township officials and employees. The township will provide a copy of the Ohio Ethics Law to all officials and employees within fifteen (15) days after they begin service. No township official 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 official or employee may take any action to employ their spouse, parents, grandparents, children, grandchildren, siblings, step-children or step-parents or to employ any relatives who live with the officials or employees. No township officials or employees may take any official action on matters that will result in a benefit to themselves, their family members, or their business associates. The Ohio Ethics Law is also available on-line at <http://www.ethics.ohio.gov/education/factsheets/ethicslaw.pdf>. For additional information and assistance with the Ohio Ethics Law, township officials 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 judgment 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 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 officials 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 shall 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 or de minimis 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. For purposes of this article, the term "relative" shall include: spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, and a legal guardian or other person who stands in the place of a parent to the employee. 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 decisions 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 their influence to obtain a benefit, including a job, for their 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 Liberty Township Public Records Policy, Appendix C.

#### **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, electronic and telecommunications equipment, furniture, automobiles, trucks, 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 the Liberty Township Motor Vehicle Policy, Appendix D.

#### **8.9 Use of Township Owned Electronic and Telecommunications Equipment and/or Devices**

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. Township issued devices which are meant to be used by staff both on and off premises are for Township business; however, the Township acknowledges that in order to avoid carrying multiple devices, it may be necessary and/or convenient to use Township issued devices for minimal personal use. Under no circumstances shall Township issued electronic devices be used for personal businesses or outside employment or for financial or personal gain 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 monitor and/or review text messages, e-mail, internet, computer usage and/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.

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 text messages 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, solicit, 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/or
- Be used to register for social media sites except as expressly permitted by the Township Administrator and/or Department Head.

#### **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 as soon as possible 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, internet searches and all other activity made from or received on Township owned devices may be subject to inspection and the Public Records Act. All Township owned cell phones and accessories must be returned to the Township in the event of a separation from service or leave without pay.

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. See the Liberty Township Cell Phone Policy, Appendix E for full details.

#### **8.9.2 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 electronic device(s) and accessories to their supervisor or the Township Administrator and may no longer use Township issued email address and/or phone numbers.

#### **8.9.3 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 email, 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.

### **8.10 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, Appendix F.

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 or 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 the explicit permission from the Administrator, Fire Chief and/or the subject in the photo.

### **8.11 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 official or employee to pay, lend, or contribute any part of their 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. Solicit the sale of or sell political party tickets (e.g., raffles or special functions).

An employee may participate in partisan political activity provided that the employee undertakes such participation while off-duty, while not in identifiable uniform, and does not represent that their participation is either undertaken in their official capacity as an employee of the Township or is sanctioned by the Township.

The provisions of this section shall not be construed to prevent any person from exercising their right to vote upon any item appearing on a ballot and/or providing access to the electoral process by the signature of any petition designed to provide access for any candidate or issue to a ballot.

Public officials (or potential public officials) shall not use or promise to use, any official authority or influence to secure or aid any person in securing any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service.

The Township shall not publish 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 Township issued communications, including but not limited to articles in newsletters, on the Township website or social media site(s).

## **8.12 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.

## **8.13 Credit Card Policy**

The Township has been issued credit card (purchasing cards) by their financial institutions as a convenience for making Township related purchases. The 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 official 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 Liberty Township Credit Card Policy, Appendix G.

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

Ohio Revised Code 117.103 requires the Auditor of State to maintain a system for reporting fraud, including the misuse of public money by any public official or office. 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. 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. All public offices must make their employees aware of the fraud reporting system, including 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 they 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.

### **8.15 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. At the discretion of the Administrator, telecommuting/ teleworking may be used during times of inclement weather for those in non-essential position.

### **8.16 Smoking and Tobacco Use**

In order to promote a healthy and comfortable work environment, Township employees are prohibited from using tobacco and/or e-cigarettes, such as vape pens, throughout all Township buildings and/or while performing duties related to Township employment while traveling in Township vehicles. This includes, but is not limited to: buildings, offices, restrooms, hallways, common work areas, garages, Township vehicles, break rooms, storage areas, Fire Department bays, living quarters, and all other Township property. For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. It also includes any product that delivers nicotine other than for purpose of cessation.

### **8.17 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.

### **8.18 Telecommuting/Teleworking**

In certain circumstances an employee or employees may be either required to, approved for or given the option of telecommuting or teleworking (hereafter "telecommuting"), a work flexibility arrangement under which an employee performs their work duties and responsibilities from an approved work site other than the location from which the employee would otherwise work. Telecommuting can be informal, such as working from home for a short-term project or a formal, set schedule or working away from the normal place of work. Telecommuting must be approved by the Board of Trustees, Township Administrator and/or

Fire Chief. Any employee telecommuting must read and sign the Liberty Township Telecommuting Policy (Appendix H). An employee must receive authorization to remove any Township owned or supplied equipment or supplies to be taken off of Township property for the purposes of telecommuting. All equipment and/or supplies are to remain the property of Liberty Township and the employee is responsible for their appropriate use and maintenance in accordance with this Handbook.

## **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 their 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. Employees of Liberty Township are expected to:

- Learn the right way to do their job and to never hesitate to ask questions about things they do not understand, especially on new jobs;
- Use and maintain in safe condition the correct equipment and tools for their work;
- Observe the recommended work procedure developed for their job;
- Keep their work area in good order - cluttered floors, aisles, storage, and work areas all make their job more difficult as well as more dangerous.
- Always work at a safe speed. Never hurry foolishly, such as running in aisles or down stairs, taking short cuts through dangerous areas, or trying to speed up or remove machine guards.
- Avoid horseplay and practical jokes.
- Call your supervisor's attention to any unsafe conditions. Make suggestions when you feel they will improve the safety or performance of an operation.
- Promptly report injuries and seek first aid treatment; even minor cuts and scratches can become infected unless proper care is taken.
- Learn first aid.
- 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.
- Wear protective equipment where appropriate.

Each employee shall 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 is committed to providing a workplace that is safe and free from unlawful discrimination, harassment and retaliation and will not tolerate the harassing of individuals with words or actions for any reason. Discrimination and harassment are against Township policy and are a violation of law. Any discrimination or 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 discrimination or harassment.

This policy shall apply to all personnel employed by Liberty Township, including all elected officials. Additionally, the Township expects all suppliers, subcontractors, residents, visitors and any other individual who enters Liberty Township property, conducts business on Township property, or who is served by Township personnel, to adhere to this standard.

#### **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 Unlawful Discrimination**

Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected class. The Township will not tolerate any conduct that intimidates, harasses or otherwise discriminates against any employee, or applicant for employment. The Township shall not discriminate against an individual with respect to the terms and conditions of employment, based upon that individual's membership in that protected class.

#### **9.2.4 Unlawful Harassment**

Unlawful harassment is a form of discrimination. Harassment is unwelcome conduct that is based upon a protected characteristic. 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.

To avoid concerns of sexual harassment and other inappropriate behavior, employees are required to inform the Board of Trustees, Township Administrator, Department Head 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.

#### **9.2.6 Unlawful Retaliation**

Unlawful retaliation is the act of punishing an employee or job applicant for asserting their rights to be free from employment discrimination or harassment, or for engaging in other protected activity. Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The Township and its supervisors and employees shall not in any way retaliate against an individual for in good faith filing a complaint, reporting harassment, participating in an investigation or engaging in any other protected activity. Disciplinary action for filing a false complaint is not a retaliatory act.

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

The Township can only help solve a problem if it is made aware of its existence. Any employee who believes they have been subject to unlawful discrimination, harassment or retaliation 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, Department Head or Human Resources. An accurate record of objectionable behavior is necessary to resolve a formal complaint of harassment. Employees who believe they have knowledge of discrimination, harassment or retaliation, or who have questions or concerns regarding this policy shall immediately contact the Board of Trustees, Township Administrator, Department Head 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, Department Head or Human Resources. All supervisors are required to follow up on all claims or concerns, whether written or verbal, by communicating the same to the Board of Trustees or Township Administrator/Fire Chief immediately.

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, harassment or retaliation 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.

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

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.

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 Concealed Carry/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. Dangerous weapons include, but are not limited to, non-“handgun” firearms (per ORC 2923.11(B)(C), “handgun” means any of the following: (1) any firearm that has a short stock and is designed to be held and fired by the use of a single hand and (2) any combination of parts from which a firearm of a type described in division (C)(1) of this section can be assembled...”), explosive or incendiary devices, knives and other deadly weapons further defined by Ohio statute, ORC 2923.11. Liberty Township employees who are valid concealed carry holders are not prohibited from carrying their concealed handgun into any Township owned facility, per ORC 2923.126(B)(7).

Any employee who violates this policy is subject to disciplinary action, up to and including termination. 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.

Liberty Township employees 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 9.3 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 their 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 employee's workplace, in/on any Township owned property or on the employee's worksite 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 Liberty Township Human Resources and/or the Fire Chief 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 owned or operated 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.

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.

#### **9.6 Medical Marijuana Policy**

The Township has established and maintains a drug-free workplace policy and also has a zero tolerance drug policy for officers, officials, employees, volunteers, agents, and contractors (for purposes of this policy collectively "Employee") who are under the influence of drugs or alcohol while at work and/or on the job. Employees who are using medical marijuana as authorized by Ohio law are not exempt from these policies in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of these policies and may be subject to discipline including termination for such use and/or violations of the policies.

## ACKNOWLEDGEMENT AND CONSENT PAGE

***At-Will Employment***

(Non-collective bargaining employees ONLY)

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*Employee Initial*

*Human Res. Initial*

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***Family Medical Leave Act Policy***

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*Employee Initial*

*Human Res. Initial*

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***Social Media Policy***

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*Employee Initial*

*Human Res. Initial*

---

***Honesty Clause***

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*Employee Initial*

*Human Res. Initial*

---

***Fraud/Whistleblower Policy***

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*Employee Initial*

*Human Res. Initial*

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***Public Records Policy***

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*Employee Initial*

*Human Res. Initial*

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***Drug Free Workplace Policy***

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*Employee Initial*

*Human Res. Initial*

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***Weapons/Concealed Carry Policy***

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*Employee Initial*

*Human Res. Initial*

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***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.

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**Employee Printed Name**

---

**Signature**

---

**Date**

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**APPENDIX A  
LIBERTY TOWNSHIP  
DELAWARE COUNTY, OHIO**

**INJURY LEAVE POLICY**

**POLICY STATEMENT:**

Liberty Township Board of Trustees shall grant Injury Leave to employees who are unable to report for work as a result of a service related injury or illness and who have applied for and been approved for Worker's Compensation benefits. Injury Leave is granted in accordance with the respective contracts. Injury Leave is a paid leave which does not count against an employee's accrued leave balances. IAFF members may be granted up to 1,456 hours of Injury Leave. USW and all other employees may be granted up to 1,040 hours of Injury Leave. For those employees not covered by a bargaining unit contract, Injury Leave may be granted at the discretion of the Board of Trustees.

**Eligibility and Conditions**

All full-time Liberty Township employees are eligible for consideration of Injury Leave. An employee may only be granted Injury Leave for service connected injuries or illnesses. Service connected injuries or illnesses are defined as those injuries and illnesses which are received while acting within the scope of, and arising out of, the Employee's employment. To be eligible for Injury Leave under this policy, the employee must apply for worker's compensation benefits under the Ohio Bureau Worker's Compensation (BWC) program and the claim must be approved or allowed by the Ohio BWC. In the event an injury claim is disallowed by the Ohio BWC or the Industrial Commission of Ohio, the employee shall not be approved for Injury Leave and all time lost from work shall be charged against the employee's accumulated sick leave balance. In order to be eligible for Injury Leave all necessary forms must be completed, submitted to the appropriate party and approved as needed.

