

BOROUGH OF NORTH EAST

PERSONNEL POLICIES & PROCEDURES MANUAL

Effective Date

2/7/2011

This manual is meant to consolidate any personnel related policy or procedure into a concise easy to read manner for all employees. It shall be reviewed annually by December of each year for changes and applicability. One copy shall be kept at each borough facility and also be electronically available.

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FOREWORD

Welcome to the Borough of North East.

This manual of North East Borough's personnel policies and procedures has been established and adopted by North East Borough Council. The manual is designed to be a working guide for all Borough employees and management personnel in the administration and interpretation of the Borough's personnel program. The Personnel Policies and Procedures Manual is intended to minimize confusion regarding matters of personnel policies and to assure uniformity. It is the responsibility of the borough management to administer these policies and procedures in a consistent and impartial manner. It shall be the responsibility of all employees regardless of position or rank to adhere to the policies and procedures at all times.

The policies and procedures within this manual are general in nature and apply to all non-uniformed AND uniformed employees above and beyond their contracts. *To the extent any part of this document conflicts with a collective bargaining agreement or other agreement between an individual and the Borough, the terms of the collective bargaining agreement or individual agreement shall prevail.* This manual has been carefully reviewed by labor specialists and legal authority to ensure that it complies with local, state and federal laws and regulations and does not conflict any contracts.

A paper copy of the Personnel Policies and Procedures Manual shall be maintained at the Borough Hall, NEPD, Streets, Water and Waste Water Departments. Additionally it will be available online for easy access from any computer terminal with internet access. Employees shall review the manual and discuss any questions with their Department Head or, in his/her absence, the appropriate supervisory authority. New employees shall review the manual as part of their orientation and sign an acknowledgement stating the same for placement in their personnel files. Questions regarding the interpretation or application of these policies and procedures shall be directed to the Borough Manager.

The policies set forth and adopted in this manual supersede all previous personnel policies and regulations and are written to comply with all applicable federal, state and local laws.

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1.0 GENERAL INFORMATION

1.1 INTRODUCTION

This manual contains the policies set forth by North East Borough Council. All personnel should be thoroughly familiar with the contents of this manual. While this manual is intended to acquaint you with the Borough's policies, practices, programs and benefits that will affect your employment, not all situations can be anticipated, and the Borough may have other policies, practices, programs and benefits which do not appear in the manual. Nothing in this manual is intended to create, nor shall it be construed as creating, a contract or guarantee of employment, either expressed or implied, between any employee and the Borough. The Borough Council reserves the right to modify, revoke, suspend, terminate or delete any or all of the policies, practices, programs, and benefits contained in this manual at any time and without prior notice. Updated or revised policies shall be issued to all employees and shall become part of the manual. The Borough of North East accepts no liability in the event of an alleged breach of any of the policies or procedures set forth in this manual.

This policy manual shall also serve as a guide for management to ensure uniformity and nondiscriminatory application of the conditions of employment. If you have questions regarding the information contained in this manual, please discuss it with your immediate Department Head or the Borough Manager.

SPECIAL NOTE on the benefits and entitlements described in this manual:

The following section is a general overview of the benefits and entitlements offered to every full-time employee of the Borough. Please refer to the Uniformed and Non-Uniformed Contracts for specifics and where there is a difference in policy or procedure, the applicable contract supersedes this manual.

SPECIAL NOTE for the Police Department personnel:

Anywhere that it specifies "Borough Manager" for approvals, scheduling, discipline the Chief of Police is the approving authority. Due to the function and nature of police work, the Chief of Police may enact additional policies and procedures applicable only to the North East Police Department and are in addition to the policies and procedures outlined in this manual.

1.2 DEFINITIONS

Unless otherwise indicated in this manual, the following definitions apply.

BOROUGH - A community in Erie County consisting of approximately 1.3 square miles surrounded by North East Township, Erie County.

BOROUGH COUNCIL - The governing body of the community responsible for maintaining a fiscally sound, healthy, safe community for the residents through executing legislation creating policies, levying taxes, and authorizing expenditures.

BOROUGH MANAGER - The individual appointed by the Borough Council to effectively direct and administer the day-to-day activities of the Borough and its staff as specified in the Borough Code and Borough Ordinance.

BOROUGH MAYOR – The individual who has full charge and control of the Chief of Police and the police force and is responsible for directing the performance of duties within the department and also has other duties and responsibilities as specified in the Borough Code and Borough Ordinance.

BOROUGH MANAGEMENT – The management team consisting of the Borough Manager and Department Heads.

COUNCILOR - A member of the North East Borough Council.

DEPARTMENT HEAD or SUPERINTENDENT - The individual who is designated as the director of a work unit, and who may have the authority to effectively recommend certain administrative actions as delegated by the Borough Council or the Borough Manager. The Police Chief is considered a Department Head.

MANUAL - The Borough of North East Personnel Policies and Procedures Manual.

POLICE CHIEF or CHIEF OF POLICE - The individual who is designated as the director of the North East Borough Police Department, and who may have the authority to effectively recommend certain administrative actions as delegated by the Borough Council or the Borough Mayor. For the purposes of this manual may be referenced as a Department Head.