**Reporting Requirements**

Employees are required to notify their immediate supervisor and/or department head immediately of any service related injury or illness. Immediately shall mean by the end of the employee's shift or no later than seventy-two (72) consecutive hours after the incident occurs. The Township Administrator or HR Specialist shall be notified by the Department Head or supervisor of an employee's injury or illness as soon as practicable but not more than seventy-two (72) consecutive hours after such incident occurs.

A BWC First Report of Injury and an internal Liberty Township Work Related Injury/Illness Report must be completed prior to consideration for Injury Leave.

**Leave Designation**

Pending the decision by the Ohio Bureau of Workers' Compensation and/or the Industrial Commission, the injured or ill Employee shall use accrued sick leave in accordance with leave policies, which shall be restored to the Employee's credit upon approval of the claim by the Ohio BWC. If the employee has no sick leave accruals available, other available leave may be used. If the employee has no available leave time accruals, the employee shall be placed in an unpaid status until Injury Leave is either approved or denied. If the Employee was in an unpaid status during this waiting period, the Employee shall be credited with lost wages upon the approval of the claim by the Ohio BWC and/or the Industrial Commission. Circumstances out of the ordinary shall be dealt with on a case by case basis.

Within ten (10) days of the Township's receipt of notification by the Ohio BWC that the claim has been approved, and pending no appeals have been filed with the Ohio BWC or the Industrial Commission of Ohio, the Township Administrator, on behalf of the Board of Trustees, shall approve Injury Leave and direct the Fiscal Officer/Payroll to restore all leave accruals, and/or credit lost wages, used during this decision process.

Upon the Township's receipt of notification by the Ohio BWC or the Industrial Commission of Ohio that the claim has been denied, the employee shall be notified by the HR Specialist or Township Administrator that available leave accruals must continue to be used until the employee returns to work, exhausts all forms of leave or, upon appeal, receives claim approval by the Ohio BWC. All leave requested shall comply with any and all policies and procedures of the Township including, but not limited to applicable collective bargaining contracts and the Employee Handbook.

#### **Injury Leave Administration and Reporting**

An employee must immediately file an application for Ohio BWC benefits (i.e., First Report of Injury form, Attachment A), with the Ohio BWC for any service connected injury or illness. Additionally, a Liberty Township Work Related Injury/Illness Report (Attachment B) must be completed and signed by all necessary parties and submitted to the HR Specialist and/or the Township Administrator within seven (7) days of the date of the incident and before any consideration for Injury Leave may be given. Before any Employee is eligible to receive Injury Leave benefits under this policy, the Employee shall first make application for workers' compensation benefits.

If directed by the Township, such filing(s) shall include requests for any available compensatory program designated to compensate workers for lost wages. The Employee shall endorse over to the Township any benefits received therefrom which extend over the same time period for which the Employee was paid Injury Leave. In furtherance of these provisions and in compliance with the rules and regulations of the Ohio BWC, an Employee shall execute a written agreement reflecting the provisions of this section.

No employee shall be placed on Injury Leave without the approval of the Township Administrator and/or the Board of Trustees. The Board and/or the Township Administrator may, in their sole and absolute discretion, require the Employee to submit supporting documentation from the Employee's medical provider and/or to be examined by a physician appointed and paid for by the Township, in which case the Employee shall authorize release to the Board and its designee(s) of the results of each examination and all medical records arising out of each examination. The failure to authorize such release shall be grounds for denial of Injury Leave. If, at any time, the Board of Trustees, with justification from the Employee's medical provider or from a physician appointed and paid for by the Township, believes that the injury is such that the Employee is capable of performing regular or restricted duties during the period of convalescence, the Board shall so notify the Employee in writing and deny and/or cancel the Injury Leave. Any employee medically approved to participate in the Township's Transitional Work Program shall be ineligible to receive Injury Leave compensation.

The Township and the employee shall enter into a BWC "Continuation of Wages Agreement" (Form C-55) for every forty-five day period the employee remains in Injury Leave status.

In the event a work related injury or illness is disallowed by the Ohio Bureau of Workers' compensation or the Industrial Commission of Ohio, the Employee may use available leave accruals, beginning with sick leave, providing such requests are in accordance with all applicable contracts, codes and the Employee Handbook. Should all leave accruals be exhausted, the Employee may be placed in an unpaid leave status in accordance with applicable contracts, codes and Employee Handbook.

The Township reserves the right to pursue disciplinary action, up to and including termination, for any fraudulent claims, misuse of leave time, fraudulent medical information, and any and all other actions which result in the Township receiving fraudulent information regarding an Employee's claims for Injury Leave. In the case of fraudulent claims, the Employee shall repay all monies paid by the Township.

The Township reserves the right to take appropriate legal actions for removal of an Employee who has exhausted all leave balances, and/or who is not on approved Injury Leave status, approved Unpaid Leave

status, approved FMLA Leave, approved BWC Leave or any other Township recognized leave status which has been approved by the Township.

If the employee exhausts allowable Injury Leave, sick leave accruals shall be used, followed by all other forms of leave accruals, followed by unpaid leave status. Any leave requests for absences from work beyond the maximum time allowed for Injury Leave shall be subject to the policies of the respective contracts and/or Employee Handbook.

The Board, upon recommendation from the Township Administrator, Department Head or Fire Chief, may approve additional Injury Leave in no more than thirty (30) day increments. Additional Injury Leave shall be dependent upon the treatment/rehabilitation plan from the employee's Medical Provider and shall be at the sole discretion of the Board of Trustees.

The employee shall provide a Medical Providers recommendation for an anticipated return to work date. It is understood that a return to work date may change based on medical circumstances and physician recommendation. While on Injury Leave, the employee shall provide regular updates to their immediate supervisor, Battalion Chief, Fire Chief or Department Head on their leave status. If an employee is cleared to return to work earlier than originally anticipated, the employee as soon as practicable must notify their supervisor and the HR Specialist.

#### **Reoccurrence**

If there is a reoccurrence of a previously approved service connected injury or illness within one year from the date of the original injury or illness, the Employee may be granted Injury Leave not to exceed the prior unused balance of the maximum allowable hours of Injury Leave, provided that such reoccurrence is reported to the Employee's supervisor not more than seventy-two (72) consecutive hours after such reoccurrence occurs. Injury leave may only be continued or reinstated as a reoccurrence upon the approval of the Board of Trustees and with all proper medical documentation and approvals.

If an employee has returned to full-duty after injury leave for a period of not less than twelve (12) consecutive months without any reoccurrences of a previous service connected injury or illness for which the Employee was on an approved Injury Leave, the Employee shall be eligible to receive Injury Leave under all provisions of this policy and subject to all terms of this policy.

#### **Continuation of Employee Health Benefits**

Group health insurance coverage will be maintained while on Injury Leave on the same basis and on the same terms as if the employee were using leave balances.

Nov. 13, 2017

Date

  
Melanie Leneghan, Trustee

  
Dr. Thomas Mitchell, Trustee

  
Shyra Eichhorn, Trustee

**APPENDIX B**  
**LIBERTY TOWNSHIP**  
**DELAWARE COUNTY, OHIO**

**FAMILY AND MEDICAL LEAVE POLICY**

**POLICY STATEMENT:**

Liberty Township complies with provisions of the federal Family and Medical Leave Act (FMLA). FMLA functions as a designation rather than a separate type of leave. FMLA entitles eligible employees to take unpaid job-protected leave for specified family and medical reason with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. If a conflict exists between the language in this policy and the requirements of the law, employees will be afforded the rights required by FMLA.

**Eligibility**

Eligible employees may take up to 12 workweeks of FMLA leave in a 12-month period for the following qualifying reasons:

- The birth of a child and to bond with the newborn child within one year of birth,
- The placement with the employee of a child for adoption or foster care and to bond with the newly-placed child within one year of placement,
- A serious health condition that makes the employee unable to perform the functions of his or her job, including incapacity due to pregnancy and for prenatal medical care,
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

Eligible employees may take up to 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (referred to as military caregiver leave). An eligible employee is limited to a *combined* total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period.

To be eligible for leave, employees must have been employed by the Township for a total of at least twelve (12) months and have worked at least 1,250 hours during the preceding twelve (12) months. This 12-month service requirement need not have been continuous or consecutive employment. Separate periods of employment will be counted if any break in service was less than seven (7) years.

Leave taken for the birth, adoption or foster care placement of a son or daughter must be taken within twelve months of the birth or placement. FMLA leave applies equally to male and female employees. Fathers are equally entitled to take up to 12 work weeks of FMLA leave for the birth or placement for adoption or foster care of a child and to bond with the child within 12-months from the date of birth or placement. If the employee's spouse is also employed by the Township, the employee and spouse are limited to a total of twelve (12) work weeks in any twelve (12) month period if the leave is taken for the birth, adoption or foster care placement of a son or daughter, or to care for a parent with a serious health condition.

The Township must notify an employee requesting a leave that it will be considered FMLA leave, if the leave qualifies as such under the FMLA, and the leave will be subject to this policy.

## **Definitions**

For the purposes of this policy, the following definitions apply:

### Parent

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a child. This term does not include “parents-in-law.”

### Child

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult “son or daughter” under the FMLA.

### Spouse

Spouse means a husband or wife as defined or recognized in the state where the employee was married, including common law marriage or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside the United States, if the marriage could have entered into in at least one state.

### Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

## **Notification Requirements**

The Township must provide a written Rights and Responsibilities Notice and Eligibility Notice within five business days of having notice of the employee’s need for FMLA leave.

## **Employee Responsibilities**

An employee who wants to request FMLA leave must provide thirty (30) day advance notice of the need to take FMLA leave when the leave is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the Township’s call-in procedures.

Employees must provide sufficient information for the Township to determine whether the FMLA may apply to the leave request. Depending the situation, such information may include submitting an FMLA Certification of Health Care Provider for Employee’s Serious Health Condition Form WH-380E or, if appropriate, an FMLA Certification of Health Care Provider for Family Member’s Serious Health Condition Form WH-380-F. A copy of the certification form must be provided by the employee in a timely manner and, if practicable, prior to taking the leave. The certification form is to be completed by the employee and the health care provider within fifteen (15) days of receipt.

If the validity of certification provided is in doubt, the Township may require, at its’ expense that the employee obtain further certification from a health care provider designated or approved by the Township.

A third and final health care provider designated or approved by the Township will render a final decision if the initial and second opinions differ.

An employee who has obtained certification may be asked periodically to provide recertification. Certification obtained for a period of leave will cover only that period of leave and a new certification must be obtained if an employee seeks additional leave time pursuant to this policy.

### **Township Responsibilities**

When an employee requests FMLA leave or the Township acquires knowledge that leave may be for a FMLA purpose, the Township is required to notify an employee of his or her eligibility to take FMLA leave and inform the employee of his or her rights and responsibilities under the FMLA. When the Township has enough information to determine that leave being taken for FMLA-qualifying reason, the Township will notify the employee that the leave taken will be counted as FMLA leave. The Township will notify you in writing that your absence is being designated as FMLA leave and the amount of leave counted against the employee's FMLA entitlement. That notice will include any additional information required as well as the employee's rights and responsibilities. These written notices will generally include: FMLA Form WH381 Notice of Eligibility and Rights & Responsibilities and FMLA Employee Rights and Responsibilities poster.

If the Township is awaiting receipt of medical certification to confirm the existence of a serious health condition or if the Township is not aware of the reason for the leave, leave may be designated as FMLA leave retroactively only while the leave is in progress or within two business days of your return to work. If requested leave is not eligible for FMLA, the employee will be given the reason for the ineligibility.

### **Exhaustion of Paid Leave**

In accordance with the FMLA, the Township requires you to use your accrued paid leave balances during the twelve (12) week FMLA leave period before using unpaid leave. The Township requires you to first use all accrued sick leave followed by accrued vacation or compensatory leave before going into an unpaid leave status.

An employee taking leave based upon the birth of a child generally will have only 6 to 8 weeks count as a serious health condition during which time sick leave accruals must be used before using vacation and compensatory time. The rest of the leave time is generally for bonding and adjustment and only vacation and compensatory time may be used.

An injured employee who is on Workers' Compensation leave will have that leave run concurrently with FMLA leave, i.e. the time off will be counted toward the 12 work weeks of FMLA leave entitlement.

### **Reporting of Intent to Return**

It will be presumed that an employee on leave intends to return to work as indicated by the employee on his/her request for FMLA leave and as authorized by the Township. If an employee decides to return to work on a different date, the employee as soon as practicable must notify the Township and, if additional leave is desired, must file a request for additional leave with the Township. If an employee decides not to return to work, the employee must notify the Township as soon as practicable.

### **Intermittent Leave and Reduced Leave Schedule**

If an employee must take leave intermittently or by working a reduced schedule, the employee must request intermittent leave or a reduced leave schedule at the time he/she requests leave or if that is not possible, as soon as practicable. Intermittent leave and leave taken by reducing work hours shall be taken in one-hour increments. The Township may, in the case of an employee request for an intermittent or reduced schedule, transfer the employee temporarily to an available alternative position within the Township. The position

would be one for which the employee is qualified, with equivalent pay and benefits and which can accommodate recurring periods of leave better than the employee's regular position.

### **Continuation of Employee Health Benefits**

Group health insurance coverage will be maintained while on FMLA leave on the same basis and on the same terms as if the employee continued to work. Any employee taking leave pursuant to this policy who wishes to retain their group health care insurance coverage must pay the employee's share of the premium contributions during the period of leave.

If an employee fails to return to work after the period of leave has expired, other than due to a continuation, recurrence, or onset of a serious health condition that entitles the employee to leave pursuant to this policy, or circumstances beyond the employee's control, the Township will be entitled to seek reimbursement for health insurance premiums paid for that employee during the period of leave. In this case, the employee must provide appropriate certification in order to be relieved from the liability for insurance premiums. In the case of an employee who is unable to return to work because of the employee's own serious health condition, the employee must provide certification from his/her health care provider stating that the employee's serious health condition prevented the employee from being able to perform the functions of the employee's position on the date that the employee's period of leave expired. If an employee is unable to return to work because of caring for a child, spouse or parent with a serious health condition, the employee must provide certification from the family member's health care provider stating that the employee is needed for this care by the date that the employee's period of leave expires.

### **Maintenance/Accrual of Benefits During Leave**

An employee taking FMLA leave is entitled to maintain any employment benefits, other than the paid and unpaid leave required to be used, that the employee had accrued prior to the date upon which the leave began. During any period of unpaid FMLA leave, employees will not accrue sick leave and vacation leave.

### **Return to Work After Leave**

An employee taking FMLA leave is entitled to be restored to the position he or she held when the leave began, or to be placed in an equivalent position with equivalent employee benefits, pay and conditions of employment. An employee, who has taken leave based upon the employee's own serious health condition, must provide certification from his or her health care provider that the employee is able to resume work. However, an FLSA exempt employee, may be denied restoration to his or her position or an equivalent position if:

- A. The denial is necessary to prevent substantial and grievous economic injury to the operations of the Township;
- B. The Township or its representatives notify the employee of the intent to deny restoration when it is determined that such injury will occur;
- C. The Township offers the employee a reasonable period to return to work after giving the notice; and
- D. If the employee is already on leave, the employee elects not to return to employment after receiving the notice.

Upon receiving notice of the impending injury to the Township and the intent not to restore, the employee may, within the period provided in the Township's notice, elect to return to his or her previous position or an equivalent position and retain restoration rights.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**APPENDIX C**  
**LIBERTY TOWNSHIP**  
**DELAWARE COUNTY, OHIO**

**PUBLIC RECORDS POLICY**

**PURPOSE:**

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 Liberty Township to strictly adhere to the state's Public Records Act.

Liberty Township maintains many records pertaining to the administration and operation of Liberty Township. To ensure that all members of the public have access to those records as required by Ohio law, the Board of Trustees of Liberty Township 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.

**POLICY:**

**I. General**

- A. The Township Fiscal Officer is the official Public Records custodian of all records which are centrally maintained by the Township.
- B. This Public Records Policy, as well as the Liberty Township Records Retention Schedule, will be available at all Township locations.
- C. The Public Records policy statement will be posted at all Township locations in which the public may access records.
- D. Definition  
Public Record – any document, device, or item, regardless of physical form or characteristic, including an electronic record (e.g., e-mail) created or received by or coming under the jurisdiction of the Township, which serves to document the organization, functions, policies, decisions, procedures, operation, or other activities of the Township.

**II. Requests for Public Records**

- A. Any person, including corporations, individuals, and governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request. This request may be verbally or in writing.
- B. No specific language is required to make a request for public records. The requester must, however, identify the records requested with sufficient clarity to allow the Township to identify, retrieve, and review the records.
  1. Public Records Request Form (RC100) may be completed by the requester, this is not required.
  2. If the request is made verbally or if the requester refuses to provide information, the records custodian or the employee taking the request will complete as much information as possible on the Public Records Request Form (RC100)
  3. The requester does not have to put a records request in writing, provide their identity or provide the intended use of the requested record.
  4. The requester may be asked for this information; the requester shall first be advised that the requester does not have to answer any questions or provide any of this information.
  5. The requester's refusal to complete form RC100 or provide any information does not impair the requester's right to inspect and/or receive copies of the requested public records.

- C. If it is not clear what records are being sought, the records custodian shall contact the requester for clarification and should inform the requester of the manner in which the office keeps its records.
- D. Unless specifically required or authorized by state or federal law, the Public Records Custodian may not limit or condition the availability of public records by requiring disclosure.

### **III. Fees and Costs**

- A. In accordance with ORC 149.43, the following fee schedule is established for providing copies or reproductions of public records:

<b>Media Type</b>	<b>Unit</b>	<b>Cost Per Unit</b>
Letter or Legal Sized Paper Copy (Single/double sided)	Page	\$0.10
Certified Paper Copy	Page	\$1.00
CD/CD Rom	Disk	\$1.00
Email Documents	Various Formats	See Cost Per Unit Above

- B. Advance payment may be required before any copies are prepared. The requester shall be notified in advance of any costs for labor or materials.
- C. Liberty Township shall charge the actual cost of material for media not listed in the fee schedule.
- D. To preserve the integrity of Township computer systems and the records provided, the Township will supply the media.
- E. The Township shall charge the actual costs of postage and mailing supplies when the requester requires the public records be transmitted via the United States Postal Service or any type of priority mail service.

### **IV. Inspection**

- A. Availability of Records of Inspection

All public records, unless exempted by law, which are maintained by the Township shall be promptly prepared and made available for inspection to any person during regular business hours. The time for compliance with a request for the inspection of public records will depend upon the availability of requested records, the manner in which they are kept, the volume of records requested and, if necessary, time for legal review.

- B. The fee schedule may apply to an inspection of records in certain circumstances (e.g., if copying documents for redacting is necessary, if producing duplicate recordings is necessary, etc.)

### **V. Response**

- A. Requests for public records shall be processed the same regardless of the means by which the request was made.

- B. The records custodian, or the designee, shall ensure form RC100 is completed and the request is entered onto the Township Public Records Request Annual Log.

- C. Requests for public records that are not capable of being satisfied immediately shall be dealt with as follows:

#### 1. Voluminous/Copying or Reproduction Time Required Request

- a. Each request shall be evaluated for the estimated number of copies required to satisfy the request and/or the estimated length of time to gather the records
- b. The requester shall be informed of the estimated length of time required to respond.

- c. The requester shall be informed of the estimated total fee/cost associated with satisfying the request and that such estimated cost must be paid in full prior to the records being reproduced, with any difference being settled prior to the delivery of the records.
- d. The requester shall be informed of any items within the request that may be exempt from disclosure.
- e. Considering the volume of records requested, the requested records should be made available to the requester within a reasonable period of time.

2. Legal Issue Concerning Release
  - a. In the event a request for public records is made to inspect and/or obtain a copy of a record whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for research and/or review. The requester shall be so notified.
  - b. If it is determined that the records shall be released, procedure shall be followed in fulfilling the records request.

- D. Copied records will be forwarded to the requester by any means reasonably acceptable to both the requester and the Township.
- E. Records, whose release is prohibited or exempted by either state or federal law, or not considered a public record as defined by ORC 149.43 (A)(1), shall NOT be subject to public inspection.

## **VI. Medium**

- A. The requester shall be permitted to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or records custodian determines to be reasonable and feasible.
- B. Persons seeking copies of public records are not permitted to make their own copies of the requested records regardless of means or media. (ORC 149.43(B)(6).

## **VII. Denials and Redaction**

In accordance with ORC 149.43(B)(7)(c), the Board and the Township limits the number of requested public records to be transmitted through the United States mail to a maximum of ten records per month, unless the requester certifies that the records or information in them will not be used for commercial purposes.

### Response/Denial

- A. The following types of Public Records Requests may be denied:

1. Records not maintained by the office where request is made
  - The requested records have never been maintained by the office where the request is made;
  - The requested records are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Records Retention and Disposition, One-Time Records Disposal or Certificate of Records Disposal;
  - The requested record is not a record used or maintained by the office where the request is made. In such case, the requester shall be notified that in accordance with ORC Section 149.40, there is no requirement to create records to meet public record requests.
  - Ambiguous or Overly Broad Request for Public Records (ORC 149.43(B)(2).
2. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the office responsible for the requested

public record cannot reasonably identify what public records are being requested, the request may be denied. However, the requester shall have an opportunity to revise the request.

**B. Denial of the Public Records**

1. The request for a record may be denied if the record that is requested is prohibited from release due to applicable state or federal law.
  - a. Any denial of public records requested must include an explanation, including legal authority.
  - b. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
2. If a request is ultimately denied, in whole or in part, the requester shall be provided with an explanation, including legal authority, setting forth why the request was denied.

**C. Redactions**

1. Any redactions must be accompanied by a supporting explanation.
2. Redactions shall be made on a copied page of the record, not the original. The copied page shall be re-copied and that re-copied page is considered the record to be released. The copied page with the original redactions shall be attached to the original record and kept in accordance with records retention schedules.

**VIII. E-mail and Electronic Records**

A. Documents in electronic mail, texting and other electronic communication formats are records as defined by the ORC when their content relates to the business of the office. These records, such as Email, shall be treated in the same fashion as records in any other format and follows the same retention schedules.

1. “E-Mail” or a “text” is NOT a record type and does not have its’ own retention schedule— the content of the e-mail determines the records series and the appropriate retention schedule (i.e., an e-mail regarding an upcoming meeting may be considered as “general correspondence” and as such, follows that retention schedule).
2. Records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Board and the Township are instructed to retain their e-mails that relate to public business and to copy them to their business email accounts and/or to the office’s records custodian.
3. E-Mails and other electronic messages will be maintained in accordance with this policy and will be kept in accordance with the records retention schedule. It is the responsibility of the individual creating or receiving the document to maintain the documents in accordance with the Township retention schedule.
  - a. The Township uses a mail archiver to maintain archives of all email.
  - b. Email users may dispose of email documents in accordance with the Township retention schedule.
  - c. Individual email documents may be searched using the mail archiver and keyword searches to satisfy public records requests.

**IX. Failure to Respond/Grievances**

- A. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public records, the person may contact the Township Administrator.
- B. The Board of Trustees and Liberty Township recognize the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government

that failure to comply may cause, the failure to comply with a request may result in a court ordering the Board and/or Liberty Township to comply with the law and to pay the requestor's attorney's fees and damages.