1.3 POLICY & PROCEDURE AMENDMENTS

As circumstances and situations change, Borough policies may be adapted to reflect these changes. The policies contained in this manual are subject to revision by North East Borough Council at any time, with or without notice. Exceptions to established policies approved by the Borough management shall then be submitted to Borough Council. The policies and procedures in this Manual shall be reviewed periodically unless otherwise necessitated. Policies may be changed or amended by Borough Council as follows:

1. The Borough Council, management personnel, or any Borough employee may recommend a change or addition to the Borough's Personnel Policies and Procedures Manual. The recommendations shall be reviewed, formulated, and may be passed on to Borough Council for consideration.
2. When a policy is revised, deleted or amended, pages indicating the change, along with the date of the change, shall be inserted in the manual. Instructions shall accompany all changes to inform the policy manual holders where to insert the new pages and which pages to discard.
3. Employees should have a clear understanding of all amendments, additions, revisions, or deletions. Employees should discuss any changes in the manual with their Department Head until they have a clear understanding of each item.
4. This manual shall be reviewed annually in October.

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2.0 GENERAL EMPLOYMENT PROVISIONS:

2.1 OBJECTIVE:

North East Borough recognizes that a personnel program that recruits and retains competent, dependable personnel is essential for effective Borough government. The policies and procedures set forth in this manual are designed to:

1. Promote high morale and foster good working relationships among employees. This is accomplished by providing a uniform personnel policy, opportunities for advancement, and consideration of employee needs.
 2. Enhance the attractiveness of a career with North East Borough and to encourage employees to give their best effort in service to the Borough and its residents, and to encourage courteous and dependable service to the public.
 3. Provide fair and equal opportunity for qualified people to enter and progress in Borough service based on merit and fitness as determined through objective and practical personnel management methods.
 4. Ensure that all Borough operations are conducted in an ethical and legal manner.
-

2.2 CONDITIONS OF EMPLOYMENT:

Purpose: These conditions of employment are the same for ALL BOROUGH EMPLOYEES regardless of position, seniority and contract. All employees are expected to maintain them at all times. Failure to comply with the provisions of these conditions of employment may result in discipline, up to and including discharge. The Borough reserves the right to not limit this list exclusively.

SPECIAL NOTE on the benefits and entitlements described in this manual:

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SPECIAL NOTE for the Police Department personnel:

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2.2.1 EQUAL OPPORTUNITY EMPLOYMENT POLICY

The Borough of North East is committed to a policy of equal employment opportunity. All employees and applicants for employment shall be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, or otherwise dealt in a fair and equitable manner based solely on merit, fitness, and such bonafide occupational qualifications as each individual might possess. No personnel decision shall be based upon race, color, religion, sex, national origin, age, non-job related disability, protected activity or any other protected status and/or condition specified in federal or Pennsylvania civil rights laws. The Borough makes reasonable accommodations for employees with known physical or mental limitations so that they may perform the essential functions of their job, unless doing so would impose an undue hardship on the operations of the Borough.

Employees who believe or suspect that they have been denied an equal opportunity relative to their employment, or who perceive another employee has been so denied, or who believe that they, or another employee, have been subjected to retaliation for having raised such a concern, are encouraged to promptly bring their belief or suspicion to the attention of their Department Head or the Borough Manager.

No supervisor or employee should retaliate against another employee for reporting violations. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination.

2.2.3 HARASSMENT POLICY

North East Borough is proud of its tradition of providing a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual and other forms of harassment. This Harassment Policy sets forth North East Borough's policy and procedure concerning harassment, sexual or otherwise.

Policy: It is North East Borough's policy to maintain a work environment free of any type of harassment. Such harassment includes verbal or physical conduct which denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age or disability.

Sexual harassment includes requests for sexual favors, unwelcome or unwanted sexual advances and/or verbal or physical conduct of a sexual nature or other verbal or physical conduct which is directed at individuals because of their sex, or which creates an intimidating, hostile or abusive work environment.

Harassment in or related to North East Borough is unacceptable and will not be tolerated. North East Borough does not authorize or condone any harassing conduct by its employees or any third parties in the workplace, including, but not limited to:

1. Submission to or rejection of such conduct is used as a basis for any personnel action concerning an individual, such as hiring, evaluation, promotion, demotion, discipline, termination or other aspects of employment; or
2. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Any employee found to be harassing any other individual will be subject to appropriate corrective action, up to and including termination.

Retaliation against any individual for reporting a claim of harassment or for providing information during the investigation of a harassment claim also will not be tolerated. Any employee who engages in such retaliation will be subject to appropriate corrective action, up to and including termination.

Although North East Borough encourages the reporting of all incidents of harassment, North East Borough also recognizes that false accusations can have serious effects on innocent persons. Any employee who, maliciously or recklessly, makes a false accusation of harassment against another person will be subject to appropriate corrective action, up to and including termination.

2.2.4 WORKPLACE VIOLENCE POLICY

The Borough of North East is committed to preventing workplace violence and to maintaining a safe work environment. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Borough and or personal property. The Borough has adopted the following guidelines to deal with intimidation, harassment, or other violence or threats of violence that may occur on Borough time and /or on the Borough's property.

All employees, regardless of classification are held accountable for compliance to this workplace violence policy.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the Borough's premises without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, national origin, disability or any status protected by federal, state, or local law.