**FEE SCHEDULE AND POLICY REGARDING FEES  
FOR COPIES AND REPRODUCTIONS OF PUBLIC RECORDS**

Unless a different fee is required by law, in accordance with R.C. 149.43, the following fee schedule is established for providing copies or reproductions of public records:

<b>Media Type</b>	<b>Unit</b>	<b>Cost Per Unit</b>
Letter or Legal Sized Paper Copy (Single/double sided)	Page	\$0.10
Certified Paper Copy	Page	\$1.00
Microfiche	Fiche	\$0.50
Film Duplication	16mm Roll	Actual Cost
Film Duplication	35mm Roll	Actual Cost
Electronic Storage – dependent on size	TBD	Actual Cost
Email Documents	Various Formats	See Cost Per Unit Above

- The above fee schedule shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.
- Advance payment is required before any copies are prepared.
- The Board and/or Liberty Township shall charge the actual cost of material for media not listed in the fee schedule above.
- As a result of security issues and to preserve the integrity of Liberty Township's computer systems, the Board and/or Liberty Township will not accept blank media supplied by the requesting party. The Board or Liberty Township will supply the media. The cost of the media is included in the fee schedule above, or, if not contemplated in the fee schedule above, the media will be supplied at cost.
- The Board and/or Liberty Township shall notify the requesting party in advance in writing of any costs for labor or materials in situations where an outside vendor must be hired to fulfill the request(s).
- The Board and/or Liberty Township will charge the actual cost of postage and mailing supplies when the requesting party requires the public records be transmitted via the United States Postal Service or any type of priority mail service.

**APPENDIX D**  
**POLICY FOR USE OF MOTOR VEHICLES BY**  
**EMPLOYEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO**

**I. DEFINITIONS**

- A. Employee: All elected officials, full or part-time employees, summer workers, co-op students, volunteers, and contract employees of the Township required to drive a Vehicle in the course or scope of their employment or activities on behalf of the Township.
- B. License: A valid Ohio Driver License or valid driver license issued by another state applicable to the type of Vehicle being used or operated. License includes a Commercial Drive License (“CDL”) if required for the type of Vehicle being used or operated.
- C. Moving Violation: The same meaning as is defined in O.R.C. § 4510.01(E) and for purposes of this Policy only refers to a violation of any local or State criminal laws or laws governing the use or operation of a Vehicle that accumulates less than four (4) points under Ohio law. See O.R.C. § 4510.036(C) or other applicable statutes.
- D. Major Violation: A violation of any local or State criminal laws or laws governing the use or operation of a Vehicle that accumulates four (4) or more points under Ohio law. See O.R.C. § 4510.036(C) or other applicable statutes.
- E. Vehicle: A motor vehicle, including equipment, purchased by, titled to, owned by, rented, by, leased by, or insured by the Township. Vehicle also includes privately owned Vehicles operated by Employees while in the course or scope of employment and Vehicles rented by Employees for authorized reasons and for use in the course or scope of employment.
- F. Emergency Vehicle: The same meaning as is defined in O.R.C. § 4511.01(D).

**II. PURPOSE**

The purpose of this Policy is to establish rules and regulations for the safe, secure, insured, legal, economical, and consistent use and operation of Vehicles by all Township Employees.

**III. EFFECTIVE**

This Policy shall be in full force and effect immediately upon adoption and shall remain effective until repealed or superseded.

**IV. COMPLIANCE**

All Employees required to drive a Vehicle in the course or scope of their employment or activities on behalf of the Township shall comply with this Policy.

**V. OPERATION OF A VEHICLE**

- A. All use of Vehicles for Township business or on behalf of the Township shall be authorized by the Township Administrator prior to use. Only Employees authorized by the Board shall be permitted to

drive a Vehicle titled to, owned by, rented by, or leased by the Township or use a personal vehicle for Township business or on behalf of the Township.

- B. Employees shall use or operate the Vehicle in a safe, courteous, legal, and economical manner.
- C. Employees shall exercise good judgment and exhibit a good and positive example of Vehicle use and operation when using or operating a Vehicle.
- D. Employees shall use and exercise the utmost care and caution while using and operating a Vehicle.
- E. Employees who, in the sole discretion of the Board, have a Motor Vehicle Record (“MVR”) record that demonstrates poor driving habits shall not drive any Vehicle in the course or scope of employment or on behalf of the Township without receiving additional training and/or intervention and/or discipline and/or until otherwise exhibiting to the Board’s satisfaction that there has been substantial improvement in driving abilities, performance, and skills.
- F. The Township’s insurance carrier (“Insurer”) may, in its discretion, exclude coverage for any Driver or Drivers on a temporary or permanent basis.
- G. Vehicles titled to, owned by, rented by, or leased by the Township shall only be used for official Township business.
- H. Only Township Employees may drive and/or operate Vehicles titled to, owned by, rented by, or leased by the Township.
- I. Vehicles titled to, owned by, rented by, or leased by the Township shall not be simultaneously or extraneously used for personal use or personal business, except as provided in Article XXIX(C).

## **VI. LOCAL AND STATE LAWS**

When using or operating a Vehicle, Employees are required to abide by all applicable local and State laws.

## **VII. LICENSE**

- A. All Employees using or operating a Vehicle shall maintain and have a valid Ohio License that applies to the type of vehicle to be used or operated (i.e. commercial driver’s license (“CDL”), etc.).
- B. Before using or operating any Vehicle, all Employees shall annually complete and sign a driver’s record release and/or a License Verification and Insurance Maintenance form (Appendix A) and submit it to Liberty Township.

## **VIII. USE OF RESTRAINT SYSTEMS REQUIRED**

- A. All Employees and passengers in Vehicles so equipped shall wear safety belts.
- B. Should it ever be necessary to transport an infant or child, an infant/child safety seat shall be used in accordance with State laws, except where an infant or child is being transported as a patient in an ambulance, in which case such infant or child shall be transported in accordance with applicable State laws.

## **IX. QUALIFICATIONS FOR DRIVING**

Employees may be considered qualified to drive when the following are met to the satisfaction of the Township:

- A. An Employee shall have an acceptable driving record as defined and reviewed in accordance with Article X.
- B. The Employee, based on the Employee's Motor Vehicle Record ("MVR"), is approved to drive by the Township's Insurer.
- C. The Employee carries and maintains insurance as required by State law and annually provides proof to the Administrator, as required by this Policy, of insurance and/or compliance with the State's Financial Responsibility Laws.
- D. The Employee shall annually complete and sign the License Verification and Insurance Maintenance Form (See Appendix A) and submit Form to the Administrator.

## **X. DRIVER ELIGIBILITY**

- A. An Employee shall have an acceptable driving record in order to use or operate a Vehicle.
- B. For purposes of determining whether an Employee has an acceptable driving record, the Administrator shall annually obtain the Employee's Motor Vehicle Record ("MVR") from the Ohio Bureau of Motor Vehicles.
- C. The Employee's MVR shall be reviewed annually or as otherwise determined necessary by the Board to determine, in accordance with this Policy, eligibility to use or operate a Vehicle.
- D. For purposes of this Policy, an acceptable driving record means an MVR which **DOES NOT** contain **ANY ONE (1) OR MORE** of the following conditions:
  1. One (1) or more Major Violation(s) in the last two (2) years;
  2. Two (2) or more at-fault accidents in the last year;
  3. Three (3) or more at-fault accidents within one (1) year;
  4. Four (4) or more at-fault accidents within two (2) years;
  5. Three (3) or more Moving Violations in the last two (2) years, including traffic citations received as a result of an accident; or
  6. Any combination of traffic accidents and/or Moving Violations equaling five (5) points or more in the last two (2) years.
- E. Any Employee at any time whose MVR contains **ANY ONE (1) OR MORE** of the conditions listed above in Article X(D), regardless of vehicle in which the violation(s) occurred and regardless of whether such violation(s) occurred on-duty or off-duty, shall not be considered to have an acceptable driving record. Employees who do not have an acceptable driving record shall not be permitted to use or operate Vehicles in the course or scope of employment or on behalf of the Township.
- F. Employees who are determined not to have an acceptable driving record will be notified in writing using the Notice of Unacceptable Driving Record form letter (See Appendix B). A copy of the complete form letter shall be maintained by the Administrator and in the Employee's personnel file.

G. An Employee's driving record may be restored to an acceptable driving record. Restoration to an acceptable driving record shall mean that the Employee's MVR no longer contains **ANY ONE (1) OR MORE** of the conditions listed above in Article X(D) and the Employee has completed the requirements contained in Article X(G)(1) and (2).

1. Before an Employee's driving record may be restored to an acceptable driving record, the Employee shall be required to attend a defensive driving course or similar remedial type training approved by the Board. Such course or training shall be at the Employee's sole and own expense. The Employee shall provide written proof to the Board of his or her attendance and satisfactory completion of such course or training before being restored to an acceptable driving record.
2. If the violation(s) that resulted in **ANY ONE (1) OR MORE** of the conditions listed above in Article X(D) appearing on the Employee's MVR involved alcohol, drugs, or a controlled substance, the Employee shall, before an Employee's driving record may be restored to an acceptable driving record, be required to attend a substance abuse intervention program approved by the Board. Such course or training shall be at the Employee's sole and own expense. The Employee shall provide written proof to the Board of his or her attendance and satisfactory completion of such course or training before being restored to an acceptable driving record.

H. The Administrator shall maintain and regularly update a list of Employees eligible to use or operate Vehicles. Only those Employees included on the Administrator's list of Employees eligible to use or operate Vehicles shall be permitted to drive Vehicles.

I. Notwithstanding the above and subject to any applicable collective bargaining agreement, the Board may at any time and for any reason or no reason at all deny or revoke an Employee's eligibility to drive or operate a Vehicle for Township business, in the course or scope of employment, or on behalf of the Township.

## **XI. PRE-EMPLOYMENT QUALIFICATION**

Hiring of persons who will be required to drive as a function of his/her job duties will be in the sole discretion of the Board or, as applicable, the Fiscal Officer. Newly hired employees and job candidates shall be required to meet the Qualifications for Driving (See Article IX) and the Driver Eligibility Requirements as contained in this Policy (See Article X). An applicant may be denied employment on the basis of an unacceptable driving record. Denial of employment may be made without regard to the number of points or violations, when a violation occurred, or whether a violation occurred within the State or in another State or foreign country.

## **XII. CONTINUED ELIGIBILITY**

Each Employee's continued eligibility to operate a Vehicle is within the sole discretion of the Board and extends only so long as the Employee remains an Employee and is in compliance with this Policy.

## **XIII. VIOLATION REPORTING**

Any Employee eligible to operate a Vehicle shall immediately notify the Board if any of the following circumstances occur:

1. The Employee's License has expired.
2. The Employee's License is suspended or revoked.
3. Any and all accidents, arrests, violations, and citations issued to the Employee regardless of vehicle

in which it occurred and/or regardless of whether it occurred on-duty or off-duty.

Failure to immediately report any of the above circumstances may result in disciplinary action.

#### **XIV. EFFECT OF SUSPENSION OR REVOCATION**

In any case where the Board or the Township's Insurer has temporarily or permanently suspended or revoked the Employee's driving eligibility and driving is an essential function of the Employee's job, the Board or, as applicable, the Fiscal Officer, may take appropriate disciplinary action, up to and including termination, as permitted by Township policy, laws and regulations of the State, and any applicable collective bargaining agreement.

#### **XV. SEASONAL AND TEMPORARY EMPLOYEES**

Authorization for seasonal or temporary Employees to operate Vehicles shall be limited where practical. If it is necessary for a seasonal or temporary Employee to drive a Vehicle, the Board shall first approve the Employee to drive. If approved, the Employee shall meet the Qualifications for Driving as contained in this Policy (See Article IX) and the Driver Eligibility Requirements as contained in this Policy (See Article X). The Employee shall also sign and submit to the Township the License Verification and Insurance Maintenance Form ("Form") (See Appendix A). This Policy and all of its provisions and requirements shall apply to all seasonal and temporary Employees.