All violence and/or threats of violence, both direct and indirect, should be reported immediately to your Department Head or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported immediately to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work area, do not try to intercede or see what is happening. If you encounter an individual who is threatening immediate harm to an employee or visitor to the premises contact 911 immediately.

The Borough will promptly and thoroughly investigate all reports of violence and/or threats of violence and of suspicious individuals or activities. Reports of workplace violence or threats will be kept as confidential as possible. In order to maintain workplace safety and the integrity of its investigation, the Borough may suspend employees, either with or without pay, pending investigation. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

Anyone determined to be responsible for violence and/or threats of violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The Borough encourages employees to bring their disputes or differences with other employees to the attention of their Department Heads or the Borough Manager before the situation escalates into potential violence. The Borough is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

2.2.5 Procedure for EOE, Harassment and Workplace Violence Policies:

Any employee subjected to potential violations of the Equal Opportunity Employment, Harassment, or Workplace Violence Policies should firmly and promptly notify the offender that his/her behavior is unwelcome or unwanted and must cease. Any employee subjected to potential violations of the Equal Opportunity Employment, Harassment, or Workplace Violence or Retaliation Policies and who wants to present a formal complaint for investigation and appropriate corrective action, should promptly report such conduct to any of the following:

1. Employee's immediate Department Head.
2. Borough Manager
3. Mayor or Borough Council

An accurate record of the objectionable behavior is necessary to resolve a formal complaint of violence or retaliation. Any such formal complaint, therefore, must be reduced to writing (either by the complainant or by an individual designated to receive the complaint).

Upon receipt of any formal complaint of violence or retaliation, North East Borough will conduct a prompt, full and fair investigation in accordance with the established grievance procedures outlined in each labor contract. In all cases, reasonable measures will be undertaken to maintain confidentiality and to protect the privacy of the persons involved.

Upon completion of the investigation, North East Borough will communicate its findings to the complainant and to the person accused of the harassment or retaliation and will take corrective action, if appropriate. This corrective action may include, but is not limited to, a written reprimand, referral to counseling, reassignment, suspension or termination.

In the case of violence that leads to assault or destruction of borough property; law enforcement may be notified.

2.2.6 DRUG-FREE WORKPLACE POLICY

North East Borough believes that it is our responsibility to provide a safe and healthy workplace for all employees. To reinforce our commitment for a safe workplace, we have established a drug and alcohol free workplace policy. Prohibited activities include drug and alcohol use, reporting to work under the influence of drugs or alcohol or with the presence of drugs and/or alcohol in an employee's system, the manufacture, distribution, dispensation, possession, sale, purchase, and/or use of controlled substances, illegal drugs, prescription drugs, or drug paraphernalia. This policy applies to any prescription drugs that may have an adverse impact on an employee's ability to work safely while using these drugs. It is the employee's responsibility to have his or her physician's permission to work while using prescription medicine and to inform North East Borough of such prescription medicine, only if such medicine may affect the employee's ability to perform his/her job.

Failure to submit to a drug and/or alcohol test or a physical examination, failure to pass a drug and/or alcohol test or a physical examination, and/or any other violation of this Drug-Free Workplace Policy may result in discipline, up to and including discharge.

[See Section V for the complete policy and procedure.](#)

2.3 GENERAL HIRING AND ADVANCEMENT PROCEDURES:

It shall be the policy of the Borough to select the best qualified applicants and to provide equal opportunity for qualified applicants to advance in Borough service as vacancies occur. All vacancies shall be posted internally for five (5) days on all department bulletin boards. Positions are to be filled from within the Borough whenever possible. All non-uniformed and uniformed positions will be filled according to the procedures outlined in a separate hiring guide (see Annex's).

Appointments to vacant positions shall be based solely on the applicants' knowledge, skills, abilities and other job related qualifications. An applicant or newly promoted person shall be eliminated from consideration of a job vacancy if he/she:

- Does not possess the knowledge, skills, and/or abilities necessary to effectively perform the duties of the vacant position
- Has made a false statement of material fact on an application form or supplement thereof
- Has committed or attempted to commit a fraudulent act at any stage of the selection process
- Is not legally permitted to work in the United States
- Fails to complete or pass a medical examination if required by the position.

The above list is not all inclusive. An applicant may be eliminated from consideration for a job vacancy based on other reasonable grounds relating to job requirements and at the discretion of the Borough Council. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee may be subject to discipline, up to and including termination.

2.3.1 Clearances & Background Investigations

Certain employees shall be required to submit credentials or clearances required by the borough, state or federal government and shall be clearly stated as a condition of employment on the solicitation and job description for employment. Additional requirements may be added as regulations or situations change and the employee will be given an appropriate amount of time to complete or provide the credential or clearance. In some cases the employee may be eligible for compensation or reimbursement of some or all of the cost(s) of obtaining or updating the same.

2.3.2 Employment Classifications

At the time you are hired, you are classified as full-time, part-time or temporary, at-will, exempt or non-exempt or seasonal. Each classification is the basis for the employees' entitlements and benefits in addition to their wages. Unless otherwise specified, the benefits described in this guide apply only to full-time, regular employees. All other policies described in this guide apply to all employees, with the exception of certain wage and time-off limitations applying only to non-exempt employees. If you are unsure of your job classification, please ask the Borough office.