#### **XVI. ALCOHOLIC BEVERAGES, TOBACCO, AND CONTROLLED SUBSTANCES**

- A. No alcoholic beverages, illegal drugs or controlled substances are permitted in or on a Vehicle and are not permitted to be used in any Vehicle.
- B. No alcoholic beverages or illegal drugs are permitted to be transported in or on a Vehicle.
- C. No employee shall use or operate a Vehicle under the influence of alcohol, illegal drugs, illegal use of prescription drugs, or while impaired as a result of using a prescribed medication.
- D. Tobacco products shall not be used in any Vehicle.

#### **XVII. FIREARMS**

Employees, other than persons specifically authorized to carry a firearm, are prohibited from carrying firearms in any Vehicle while being used for Township business.

#### **XVIII. USE OF SPECIAL LIGHTS OR FLASHER LIGHTS**

Special lights or flasher lights on Vehicles so equipped shall only be used pursuant to State law and only in circumstances that constitute an emergency or as work and safety conditions require.

#### **XIX. PASSENGERS**

- A. When using a Vehicle that is titled to, owned by, rented by, or leased by the Township, Employees shall not transport any passengers, except for those who are also employees of the Township or are conducting business with or on behalf of the Township.

- B. No one shall be permitted to ride outside the passenger compartment when a Vehicle is in motion, except for certain vehicles where it is intended by the manufacturer for passengers to ride outside the passenger compartment and safety mechanisms are in place for passengers riding in such positions. All safety mechanisms for passengers riding in such positions shall at all times be engaged and used.

## **XX. USE OF PERSONAL VEHICLES**

- A. Use of personal Vehicles by Employees for Township business, in the course or scope of employment, or for the benefit of the Township is discouraged.
- B. This Policy applies in all respects to Employees who use personal Vehicles for Township business, in the course or scope of employment, or for the benefit of the Township.
- C. Employees who use personal Vehicles for Township business, in the course or scope of employment, or for the benefit of the Township shall abide by all Township rules and regulations, including department rules.
- D. Personal Vehicles will not be used to pull trailers or haul equipment for Township business, in the course or scope of employment, or for the benefit of the Township.
- E. Insurance coverage for personal Vehicles used for Township business, in the course or scope of employment, or for the benefit of the Township shall be maintained by the vehicle owner, shall be the responsibility of the owner of the Vehicle, and coverage shall be in amounts that are at least those required by this Policy.
- F. Employees driving personal Vehicles while in the course or scope of employment or for the benefit of the Township shall maintain primary automobile liability insurance coverage limits on the Vehicle(s) being driven. Such coverage shall, at a minimum, be in the amounts required by State law or this Policy whichever is greater. Insurance maintained by the Township shall be excess to the automobile liability insurance coverage maintained by the Employee.
- G. The Township is not responsible for any damage to a personal Vehicle which occurs while the Vehicle is being used for Township business, in the course or scope of employment, or on behalf of the Township.

## **XXI. INSURANCE**

For a personal Vehicle to be used on Township business, proof of insurance, in the form of a copy of the policy declarations page, must be furnished prior to use. Liberty Township's insurance will act as secondary insurance coverage excess of the employee's personal insurance when a personal vehicle is being used for Township business if, and only if, the employee carries personal insurance with limits of at least \$100,000 for bodily injury per person; \$300,000 for bodily injury per occurrence; and \$100,000 for property damage per occurrence; or a combined single limit of \$300,000.

## **XXII. PROOF OF INSURANCE IN VEHICLE**

- A. All Township Vehicles shall have an insurance card kept in the Vehicle at all times. Missing insurance cards for Vehicles titled to, owned by, rented by, or leased by the Township shall be immediately reported to the Administrator.

- B. An Employee using a personal Vehicle for Township business, in the course or scope of employment, or for the benefit of the Township shall carry a proof of insurance card.

## **XXIII. ACCIDENTS AND TRAFFIC CITATIONS**

In the event of a traffic accident or traffic stop for a violation while an Employee is driving a Vehicle for Township business, in the course or scope of employment, or for the benefit of the Township, the Employee shall:

- A. Immediately seek appropriate care of injured persons.
- B. Stop, no matter how minor the accident. Employees operating Emergency Vehicles shall comply with all standard operating procedures applicable to such Vehicles when an accident occurs. Report all collisions involving Vehicles to the law enforcement agency having jurisdiction.
- C. Take precautions to avoid further damage or injury to persons or property.
- D. Make no statements admitting responsibility.
- E. Do not advise other parties involved on any matter, especially that the Township will pay for the damage resulting from the accident.
- F. If a collision is with an unattended vehicle or other object, try to locate the owner. Report the incident to the law enforcement agency having jurisdiction. If this cannot be done, leave a written notice with your name, the Township name, address, and telephone number.
- G. The Driver of a Vehicle is responsible for the Vehicle until it has been returned to the Township or collected by a towing service.
- H. Unsafe Vehicles should not be driven from the scene of an accident. Contact the Administrator regarding damage. If towing is necessary, contact the Administrator or, in the case of an Emergency Vehicle, the Fire Chief or his/her designee.
- I. Report all accidents and traffic stops to the Township as follows:
  - 1. Report all accidents and traffic violations to the Administrator or Department Head.
  - 2. Report all damage to the Administrator or the Department Head.
  - 3. The Employee, the Employee's supervisor, and any witnesses shall complete an Incident Report (See Appendix C) as soon as possible, and if an Emergency Vehicle is involved, any other incident reports or other documentation required for an accident involving such Vehicle. The completed Incident Report shall be submitted to the Administrator or Department Head. Completed reports or other documentation for an Emergency Vehicle shall be submitted to the Administrator and the Fire Chief or his/her designee.
  - 4. The Administrator shall record, secure, and collect all relevant and appropriate information including the following:
    - a. Initial accident report.
    - b. All law enforcement reports, including all photographs and statements made at the scene or afterward to law enforcement.
    - c. All citations
    - d. The completed Incident Report

- e. Repair estimates, when appropriate, in due course.
- J. The Administrator shall as soon as possible report in writing all accidents and damage to the Board and the Insurer.
- K. The Administrator shall file all of the documentation collected with the Board and the Insurer.
- L. In all investigations of the accident by the Township, the emphasis will be on fact-finding, however, discipline may result. The Board may take such disciplinary action as permitted by Township policy, laws, and regulations of the State of Ohio, or any applicable collective bargaining agreement.

## **XXIV. DISPLAYS ON VEHICLES**

Except Board approved or legally required stickers, signs, magnets, wording, displays, or insignia, no stickers, signs, magnets, wording, displays, or insignia shall be displayed temporarily or permanently on any Vehicle, inside or outside, titled to, owned by, rented by, or leased by the Township.

## **XXV. USE OF ELECTRONIC DEVICES**

- A. Electronic devices, including but not limited to, cell phones, smart phones, laptop computers, tablet computers, GPS, and MP3 players shall not be operated or used by the Driver while the Vehicle is in motion or in gear unless such electronic devices can be used hands free and only if such use is necessary and can be done safely. If possible and safe, a Driver should pull off the road to a safe location, stop, and put the Vehicle in park to use electronic devices.
- B. All texting is strictly prohibited while operating any Vehicle for Township business, in the course or scope of employment, or for the benefit of the Township. A driver who is cited for a traffic violation or is involved in an accident while texting may be subject to disciplinary action, up to and including termination.
- C. Notwithstanding any other provision or requirement of the Policy, Employees operating an Emergency Vehicle may use electronic devices as are necessary to responding to an emergency event.

## **XXVI. VEHICLE INSPECTIONS**

All Vehicles shall be visually inspected for safety or maintenance issues by the Driver each time before the Vehicle is used or operated. Inspections will focus on identifying any obvious physical damage, inoperable running lights and horns, loose steering, and inappropriate tire conditions. No Vehicle shall be used or operated if a safety or maintenance issue is observed and such condition would make the Vehicle unsafe to use or operate. If the Vehicle is titled to, owned by, rented by, or leased by the Township, any deficiency encountered shall be immediately reported to the Administrator or, in the case of an Emergency Vehicle, to the Fire Chief or his/her designee, to take appropriate action to correct the problem.

## **XXVII. MAINTENANCE**

All Vehicles titled to, owned by, rented by, or leased by the Township shall be maintained according to the manufacturer's specifications. Records of this maintenance activity are to be retained. All personal Vehicles driven for Township business, during the course or scope of employment, or for the benefit of the Township shall be maintained in a manner that promotes safe travel.

## **XXVIII. PARKING**

- A. No Vehicle shall park in a designated "NO PARKING" zone.
- B. No Vehicle shall park in a designated handicapped parking space, unless the Employee is qualified to park in such parking space and the appropriate placard is displayed.
- C. Except for Emergency Vehicles, no Vehicle or piece of equipment shall be left unattended with the ignition key left in the ignition and/or while running.
- D. All Vehicles shall be turned-off and locked when parked and unoccupied.

## **XXIX. TAKE-HOME POLICY**

- A. The Board, as necessary, may authorize Employees to take-home Vehicles titled to, owned by, rented by, or leased by the Township.
- B. The Administrator shall maintain a list of employees who are authorized by the Board to take-home Vehicles titled to, owned by, rented by, or leased by the Township.
- C. Vehicles titled to, owned by, rented by, or leased by the Township that are taken home by an Employee are not to be used for personal business, unless the employee is on-call and must have ready access to the Vehicle.
- D. If an Employee is on extended leave or absence from work, the Vehicle and all keys to the Vehicle shall be returned to the Township until the Employee returns to work.
- E. If an Employee is on restricted or modified duty and unable to perform the duties which require the Employee to have the Vehicle, the Vehicle and all keys to the Vehicle shall be returned to the Township until the Employee is again able to perform the duties which require the Employee to have the Vehicle.
- F. Employees that take-home a Vehicle during a work week and/or when on-duty and are not otherwise required to use the Vehicle over the weekend and when off-duty, shall return the Vehicle and all keys to the Vehicle to the Township over the weekend or days the Employee is not working or is off-duty.

## **XXX. TRAINING**

- A. Employees assigned to a particular Vehicle titled to, owned by, rented by, or leased by the Township shall be instructed by the Administrator or other appropriate person on the safe operation and general driving conditions of the Vehicle before being allowed to initially drive the Vehicle.
- B. Driver Training courses shall be offered as deemed necessary, and all employees having one (1) "at-work, at-fault" accident or one (1) Moving Violation received within a prior one-year period while driving a Vehicle titled to, owned by, rented by, or leased by the Township or when using a private Vehicle for Township business, within the course or scope of employment, or for the benefit of the Township shall attend and successfully complete such a course. Written documentation of successful completion of such training shall be provided to the Administrator. The cost of such a course shall be the Employee's sole and own expense.

## **XXXI. SPECIAL EQUIPMENT**

- A. Employees assigned to use or operate special equipment, such as tractors or any Vehicle which has special devices added for specific types of work, shall be required to receive formal instruction prior to use or operation. This special training will comply with all appropriate OSHA (Occupational Safety and Health Administration), NFPA (National Fire Protection Association), USDOT (U.S. Department of Transportation), ODOT (Ohio Department of Transportation), or other applicable standards, rules, and regulations.
- B. Training shall include, but is not limited to, the following:
  - 1. Explanation and demonstration of all control devices.
  - 2. Explanation and demonstration of all safety equipment.
  - 3. A walk through of all inspection criteria.
  - 4. Demonstration of operation.
  - 5. Supervised new driver operation.
- C. Successful completion of such training shall be required before the Employee is permitted to operate the special equipment.
- D. Written documentation of successful completion of all special training shall be provided to and retained by the Administrator and all applicable Department Heads of the Township. A copy shall also be maintained in the Employee's personnel file (Appendix D).