1. **FULL-TIME EMPLOYEE**--An employee who has successfully completed the introductory period of employment and who works for at least 40 hours per week is considered a full-time employee. Eligible for full benefits and entitlements package.
2. **PART-TIME EMPLOYEE**--An employee who works less than the normal 40 hours per week is considered a part-time employee. Not eligible for benefits or entitlements described in this guide, except as granted on occasion or to the extent required by provision of state and federal laws.
3. **TEMPORARY OR SEASONAL EMPLOYEE**--From time to time, we may hire employees for specific periods of time or for the completion of a specific project. An employee hired under these conditions will be considered a temporary employee. The job assignment, work schedule and duration of the position will be determined on an individual basis. Normally, a temporary position will not exceed six months in duration, unless specifically extended by a written agreement. Not eligible for benefits or entitlements described in this guide, except as granted on occasion or to the extent required by provision of state and federal laws.
4. **NON-EXEMPT AND EXEMPT EMPLOYEE**--At the time you are hired, all employees are classified as either --exempt or --non-exempt. This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay for hours worked in excess of 40 hours per week. These employees are referred to as non-exempt in this Manual. This means that they are not exempt from (and, therefore, should receive) overtime pay. Exempt employees are managers, professional staff, technical staff, and others whose duties and responsibilities allow them to be exempt from overtime pay provisions as provided by the federal Fair Labor Standards Act (FLSA) and any applicable state laws. If you are an exempt employee, you will be advised that you are in this classification at the time you are hired, transferred or promoted.
5. **AT-WILL EMPLOYMENT**--All Borough employees not covered by a collective bargaining agreement or civil service positions will be considered --at-will employees. --At-will employment means that an employee's employment can be terminated by either the employee or the Borough with or without cause and with or without notice. No employee, agent, or other representative of the Borough, including without limitation any elected official, has any authority to enter into any agreement for employment for any specific period of time or make any agreement or representation, orally or in writing, which alters, amends or contradicts the foregoing provisions. Any exception to this policy of --at-will employment must be expressly authorized in writing by the Borough Council.
6. **CIVIL SERVICE EMPLOYEE**--All full-time police officers employed by the Borough subject to the collective bargaining agreement with the Borough are also subject to the civil service provisions of the Borough Code. The Borough Civil Service Commission is responsible for establishing and administering procedures for hiring and discharging employees subject to civil service.

2.3.3 Employment Eligibility

As a condition of employment, the Borough shall verify both the identity and employment eligibility status of all employees by following the steps outlined below:

1. All applicants shall be required to complete the standard application for employment.
2. The applicant shall attest that he/she is eligible for employment and has presented authentic, original documentation of identity and employment eligibility such as:
 - a. Social Security Card
 - b. Valid/current State Driver's License
 - c. Valid/current State Identification Card
 - d. An original or certified copy of a birth certificate
 - e. A birth certificate issued by the Dept. of State (Form FS-545)
 - f. An unexpired employment authorization document
 - g. United States passport (expired or unexpired)
 - h. Certificate of citizenship (INS Form N-560)
 - i. Certificate of Naturalization (INS Form N-550)
 - j. Refugee travel documents (INS Form I-571)
 - k. An unexpired temporary resident card (INS Form I-668) or employment authorization card (INS Form I- 668A) containing a photograph of the applicant
 - l. INS employment authorization document (EAD) (INS Form I-68813)

2.3.4 Exit Interviews

In instances where an employee voluntarily leaves our employ, borough management would like to discuss your reason for leaving and any other impressions you may have about the borough. If you decide to leave, you will be asked to grant us the privilege of an exit interview. During the exit interview, you can express yourself freely. It is hoped that this exit interview will help us amicably discuss issues, as well as provide insights into possible improvements we can make. All information will be kept in strict confidence and will, in no way, affect any reference information that North East Borough management will provide another employer about you.

2.3.5 Health Examinations

The Borough reserves the right to require employees to participate in a health examination to determine their fitness level to perform his/her essential job functions. The Borough shall pay for these examinations and would only be required if a condition is job related or consistent with business necessity.

2.3.6 Layoffs

Layoffs can occur because of the lack of work, lack of funds, or abolishment of a position for reasons of economy and/or efficiency. If it becomes necessary to reduce staffing levels, a process that systematically considers length of service and efficiency in performance shall be used to determine the order of a layoff.

2.3.7 Open Door Policy

Our goal is to maintain a comfortable working environment for everyone. We do this in several ways:

1. By treating each employee as an individual and encouraging your maximum development;
2. By recognizing that each employee is essential to the success and growth of North East Borough; and
3. By maintaining direct communications with all our employees and ensuring that each and every employee can speak directly and openly with management.

We believe that this type of communication with your supervisors, Borough Manager or councilors, without interference, is best for all concerned. When you wish to express an issue, problem, suggestion or opinion, you will always find an open door and an attentive ear and it is expected of all employees to work through their Department Heads whenever possible.

2.3.8 Probationary Period

Your first 90 days of employment at North East Borough are a probationary period, and during that period, you will not accrue benefits described in this guide unless otherwise required by law. Employee health & life insurance benefits shall start upon the successful completion of the probationary period with contributions to the respective retirement system starting in accordance with the respective labor contracts. This introductory period will be a time for getting to know your fellow employees, your Department Head and the tasks involved in your job, as well as becoming familiar with the Borough. Your Department Head will work closely with you to help you understand the needs and processes of your job.