## **XXXII. RECORD KEEPING**

- A. Any Notice of an Unacceptable Driving Record will become part of an employee's personnel file.
- B. Motor Vehicle Records will be maintained in the Employees Personnel File.
- C. The list of Employees eligible to use or operate Vehicles and of employees authorized to take vehicles home shall be maintained by the Administrator.
- D. Signed and dated License Verification and Insurance Maintenance Forms shall be maintained in the Employee's personnel file.

## APPENDIX A

### LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO LICENSE VERIFICATION AND INSURANCE MAINTENANCE

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Gender: M F

Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_

#### LICENSE:

State where driver license issued: \_\_\_\_\_

Driver license number: \_\_\_\_\_

Driver license expiration date: \_\_\_\_\_

#### INSURANCE:

Y N Does your position with Liberty Township, Delaware County, Ohio require you to drive a Township vehicle?

Y N Do you drive your personal vehicle in the course or scope of your employment with Liberty Township, Delaware County, Ohio?

Y N Is a copy of the required Declarations Page attached?

I certify that if driving a Vehicle for Liberty Township, Delaware County Ohio ("Township") business, in the course or scope of employment with the Township, or for the benefit of the Township that I have and will maintain a personal automobile liability insurance policy with minimum coverage limits of at least \$100,000 per person for bodily injury; \$300,000 per occurrence for bodily injury; and \$100,000 property damage per occurrence; or a combined single limit of not less than \$300,000 or as otherwise required by the laws of the State of Ohio, whichever is greater. I further agree to maintain any personal vehicle I may use for Township business, in the course or scope of my employment, or on behalf of the Township in a safe operating condition.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **APPENDIX B**

### **NOTICE OF UNACCEPTABLE DRIVING RECORD**

**TO:**

**FROM:** **LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO**

**DATE:**

After review of your Motor Vehicle Record (“MVR”) as supplied by the Ohio Bureau of Motor Vehicles, it has been has determined that your driving record does not meet the standards of acceptability as set forth in the Policy for Use of Motor Vehicles by Employees of Liberty Township, Delaware County, Ohio (“Policy”) for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_.

As a result and in accordance with the Policy, you are not eligible to drive a vehicle for or on behalf of Liberty Township, Delaware County, Ohio (“Township.”) Accordingly, your driving privileges within the course or scope of your employment or for the benefit of the Township are revoked and are suspended until your record, as determined in accordance with the Policy, becomes and is deemed acceptable.

A copy of this letter will be placed in your personnel file.

If you have any questions concerning the suspension of driving privileges, please do not hesitate to contact me.

Sincerely,

---

Administrator  
Liberty Township  
Delaware County, Ohio

**APPENDIX C**  
**INCIDENT REPORT**  
**LIBERTY TOWNSHIP, DELAWARE COUNTY**

**INSTRUCTIONS:**

1. The **employee** and respective **supervisor** must complete all applicable sections of this form and provide it to the Administrator within 24 hours of the incident.
2. The employee or supervisor shall immediately email a summary of details of the incident to the Administrator.
3. The Administrator shall immediately notify the Board and Township insurance carrier in writing of the incident.
4. The employee shall be provided with a Worker's Compensation packet for all work-related injuries resulting in medical treatment other than first aid.
5. When on the job actions result in: a) the personal injury of any person, including the employee, in which medical treatment has been sought immediately away from the scene, or b) when expensive property damage where a vehicle or equipment has been towed away from the scene or is rendered inoperable, **THE EMPLOYEE SHALL IMMEDIATELY SUBMIT TO DRUG/ALCOHOL TESTING.**
6. Call the Administrator if you have any questions.

**PART A: EMPLOYEE INFORMATION**

Name \_\_\_\_\_

Title \_\_\_\_\_ Department \_\_\_\_\_

Work Phone Number \_\_\_\_\_ Personal Phone Number \_\_\_\_\_

Work Email \_\_\_\_\_ Personal Email \_\_\_\_\_

Incident Date \_\_\_\_\_ Incident Time \_\_\_\_\_ **AM/PM**

Shift Normally Worked \_\_\_\_\_ (**Example: 8:00 am to 5:00 pm**)

Incident Location  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

**TYPE OF INCIDENT: (check all that apply)**  **INJURY**  **PROPERTY DAMAGE**  **OTHER**

**INCIDENT DESCRIPTION:**

How did the incident occur? Describe any injury. Describe any property damage. Describe the work activity and any tools, equipment or materials you were using. Use another sheet if necessary.

\_\_\_\_\_  
\_\_\_\_\_

Was the activity part of your normal job duty?  **Yes**  **No**

Were you working your regular shift?  **Yes**  **No**

## INJURY INFORMATION:

What type of injury occurred? Check all that apply:

Abrasion/Scratch  Bite/Sting  Burn  Contusion/Bruise  Cut/Puncture  Dislocation  Fracture  Rash  
 Sprain/Strain  Other \_\_\_\_\_

List body part(s) injured

---

## TREATMENT INFORMATION:

Did you receive first aid at the scene?  **Yes**  **No**

Did anyone else receive first aid at the scene?  **Yes**  **No**

Did you receive medical treatment away from the scene?  **Yes**  **No** Where?

---

Did anyone else receive treatment away from the scene?  **Yes**  **No** Where?

---

Will you, or did you, miss any time from your normal work duties, **not** including the day that the injury occurred?

**Yes**  **No**

Is this an aggravation of a previous injury/symptom?  **Yes**  **No**

If yes, when were you last treated? \_\_\_\_\_

Please describe the previous injury/symptoms:

---

## PROPERTY DAMAGE:

Was there damage to any property?  **Yes**  **No**

Was a law enforcement report taken?  **Yes**  **No**

By whom?  Sheriff  State Hwy Patrol  Other \_\_\_\_\_

Report # \_\_\_\_\_ (For property damage please send a copy of the law enforcement report as soon as possible)

## VEHICLE INFORMATION:

Was a:  **TOWNSHIP** or  **PERSONAL** vehicle involved?

Vehicle Make \_\_\_\_\_ Vehicle Model \_\_\_\_\_ Vehicle Year \_\_\_\_\_  
License Number \_\_\_\_\_

Other Vehicle (if applicable):

---

Driver's name: \_\_\_\_\_

Phone number: \_\_\_\_\_

Vehicle owner's name: \_\_\_\_\_

Phone number: \_\_\_\_\_

License plate number: \_\_\_\_\_

Insurance company and policy number: \_\_\_\_\_

#### **PART B: WITNESS COMPLETES**

Witness Name \_\_\_\_\_

Signature \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Date \_\_\_\_\_

Witness Statement (use another sheet if needed)

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#### **PART C: SUPERVISOR COMPLETES & FORWARDS TO ADMINISTRATOR**

Name \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ **AM/PM**

Phone Number: \_\_\_\_\_

How did the incident occur? What were the actions, events and/or conditions that contributed to the incident?  
(use another sheet if needed)

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---

What are your recommendations or what actions have been taken to avoid a reoccurrence?

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Did this employee receive an alcohol and/or drug test for this incident?  **Yes**  **No**

Will the employee miss work beyond the shift that he/she was injured?  **Yes**  **No**

Expected return to work date/full duty? \_\_\_\_\_

Is employee expected to return to work on light (transitional) duty?  **Yes**  **No**      Estimated Date of Return \_\_\_\_\_

Work related injuries may be subject to the Family and Medical Leave Act (FMLA).

## APPENDIX D

### LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO SPECIAL EQUIPMENT TRAINING VERIFICATION

Name: \_\_\_\_\_

Department: \_\_\_\_\_

Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Employees assigned to use or operate special equipment, such as tractors or any Vehicle which has special devices added for specific types of work, are required to receive formal instruction prior to use or operation. This special training will comply with all appropriate OSHA (Occupational Safety and Health Administration), NFPA (National Fire Protection Association), USDOT (U.S. Department of Transportation), ODOT (Ohio Department of Transportation), or other applicable standards, rules, and regulations.

I, \_\_\_\_\_, have received training on the use of special equipment including:

1. Explanation and demonstration of all control devices.
2. Explanation and demonstration of all safety equipment.
3. A walk through of all inspection criteria.
4. Demonstration of operation.
5. Supervised new driver operation.

---

Employee Signature

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Date

---

Supervisor/Trainer Signature

---

Date

**APPENDIX E**  
**LIBERTY TOWNSHIP**  
**CELL PHONE POLICY**

**I. Policy Statement**

The purpose of this Cell Phone Policy is to establish guidelines for the issuance and use of cell phones in the workplace, whether issued by the Township, or owned by an employee. This policy is intended to govern the activity of elected officials, appointees, and all employees in the performance of their job duties in providing services to the public.

**II. Definitions**

- A. Text messaging: the sending of text messages electronically especially from one cellular device to another.
- B. Township issued cell phone: A mobile telephone owned by the Township and issued to a specific employee and used in a cellular system paid for by the Township.
- C. Personal cell phone: A portable or mobile telephone owned by an employee with mobile services paid for by the employee.
- D. Social Media: A term used to describe the type of media that is based on conversation and interaction between people online. In this application, media means digital words, sounds and pictures which are typically shared via the internet.
- E. Computer: May be a desktop computer, a laptop, a tablet PC or a handheld PC that is intended to be operated directly by an end user.
- F. Employee: Any and all elected officials, appointees or full or part-time employees of Liberty Township.

**III. Use of Cell Phones during Work Hours**

Township cell phones are to be used for Township business or in the event of an emergency when personal use cannot be avoided. Employees are expected to exercise discretion in using personally owned cell phones and other communication devices during working hours. Personal calls, texting, using the internet, or social networking of any kind during the work day is considered to be distracting and generally interferes with an employee's productivity and job performance.

**IV. Issuance of Township Owned Cell Phones**

The Township shall provide employees with cell phones when it is deemed necessary to perform their respective job duties.

- A. The issuance of a Township cell phone or other communication devices to an employee shall be at the discretion of the Township Administrator and may be subject to approval by the Board of Trustees.

1. A Township cell phone will be issued only if the need for the device will enhance the employee's ability to perform their assigned duties in the most efficient and cost-effective manner.
2. If approved, the department head will be responsible for monitoring the usage of the device by the employee.
3. The employee will be responsible for complying with the Township Phone Policy and may be subject to discipline, and/or restitution, if found to be non-compliant or irresponsible in the use of the communication device.

#### **IV. Reimbursement for Personal Cell Phone Use for Township business**

In lieu of issuing a Township owned cell phone, the Township may provide employees with a reimbursement as compensation for use of an employee's personal cell phone to conduct Township business, when such use is deemed necessary to perform their respective job duties.

- A. Compensation for personal cell phone use shall be at the discretion of the Township Administrator.
  1. A personal cell phone reimbursement will be approved if the use of a cell phone is required to enhance the employee's ability to perform their assigned duties in the most efficient and cost-effective manner.
  2. If approved, the department head will be responsible for monitoring the need and appropriateness for the personal cell phone usage.
  3. The employee will be responsible for complying with the Township Phone Policy and may be subject to discipline, and/or restitution, if found to be non-compliant or irresponsible in the use of their personal device while conducting Township business.

#### **V. Procedure**

The Township provides cell phones to employees for the purpose of conducting Township business only.

- A. Business calls are defined as those communications made with Township issued cell phone, land phone, etc.
  1. All communication made from Township issued equipment may be recordable and subject to the Freedom of Information Act and falls under the scope of the Public Records Policy; there is no expectation of privacy.
  2. Elected officials, appointees or employees may not use profanity or engage in any unlawful activity when using Township communication equipment.
- B. Personal calls are defined as those which are not related to an employee's job duties.
  1. Township phones and other communication devices are to be used for Township business or an emergency when personal use cannot be avoided.

2. Communication made from a personally owned cell phone or other communication device in the course of the work day, whether on or in Township property, may be subject to the Freedom of Information Act and may be under the scope of the Public Records Policy.
- C. In recognition that certain department heads, elected officials, supervisors and employees are “on-call” twenty-four hours per day, seven days a week, such employees should use Township cell phones sparingly and as noted for family emergencies or according to specifically authorized exceptions.