This introductory period is a –try out time for both you, as an employee, and us, as an employer. During this introductory period, we will evaluate your suitability for employment, and you can evaluate us, as well. At any time during this first 90 days, you may resign without any detriment to your work record. If, during this period, your work habits, attitude, attendance or performance do not measure up to our standards, we may release you. During the probationary period no time off shall be taken other than a normally scheduled closure or an emergency and shall be unpaid.

At the end of the probationary period, your Department Head will discuss your job performance with you. During the course of the discussion, you are encouraged to give your comments and ideas, as well.

Please understand that completion of the probationary period does not guarantee continued employment for any specified period of time, nor does it require that an employee be discharged only for –cause.

2.3.9 Request for References

We do not respond to oral requests for references. All requests must be made in writing and on the requesting businesses or school letterhead. In the event you leave the employ of North East Borough, depending on the circumstances, we may be able to provide references and employment history to potential employers or schools. However, you must submit a memo to the Borough Manager giving the borough permission to release reference information beyond both merely confirming that you worked at North East Borough for a specific period of time and a description of your position. The Borough reserves the right not to grant all requests.

2.3.10 Residency Requirements

The Borough Manager and Police Chief shall live within North East Borough or Township limits. All other employees have no restrictions and are subject to recall in the case of an emergency.

2.3.11 Resignation

While we hope both you and North East Borough will mutually benefit from your continued employment, we realize that it may become necessary for you to leave your job with North East Borough. If you anticipate having to resign your position, you are expected to notify your Department Head in writing at least two weeks in advance of the date you must leave. During the two-week notice period, you are not entitled to take any paid vacation or other time off, except at the sole discretion of the Borough Manager.

2.3.12 Return of Borough Property

Any Borough property issued to you such as keys, vehicles, tools, equipment, etc., must be returned at the time of your dismissal or resignation or whenever the Department Head or a member of senior management requests it. You are responsible to pay for any lost or damaged items. The value of any property issued and not returned may be deducted from your final paycheck, and you may be required to sign a wage deduction authorization form for this purpose.

2.3.13 Testing

The Borough may require testing prior to and during employment to verify an employee's knowledge, skills and abilities for the position applied for or currently filling.

2.3.14 Work Hours

The Borough of North East is a fully functioning municipality which maintains public services 24 hours a day, 365 days a year. Full-time employees are expected to work a 40 hour work week. All the Borough's departments have different functions, thereby having different shifts or work hours as outlined in negotiated contracts.

The Borough Hall is normally open Monday through Friday from 8:00 am to 4:30 pm.

2.4 GENERAL REGULATIONS**2.4.1 Bulletin Boards**

The Borough maintains bulletin boards as a means of communicating information to the employees and the public. All Borough, Federal, and State Notices, and other legally required

notices are to be posted in areas visible to all employees. All material posted on Borough Bulletin Boards shall be posted or removed by the authority of the Borough Manager or the employee's Department Head. Employees shall not post any material on Borough Bulletin Boards unless approved by their Department Head or Borough Manager.

2.4.2 Computer Use Policy

Any staff member or individual using computer resources provided by North East Borough shall follow these guidelines:

1. North East Borough's computer resources are defined as all networks, processors, peripherals, software and supplies under the administration of the Borough.
2. North East Borough's resources may not be utilized for commercial use, product advertisement or any other form of revenue generating activity unrelated to North East Borough and its mission unless otherwise granted by special permission from the Borough Manager.
3. Individuals and staff members of North East Borough may be issued a user account to access one or more of the computing resources. Proper use of a user account is the responsibility of the individual under whose name the account is registered. User accounts cannot be shared. It is the responsibility of the user to protect their password.
4. Use of another user's account for any reason, without that user's permission, will be viewed as computer fraud. Creation of unauthorized accounts on any of the computing resources will be viewed as computer fraud.
5. Inappropriate use of North East Borough's resources, the Internet and other networks to which North East Borough is directly or indirectly connected will be deemed as abuse of computer privileges. Examples of inappropriate use include, but are not limited to: participation in network activities that place strain on computer resources; excessive use of a modem connection; the sending of obscene or harassing messages; intentionally damaging, interfering or copying the information of another user; any form of hateful, harassing or other antisocial or discriminatory behavior; attempting to access or store offensive materials; and the unauthorized access or attempted access of another networked computer system from any North East Borough resource. North East Borough is not responsible for the suitability of materials received through these computer resources to which the public has access.
6. Unauthorized copy of software to or from any North East Borough server or computer, whether licensed by the user or not, will be viewed as theft and an abuse of computer privileges.
7. Authorized personnel may monitor usage of North East Borough computer services at any time. Such monitoring will not be construed as an invasion of privacy as data on our servers is considered as in our domain. An employee should have no expectation of privacy in any electronic, computer or other communications.

We reserve the right to revoke user privileges of any individual or group of individuals who have abused the North East Borough resources or have gained unauthorized access. If further actions are deemed appropriate, officials of North East Borough and of state and federal agencies will be notified. The state and federal statutes and laws will be used in determining appropriate action.

2.4.3 Dress Code & Personal Appearance

The Borough of North East is a professional organization and each employee is expected to remember that individual appearance reflects on the image of the Borough. As representatives of a professional organization, the employee's personal appearance should meet high standards. Acceptable attire and appearance for work shall be governed by productivity, safety, good taste and discretion. Extremes in dress, hairstyle, cosmetics, jewelry, tattoos and behavior are inappropriate and must be avoided. Piercings, other than those traditionally seen in the ears, if visible, must be removed and/or covered prior to beginning work. Body art or visible tattoo(s) must be covered except those not normally covered by a short sleeved shirt or for women those below the knee permitting that they are not profane, inappropriate and indecent. Employees are not permitted to wear any jewelry or clothing that is profane, inappropriate, indecent, or poses a threat to safety or productivity of employees. For example, employees shall not wear overly large or loose fitting clothing or jewelry that could become entangled in machinery. Employees also shall not wear clothing such as shorts, tank tops or other revealing clothes that may create a safety or other concern.

In addition to the required safety clothing and gear the minimum requirements for attire are as follows:

- Non-uniformed **other** than office employees; long pants, hemmed sleeveless tee shirt, socks and hard-soled safety shoes or boots. Crossing guards may wear athletic shoes
- Non-uniformed office personnel is casual or business casual
- Uniformed employees; uniform of the day as directed by the Chief of Police

All employees except office and part-time/seasonal receive a clothing allowance for their work and weather related clothing. It is the employee's responsibility to maintain their personal clothing commensurate to their position. The borough provides all personal protective equipment (PPE) such as safety vests, non-prescription safety glasses, hard hats, work gloves, muck boots, etc. Hard-soled safety shoes or boots are the employees' responsibility.

2.4.4 Driver's License & Driving Records

Employees whose work requires the operation of a motor vehicle shall present and maintain a valid state driver's license and driving record acceptable to our insurer. A copy of your driver's license, CDL endorsements and driving record will be kept as part of your personnel file. Any changes to your driving records shall be reported to the Borough Manager immediately. Failure to report changes may result in disciplinary action. All records will be kept on file in the employees personnel file.

2.4.5 Internet & Email

The provided Internet and e-mail access is intended for business use only. We encourage the use of these vehicles as they make communication more efficient and effective. Any improper use of the Internet or e-mail is not acceptable and will not be permitted.

E-mail and Internet access may not be used for transmitting, retrieving or storage of any communication of a discriminatory or harassing nature or materials that are considered obscene. No messages with derogatory or inflammatory remarks about an individual's race, color, age, disability, religion, national origin, physical attributes or sexual preference can be transmitted. No abusive, profane or offensive language is to be transmitted through our e-mail or Internet system. Solicitation of non- North East Borough business or use of our e-mail or Internet for personal gain is prohibited.

Each employee is responsible for the content of all text, audio or images that they place or send over our e-mail and Internet system. No e-mail or other electronic communications may be sent that hide the identity of the sender. All messages communicated on our e-mail or Internet system should contain the employee's name and may not disclose any confidential or proprietary information.

We may monitor usage patterns for e-mail and Internet communications. The reasons for this monitoring are many, including cost analysis/allocation and management of the gateway to the Internet. All communications or files created, stored, sent or retrieved over e-mail or the internet is/are the property of North East Borough and shall be considered public information. We reserve the right to access and monitor all messages and files on our systems. Employees should not assume electronic communications are totally private and should transmit confidential data in other ways.

2.4.6 Media Contact

All inquiries from the media shall be directed to the Borough Manager. No North East Borough employee may make statements to the media as a representative of North East Borough without the express authorization of the Borough Manager. As an employee, do not, under any circumstances, respond to any requests for information regarding another employee.

2.4.7 Other Employment

If hired to fill a full-time position with the Borough, we will expect that your position with us is your primary employment and any outside activity shall not interfere with your ability to perform your duties with North East Borough.

2.4.8 Ethics & Gratuities

Borough employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of Pennsylvania, and to abide by the rules and regulations of the Borough as set forth by the Borough Council. Conduct that interferes with normal operations, or brings discredit to the Borough, or is illegal or offensive to the public or fellow employees, shall not be tolerated. Failure to adhere to this standard may result in discipline, up to and including termination. The following list is not all-inclusive and merely serves as a guide:

1. Engaging in any transaction, business, or other interest conflicting with the proper discharge of official Borough business
2. Disclosure of confidential information, without proper authorization, regarding the property, government, or affairs of a department or the Borough
3. Use of confidential information or influence of an official Borough position to advance personal, financial, or other private interests
4. Accepting any gift, in the form of service, loan, item, or promise, from any person, firm or organization which maintains an interest in any business dealings with the Borough
5. Accepting any gift, in the form of service, loan, item or promise from any person, firm or organization intending to influence a Borough employee in the proper discharge of official Borough duties
6. Engaging in any matter which represents a conflict of interest with the Borough, or undermines the integrity of Borough government

The Borough reserves the right to discipline an employee for any conduct or ethics violation which the Borough deems a violation of this policy.

Employees who have any doubt regarding possible violation of the provisions of this section shall consult with the Borough Manager. The Borough Manager in turn may consult with the Borough Solicitor for a professional legal opinion.

2.4.9 Hearing & Sight Conservation

The Borough shall provide employees with non-prescription hearing and eye protection devices necessary to ensure maximum protection. Employees shall use all available means to protect their hearing and sight.