## **VI. Usage and Monitoring**

Liberty Township provides cell phones to employees and may offer reimbursement for use of a personal cell phone for Township business for the performance of Township job duties and responsibilities. Township owned devices and the reimbursements for use of personal cell phones are paid for with public funds for the operation of the Township.

- A. Elected officials and department heads are responsible for directing and instructing their employees in the proper use of Township provided cell phones. The Administrator and department heads shall perform periodic assessments and audits of the employee’s use and need for Township issued cell phones and/or reimbursements.
- B. The Administrator, Fiscal Office and department heads shall be responsible for monitoring the use of the cell phones by reviewing the monthly detailed information provided with monthly invoices received from the appropriate vendor. The monitoring of use shall be done on a random basis and with or without the user’s knowledge. In the event that such monitoring of Township provided equipment and related records, reveals inappropriate and/or unauthorized use of such equipment, then the employee may be subject to disciplinary action and restitution.
- C. All text communications made or received on a Township owned cell phone or communication device or on a personal cell phone for the purpose of conducting Township business become a public record and as such fall under the scope of the public record policy and may be retrieved and made public if necessary. Employees issued a Township owned cell phone or communication device should have no expectation of privacy with respect to such communications, consistent with the Township public records policy. Messages and/or texts shall be stored, saved and/or deleted in accordance with the appropriate records retention schedule.
- D. Personal cell phones used for Township business AND for which the employee receives a reimbursement may be asked to provide records of calls and/or texts made to or from the personal cell phone when those communications are done for the purpose of conducting Township business.

## **VII. Inappropriate or Illegal Use**

Township issued telephones and other communication devices and personal cell phones, while being used to conduct Township business, shall not be used to defame, harass, intimidate or threaten any person or entity. All communications made on Township cell

phones, other communication devices and personal cell phones while being used to conduct Township business are subject to the Liberty Township Anti-Harassment and Anti-Discrimination policies in place.

- A. Employees are prohibited from using Township issued communication devices or personal cell phones while being used to conduct Township business in an illegal act as defined by local, state or federal law.
- B. Employees shall not use Township or personally owned communication devices while operating a Township vehicle (this provision may not apply to Fire Department personnel and/or Parks & Road Services personnel when it is necessary to communicate regarding Township business via mobile devices while operating a vehicle).
- C. Personal business, which involves an activity undertaken for profit or gain of any kind, shall not be conducted using a Township communication device of any kind.
- D. Township phone numbers or e-mail addresses may not be used to register for social media sites unless approved by the Administrator.
- G. The Township owns the phone number associated with each Township cell phone and communication device. Employees are prohibited from circulating their Township telephone number as a telephone number at which they can be reached for personal business. Personal business cards and other such materials shall not have a Township telephone number listed as a contact number.
- H. Employees who receive a traffic violation and/or are involved in an accident directly or indirectly resulting from the use of a cellular phone or other communication device while operating a vehicle shall be solely responsible for all costs and/or liabilities resulting from such action.

## **VIII. Ownership of Communication Devices**

Township issued phones and other communications devices shall be the property of the Township.

- A. Any theft, loss or damage of such device must be reported to the appropriate department and/or Township Administrator upon discovery or within twenty-four (24) hours of the event.
- B. Any malfunctioning communication device must be reported to the appropriate Department Head and/or Township Administrator.
- C. A personal cell phone being used to conduct Township business is not the property of the Township and the Township is not responsible for any damage, loss or theft of a personal cell phone.

## **IX. Damaged or Lost Communication Device**

Liberty Township may pay the cost to repair or replace any Township issued communication device.

- A. In the event of any loss or damage to a phone or communication device due to the negligence or carelessness of the employee, the employee may be responsible for the cost of repair or replacement.
- B. Liberty Township will not be liable for damage or loss of a personal cell phone or other communication device brought into the workplace unless specifically altered in a Departmental policy or directive.

**X. Return of Equipment upon Separation**

Upon separation of employment with the Township, the employee must return any Township issued communication device(s) to their immediate supervisor or Township Administrator.

I have read and understand the Liberty Township Cell Phone Policy. I understand that a Township issued cell phone is subject to the Public Records Act. Should I choose to receive reimbursements for the use of my personal cell phone for Township business, I understand that those Township related communications may be subject to the Public Records Act.

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Employee Name (printed)

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Employee Signature

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Date

**APPENDIX F**  
**LIBERTY TOWNSHIP**  
**DELAWARE COUNTY, OHIO**

**SOCIAL MEDIA POLICY**

**PURPOSE:**

Internet-based social media platforms, such as Facebook, Instagram and Twitter, have become accepted venues for sharing information, building community and engaging audiences. Liberty Township considers the use of social media valuable in furthering its goals of open citizen communication and education when appropriate. The use of social media through personal and business networking sites by Township employees, Township residents, Township elected officials and those with whom the Township does business is commonplace and general business practice. The Township also recognizes that social media has the ability to cross personal and professional lines. The purpose of Liberty Township's use of social media platforms is to provide a limited public forum for matters of public interest in Liberty Township and allow the Township to distribute information regarding topics determined by the Township.

The use of social media platforms allows Liberty Township expand communication tools, encourage citizen engagement and further the mission of government transparency and open communications.

This policy applies to the Township's use of social media platforms and not individual employees' personal use of social media platforms. Employee use of social media is addressed in the Township Employee Handbook.

**POLICY:**

**I. Definitions**

- A. Social Media: an umbrella term that encompasses the various activities that integrate technology, social interaction and content creation. Social media includes, but is not limited to, blogs, forums, and social networking sites such as Twitter, Facebook, LinkedIn, YouTube and Instagram or any other platform for user-generated content.
- B. Content Administrator: the individual responsible for ensuring sites and content are appropriate and in accordance with policy and legal guidelines. The Township Administrator serves as the Content Administrator of all Township social media sites.
- C. Content Manager: the individual responsible for maintaining the information on departmental social media sites.
- D. Posting: the publishing of content on a social media site.
- E. Blogs: any type of website with regular entries of commentary, descriptions of events or other materials such as graphics or video.

**II. Use of Social Media**

- A. All official Liberty Township presences on social media sites or services are considered an extension of the Township's information networks and fall under the scope of the Public Records Policy.

- B. Use of social media platforms will be based upon the services and needs of the Township and the type of social media platform to be utilized.
- C. The Content Manager is charged with determining best practices and deployment of social networking applications.
- D. Liberty Township will use social media platforms to provide information, direct users to the official Liberty Township website and deliver a consistent and professional message to the community. All content shall comply with appropriate Liberty Township policies and procedures.
- E. Information provided on social media platforms shall include:
  - 1. General Township information regarding projects, meetings, etc.;
  - 2. Area event or program information;
  - 3. Crime or fire prevention information;
  - 4. Announcement of Township services;
  - 5. Schedule and news regarding Township meetings;
  - 6. Messages that demonstrate the commitment to the Township's vision;
  - 7. Information and updates during times of crises;
  - 8. Marketing Liberty Township to prospective residents and businesses.

### **III. Guidelines**

- A. If any platform allows posting comments by third parties, then third party comments may be allowed by the Township in its sole discretion subject to the right of the Content Manager to remove inappropriate content determined to be in violation of one or more of the standards enumerated in this guideline, and for any other appropriate and lawful reason.
- B. The Township also reserves the right to disable the comment function and/or discontinue the use of the platform at any time without explanation and/or warning.
- C. Each Township run Social Media platform shall contain the following disclaimer:

The purpose of this site is to provide a limited public forum for matters of public interest in Liberty Township, Powell, Ohio. Any views expressed from others commenting or posting on the site, are not those of Liberty Township. Please note that this is a moderated, limited public forum and not a public forum. As such, Liberty Township reserves the right to delete submissions/postings that contain the following:

- Comments not topically related to the particular posting being commented upon;
- Profane language or content;
- Content that promotes, fosters, or perpetuates discrimination;
- Sexual content or links to sexual content;
- Solicitations of commerce, unless authorized by the Content Administrator and/or Manager;
- Conduct or encouragement of illegal activity;
- Information that may compromise the safety or security of the public or public systems;
- Content that violates trademark, copyright or other legal ownership interest of any other party;
- Accusations or defamatory material;
- Comments promoting political organizations, candidates or ballot measures;

- Comments of any kind which specifically name or promote an individual, organization and/or business;
- D. The Liberty Township social media platforms are bound by the Ohio Public Records law and any content posted on behalf of the Township may be a public record. If the Content Manager removes inappropriate comments and/or posts made by a visitor to the site, a screen shot shall be taken of the comments or information being removed and that screen shot shall serve as the public record.
- E. Liberty Township retains the right to “block” individuals who violate these guidelines.
- F. The opinions and/or views expressed on Liberty Township’s social media platforms represent the thoughts or individual followers and not those of Liberty Township and its employees.
- G. Liberty Township’s use of social media platforms will comply with all provisions of Ohio laws and with policies issued by the Liberty Township Board of Trustees.
- H. Chat functions on any of the Township social media platforms will not be used.
- I. All township social media platforms shall clearly indicate they are maintained by Liberty Township and shall have the Liberty Township contact information available on the site.
- J. No Township employee’s personal information will be posted on these sites.
- K. Liberty Township employees shall not disclose information about confidential Township business on either Liberty Township’s social media platforms or on their personal sites.

#### **IV. Elected Officials/Employees Use of Personal Social Media Pages**

- A. Elected Officials and/or employees shall not use official titles in their displayed names on any of their personal social media sites.
- B. If you identify yourself as a Township employee or official, both during working and non-working hours, on a social media post or in any social media activities, clearly state that the views posted are yours alone and do not represent the views of the Township.
- C. Township phone numbers, email addresses or physical address shall not be used as contact information on personal social media sites.
- D. The Liberty Township logo and/or any Liberty Township branding shall not be used as an identifier on any personal social media site of an elected official and/or employee.
- E. Elected Officials and/or employees shall not represent or speak on behalf of or give the appearance that they are speaking on behalf of Liberty Township on their social media sites.
- F. Matters of public concern in which Liberty Township is involved shall not be discussed on any Liberty Township elected officials’ personal social media site.
  - If an elected official chooses to discuss such matters on their personal social media site, the elected official will provide a disclaimer in their on the site that the comments are not those of Liberty Township and are not made on behalf of or to represent Liberty Township in any way.

- F. To avoid violations of the Ohio Public Meetings Act, elected officials shall not discuss matters of township business with each other on social media site, even in their personal capacity.
- G. Elected officials shall not comment/reply on posts of other elected officials regarding any matter of Township business.
- H. Elected officials shall not share or repost comments of other elected officials regarding any matter of Township business.

## **V. Content of Township's Social Media Platforms**

- A. Liberty Township's website, [www.libertytwp.org](http://www.libertytwp.org), shall remain the official location for content regarding official Township business, services and events. When possible, links within social media platforms will direct users back to the Township's main website for more information, forms, documents or online services necessary to conduct business with Liberty Township.
- B. Individual Township departments may establish their own departmental Liberty Township social media site/pages. Departmental sites must be approved by the Content Administrator and all content on the site must comply with the Township Social Media Policy.
- C. The Content Administrator and/Content Manager will review all Township related information prior to posting on social media platforms to ensure compliance with policy and legal guidelines.
- D. At the sole discretion of the Township, the Content Administrator may disable functions or applications on the Township's social media platforms that are not needed, or desired.
- E. No rights are created in any third party with respect to how the Township may utilize the applications and features on social media platforms. Similarly, the decision on whether to allow posting or responses by third parties and the deletion of any such responses or posting shall be at the sole discretion of the Township and outside parties do not have any authority or right to control content or the length of time content may be posted.
- F. The Township reserves the right to temporarily or permanently suspend access to official Township social media platforms at any time.
- G. All information posted by the Township on social media platforms may be subject to the Ohio Public Records Act and Ohio Sunshine Law. Information posted to Township social media sites shall be maintained and/or archived to be consistent with the Township's Records Retention Schedules.
- H. Content Managers will review the social media platforms on a consistent and routine basis to ensure they are updated and information is being posted in a timely manner and comments are being monitored.
- I. The Content Administrator and Content Manager(s) will consider opportunities for new social media platforms as they arise and before a Township account is established. Social media accounts are only to be established by or at the direction of the Content Administrator.
  - 1. All social media/social networking accounts shall be established by using a Township email address.