2.4.10 Personal Phone Calls & Mail

You are permitted to make limited local calls on Borough telephones for essential personal business. Please do not abuse this privilege. Emergency calls regarding illness or injury to family members, changed family plans or calls for similar reasons may be made at any time. Incoming urgent calls will be directed to you immediately. Use of e-mail and similar electronic communications systems also fall under these general guidelines.

Please do not use North East Borough as a personal mailing address, and do not put personal mail in the stacks that are to be run through the postage meter.

2.4.11 Workers' Right-to-Know

The purpose of the Pennsylvania Worker and Right-to-Know Law is to ensure information concerning hazardous substances at the workplace and possible risks associated with exposure to such substances are communicated to the employees and the public. The Borough wants to guard against any unsafe hazardous chemicals or substances that could threaten the health of employees. Therefore, every effort shall be made to ensure the potentially harmful agents are identified and properly handled to ensure a safe work environment.

In accordance with the provisions of the Pennsylvania Worker and Community Right-to-Know Law (Act 159 of 1984), the Borough shall adhere to the following health and safety regulations: Workplace notices informing employees of their rights under the law shall be posted on employee bulletin boards at each work site. The following shall be followed:

- A Hazardous Substance Survey Form shall be posted in a place where it can be viewed by all employees. In addition, a list of hazardous substances for each work area shall be made available upon request. Survey forms shall be updated annually.
- Environmental Hazard Survey Form shall be completed if requested by the Department of Labor.
- Material Safety Data Sheets (MSDS) shall be collected for all hazardous chemicals purchased and made available to employees who work with hazardous substances.
- All containers of hazardous chemicals as well as ports or pipelines in the workplaces shall be labeled.
- Effective August 2, 1988, all chemicals, including hazardous and nonhazardous chemicals, shall be properly labeled.
- Employees, through an annual training program, shall be informed about hazardous chemicals present at the workplace, any dangers posed by hazardous substances or chemicals, and employee rights under the Law.

Employees of the Borough shall not be prevented from exercising their rights under the Right-to-Know Law. These rights include the right to:

- file a complaint,
- assist the Department of Labor in investigations;
- testify in any proceeding; the right to request information from the employer;
- refuse to work when a request regarding a hazardous substance or chemical is willfully denied.

Any known violation of this policy should be reported to the Department Head or, in his/her absence, the appropriate supervisory authority immediately so corrective action can be taken.

Any person responsible for interference with compliance with this policy shall be subject to disciplinary action up to and including termination.

2.4.12 Safety & Occupational Health

The safety and health of employees are a primary concern of the Borough. The Borough requires all employees to consider safety as the highest priority in any task they perform. Specific safety regulations have been established for certain situations and are addressed in a separate manual. As a minimum, all employees are required to obey the following rules regardless of the job and shall:

- Use the safety equipment provided in performing assigned work. Follow manufacturers' instructions in operating any equipment or machinery.
- Wear the prescribed clothing or uniform for the job to be performed.
- Wear seatbelts in all such equipped equipment or vehicles.
- Not use personal communications devices while operating any equipment or vehicles.
- Not operate equipment on which you have not been trained or which you do not feel confident in operating.
- Warn co-workers or anyone who might be in danger of any unsafe conditions or practices you observe.
- Report defective equipment to your Department Head without delay.
- Report unsafe conditions you observe anywhere in the Borough, regardless of whether the condition is your responsibility.
- Report all injuries and accidents, regardless of severity.

Each employee shall ensure all safety equipment is used and safe work practices and procedures are observed. The following list is examples of infractions that can result in discipline or termination of employment:

- Any employee found to be deliberately negligent in equipment operations resulting in either damage to equipment, bodily injury, or an accident, shall be terminated immediately.
- Failure to observe speed limits or applicable laws while driving Borough vehicles.
- Failure to report hazardous conditions in the workplace.
- Failure to wear appropriate safety apparel when needed.
- Failure to report any accident or injury involving an employee during working hours.
- Failure to complete a "Report of Injury" form as outlined in the Workers' Compensation section of this manual, under guidelines for administering accidents and workers' compensation.

The above list is not all-inclusive and merely serves as a guide. The Borough reserves the right to discipline an employee for any conduct which the Borough deems a violation of this policy.

2.4.13 Solicitation & Sales

The Borough believes that no employee or other person affiliated with the Borough should be subjected to pressure from a coworker or anyone else to contribute to any cause or to join any organization or political cause. Solicitations can create feelings of ill-will between coworkers, as well as an untidy and possibly unsafe environment. The following guidelines apply:

1. Persons who are not employees of the Borough may not engage in any form of solicitation or distribution of any literature or any other material on the Borough's premises at any time.
2. No employee may engage in any form of solicitation or in the distribution of literature or materials on the Borough's premises or in any work area during the times that they are expected to be working, and no employee may solicit or distribute material to other employees while such employees are expected to be working.
3. No employee who is off-duty (and not just arrived to begin working or preparing to leave right after work) may engage in any form of solicitation or in the distribution of literature or other materials in any work area.

Due to limited bulletin board space, all requests to post outside activities, lost and found, items for sale etc. will be discouraged. Such postings will be permitted only if approved by the borough management.