2. Social media platforms will be discussed with Township IT service providers to ensure compatibility with the Township's network.

J. The Content Administrator and/or Content Manager will determine if the comment function on social media platforms will be enabled or disabled. The Township disclaims responsibility and liability to the fullest extent allowed by law for any inappropriate content or posting on any network or platform.

K. The Township may use social media platforms for "polling" or "surveying" residents and visitors to the site to gain input on proposed Township projects, and needs or interests of the community. Polls and/or surveys will not be political in nature and will comply with all other policies of the Township regarding public records, ethics, etc.

L. Liberty Township's social media platforms will, when possible, collect information to determine number of visits to the site, number of "followers" or "likes" and may use visitor contact information to establish mailing lists.

## **VI. Standards for use of Social Media**

- A. Inappropriate posts made by Township staff shall be removed from view immediately and stored for compliance with public records laws. The individual posting inappropriate material shall be subject to discipline, up to and including termination.
- B. Should a local crisis arise, or a crisis which may impact residents or visitors to the Township, all posts to any Township social media site regarding the crisis will be issued only by the Content Administrator and in accordance with the Township Communications Policy.
- C. Employees representing Liberty Township via social media outlets must conduct themselves in a manner and demeanor becoming of the Township at all times. Employees who fail to conduct themselves in an appropriate manner shall be subject to disciplinary action.
- D. The Township Social Media Policy's limitations and restrictions regarding Township employee's use of the internet and personal email applies equally to Township employee's access to their or other Social Media accounts with Township equipment. Further, posting proprietary, confidential and/or sensitive information related to the Township is prohibited on employee's Social Media accounts, which includes, but is not limited to information to which employees become privy solely due to their position with the Township. Further, Employees are prohibited from communicating through social media in such manner as to indicate that the communication is on behalf of the Township in any official capacity or with the Township's endorsement. Employees uncertain as to the appropriateness of posting certain Township information through Social Media should consult the Township Administrator and/or Department Head.
- E. The following uses of social media are prohibited, whether on or off duty:
  1. Comments or displays about Township employees or officials or the Township that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the Township's policies against discrimination or harassment based on age, race, religion, sex, ethnicity, nationality, disability, military status, sexual orientation, or other protected class, status or characteristic. Disciplinary action may be taken against employees by the Township including civil action by an individual if what is presented in social media outlets is viewed as defamatory, pornographic, harassing, discriminatory, retaliatory, libelous or creating a hostile working environment.

2. Disclosure of information about the Township, its' services, policies, elected officials, employees, residents and/or businesses learned in connection with or arising out of one's employment with the Township, regardless of the manner in which such information is obtained, unless such information is a public record.
3. Unprofessional communication, which includes that communication which the Township could demonstrate has a substantial risk of negatively affecting the Township's reputation, mission or operations.
4. Comments or displays which impact employees' abilities to perform their job duties or the Township's ability to maintain an efficient workplace.

**APPENDIX G**  
**BOARD OF TRUSTEES**  
**LIBERTY TOWNSHIP, DELAWARE COUNTY OHIO**

**DATE: March 20, 2017**  
**RESOLUTION NO. 17-0320-04**

**IN THE MATTER OF AUTHORIZING AN EMPLOYEE TO INCUR OBLIGATIONS  
ON BEHALF OF THE TOWNSHIP TO PAY FOR WORK-RELATED EXPENSES AND  
ISSUANCE OF A CREDIT CARD HELD BY THE BOARD TO SUCH EMPLOYEE TO  
PAY FOR WORK-RELATED EXPENSES**

The Board of Trustees of Liberty Township, Delaware County, Ohio ("Board") met in regular open session on the 20th day of March, 2017.

\_\_\_\_\_ Moved the adoption of the following Resolution.

**PREAMBLE**

**WHEREAS**, the Board, pursuant to R.C. § 507.11(A), may authorize, by resolution, township officers and employees to incur obligations of two thousand five hundred dollars (\$2,500) or less on behalf of Liberty Township, Delaware County, Ohio ("Township"); and,

**WHEREAS**, the Board, pursuant to R.C. § 505.64(A), may authorize an officer, employee, or appointee of the Township to use a credit card held by the Board to pay for work-related expenses; and,

**WHEREAS**, the Board desires to exercise its authority under such statutes.

**RESOLUTION**

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. As used in this Resolution, Employee means the following Township employee or official:

Name:

Title or Position:

2. The Board, pursuant to R.C. § 507.11(A), hereby authorizes the Employee to incur obligations of two thousand five hundred dollars (\$2,500) or less on behalf of the Township to pay for work-related expenses. The obligations incurred on behalf of the Township by the Employee acting pursuant to this Resolution shall be subsequently approved by the adoption of a formal resolution of the Board.
3. The Board, pursuant to R.C. § 505.64(A), hereby authorizes the Employee to use a credit card held by the Board to pay for work-related expenses. The debt incurred as a result of the use of a credit card pursuant to this Resolution shall be paid from moneys appropriated by the Board for such expenses.
4. The Fiscal Officer is hereby authorized to obtain a credit card in the name of the Board from the Delaware County Bank (DCB) or its successor for use by the Employee to pay for work-related expenses. The credit card shall have a credit limit of two thousand five hundred dollars (\$2,500). The Fiscal Officer shall issue such credit card to the Employee and shall oversee the credit card in accordance with the Township Credit Card Use Policy (“Policy”).
5. Prior to or upon issuing the Employee the credit card, the Fiscal Officer shall provide to the Employee a copy of the Policy. The Employee shall read and sign Appendix A of the Policy acknowledge receipt of the Policy. The Fiscal Officer shall hold and maintain the signed receipt in accordance with Article XII of the Policy.
6. The Employee shall be bound by all terms and conditions of the Policy and any other applicable laws, regulations, and/or policies governing the expenditure of Township monies.
7. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
8. This Resolution shall take effect immediately upon adoption.

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Seconded the motion.

APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY:

**(SIGNATURES CONTINUED ON FOLLOWING PAGE)**

**BOARD OF TRUSTEES  
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO**

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Trustee

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Trustee

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Trustee

Liberty Township Government Office  
7802 Liberty Road N.  
Powell, Ohio 43065

Attest by Township Fiscal Officer

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Liberty Township Fiscal Officer  
Delaware County, Ohio

State of Ohio :  
Delaware County :

I, the undersigned Fiscal Officer of Liberty Township, Delaware County, Ohio, hereby certify that the foregoing Resolution No. \_\_\_\_\_ is taken and copied from the record of proceedings of the Board of Trustees of Liberty Township, Delaware County, Ohio, and that it has been compared by me with the resolution on the record and is a true copy. Further, I certify that the adoption of such resolution occurred in an open meeting held in compliance with R.C. § 121.22.

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Liberty Township Fiscal Officer  
Delaware County, Ohio

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Date

## **APPENDIX H** **LIBERTY TOWNSHIP** **Telecommuting/Teleworking Policy**

**Effective August, 2021**

### **I. Purpose**

The purpose of this policy is to establish requirements and guidelines for employees engaging in authorized teleworking or telecommuting (hereafter, “telecommuting”). Telecommuting is a work flexibility arrangement under which an employee performs their work duties and responsibilities from an approved worksite other than the location from which the employee would otherwise work. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a Townshipwide benefit, and it in no way changes the terms and conditions of employment with Liberty Township.

### **II. Scope**

This policy applies to all employees specifically authorized by the Liberty Township to perform teleworking. Teleworking can be informal, such as working from home for a short-term project or a formal set schedule of working away from the office. Temporary telecommuting arrangements may be approved by the Administrator and/or Board of Trustees for circumstances such as inclement weather, special projects, family and/or medical leave to the extent practical for the employee and the Township and with the consent of the employee’s health care provider, in appropriate. These arrangements are approved on a case-by-case basis only, with no expectation of ongoing continuance.

### **III. Requirements**

#### **A. Location of Work:**

Teleworking employees must provide the Township the physical address and telephone number of the location at which they will be teleworking. The employee will establish an appropriate work environment within the teleworking location for work purposes.

1. The workspace must be safe and free from hazards.
2. The workspace must be reasonably free from interruptions and distraction that would affect work performance.
3. The workspace must allow for the employee to preserve the confidentiality of sensitive or non-public information.
4. For employees who must verbally communicate with others as part of their duties, the workspace must be quiet and allow for professional communications during those times.
5. Teleworking employees shall not meet with the public or clients in their home office in any official capacity or connected with the Township business. The Township is not responsible for any injuries to family members, visitors and others in the employee’s home.
6. The Township is not responsible for any loss to the employee’s property whether caused by physical damage, computer virus attacks or other intrusions via the internet.

7. Employees utilizing Township equipment while teleworking must protect the equipment from damage and understand that all relevant Township policies regarding use and maintenance of equipment and supplies apply.
8. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this are rests solely with the employee.
9. Telecommuting is not designed as a replacement for appropriate child care.

**B. Hours of Work:**

A workday schedule for teleworking must be discussed and approved by the Township Administrator or Fire Chief (in the case of Fire employees).

**C. Reporting for Work:**

Employees must communicate with their supervisor via e-mail when beginning the workday, upon leave for and returning from lunch and when they are done with work at the end of the day. Employees who do not work for all or a portion of a day they are expected to telework are responsible for requesting to use appropriate leave. The Township is not responsible for paying employees while teleworking if they are unable to perform work due to operational or technological issues such as the availability of an adequate internet connection.

**D. Communication:**

While teleworking, employees must be reachable by the Township during their normal working hours, and any other times designated by the Township. If the employee becomes aware of or anticipates any disruption in technological communication during their normal working hours, they are to immediately notify their supervisor.

**E. Equipment/Supplies**

The Township may supply the employee with the appropriate equipment needs (including hardware, software, modems, phones and other office equipment) for the telecommuting arrangement. The employee must report any and all Township assets that are removed from Township property for the purpose of teleworking. Upon the termination of the teleworking assignment or upon the employee's separation from service with the Township, all Township property must be returned to the Township.

The Township will supply the teleworking employee with the appropriate office supplies (pens, paper, etc.) as deemed necessary. Township supplied items are to be used for Township business only.

**F. Security and Confidentiality:**

While working remotely, employees must take steps to preserve the security and confidentiality of Township information. Employees must keep confidential documents and materials in secure locations. Employees must maintain password protection to the same extent as required at the workplace, and keep confidential documents and records securely stored. If working on personal devices, employees must have valid up-to-date anti-

virus software and appropriate computer and internet security installed and activated. Any suspected hacks or breaches of security must be reported to the Township immediately.

## G. Policies:

This teleworking arrangement does not change the basic terms and conditions of employment, including rate of pay and benefits. Employees are expected to apply with all Township policies, procedures and performance standards.

**H.** The Township retains the right to investigate alleged abuse of this teleworking policy and may cease or modify an employee's approval for telework at any time.

## Acknowledgment

I hereby acknowledge receipt of this Policy and agree to abide by its terms during this assignment.

Administrator Date:

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Employee \_\_\_\_\_ Date: \_\_\_\_\_

### Address of Telework Location

## Equipment/Supplies removed from Township property for teleworking:

### Date Returned/Admin. Sign-off

### Date Returned/Admin. Sign-off