2.4.14 Smoking

Smoking is prohibited in all Borough facilities and vehicles. This policy also extends to the use of smokeless tobacco products. Please don't smoke in areas where you are directly dealing with the public and where it may be offensive to your co-workers. If you smoke, there are a variety of appropriate places for you to enjoy a short break. Please be courteous about the needs of your fellow employees and others.

2.4.15 Theft

Property theft of any type will not be tolerated by North East Borough. We consider property theft to be the unauthorized use of Borough services or facilities or the taking of any Borough property for personal use.

Unauthorized possession or removal of Borough property is a very serious offense. Employees violating this policy will be subject to discipline up to, and including, possible dismissal and prosecution. Referrals to law enforcement will be made on a case-by-case basis.

2.4.16 Traffic Accidents

Traffic accidents, no matter how slight shall be reported immediately to your Department Head and/or the Borough Manager. In all cases where the accident involves possible injury the police shall be notified. A record of all accidents shall be kept in the employees personnel file for a period of three (3) years. Never attempt to repair a vehicle that someone claims we damaged, report it to your Department Head and/or the Borough Manager.

2.4.17 Traffic Violations

Traffic violations, including parking violations, resulting in tickets or police action occurring during the conduct of Borough business are your own responsibility and shall be reported immediately. Records of violations shall be kept in the employees personnel file for a period of three (3) years.

2.4.18 Unacceptable Relationships

If you and members of your immediate family are employed by North East Borough, one may not supervise the other or work in the same department. If the employees are unable to develop a workable solution, the Borough Manager will decide which employee may be transferred in such situations. For the purposes of this section, your immediate family includes your spouse, children, siblings, parents, grandparents, grandchildren and your spouse's children, siblings, parents, grandparents, grandchildren or a significant other. Should two present employees that work together enter into a personal, non-work related relationship, one or both employees may have to be transferred.

2.4.19 Use of Borough Equipment & Facilities

When tools, supplies, and equipment needed to perform job duties are provided by the employer, it is the employee's responsibility to use them properly. It is the Borough's responsibility to ensure that the employee(s) are properly trained to use all the tools or vehicles they are expected to work or operate.

In addition, unauthorized use of any Borough facility and tools for personal use during and after hours is strictly prohibited. Storage of personal equipment such as trailers, campers, boats and other recreational and personal items is prohibited.

2.4.20 Use of Borough Vehicles

Borough motor vehicles shall be used for Borough business purposes only. All employees shall:

1. Maintain a valid motor vehicle operator's license for the position hired when operating a Borough vehicle;
2. Wear seat belts as required by State and/or Federal law, when operating all Borough vehicles;
3. Never drive a Borough vehicle while under the influence of alcohol, drugs, or controlled substance;
4. Exercise caution AND NEVER drive in a reckless, destructive manner;
5. Not use personal communication devices while operating the vehicle;
6. Report any accident involving Borough vehicles, even those situations where Borough vehicles were the only vehicles involved in the accident, to the borough management.

2.4.21 Use of Personal Communications Devices

Carrying and using personal communication devices and/or cellular telephones during work hours are prohibited unless specifically authorized in advanced by the Department Head or, in his/her absence, the appropriate supervisory authority. Authorized use shall not interfere with the employee's work duties and shall never be used while operating any equipment or vehicles.

Personal communication devices and/or cellular telephones may be carried and used for personal purposes during snow plowing/salting operations or when authorized by the Department Head or, in his/her absence, the appropriate supervisory authority.

2.4.22 Use of Personal Electronics Devices

The use of personal electronic devices such as music or gaming devices; i.e., iPods, Gameboys, etc. during work hours is prohibited. The use of ear buds or other headphones is not considered safety equipment for hearing conservation. Portable radios, iPod docking stations, etc. are allowed on a case by case basis.

2.4.23 Work Hours

All employees shall work hours as scheduled by their Department Head. Absence from work shall be reported prior to the scheduled starting time. Absence during scheduled work hours shall have prior approval of the Department Head or, in his/her absence, the appropriate supervisory authority.

All employees are expected to begin work promptly at the scheduled starting time and following all rest and meal periods. Employees are not permitted to discontinue or leave work prior to the scheduled quitting time without prior approval of the Department Head. Lateness or unauthorized absence from the work place will be cause for disciplinary action, up to and including termination. **An employee's failure to call-off or to report to work for three (3) consecutive days shall be treated as a voluntary resignation by the employee.**

3.0 PERSONNEL ADMINISTRATION:

SPECIAL NOTE on the benefits and entitlements described in this manual:

The following section is a general overview of the benefits and entitlements offered to every full-time employee of the Borough. Please refer to the Uniformed and Non-Uniformed Contracts for specifics and where there is a difference in policy or procedure, the applicable contract supersedes this manual.

SPECIAL NOTE for the Police Department personnel:

Anywhere that it specifies “Borough Manager” for approvals, scheduling, discipline the Chief of Police is the approving authority. Due to the function and nature of police work, the Chief of Police may enact additional policies and procedures applicable only to the North East Police Department and are in addition to the policies and procedures outlined in this manual.

3.1 GENERAL PROVISIONS

3.1.1 Compensation Packages

The Borough offers very competitive compensation packages for our full-time employees that include fair wages that recognize knowledge, skills and attributes with additional compensation for required licenses and certifications based upon position descriptions. Additional compensation includes health, dental, vision, life insurance coverage for the employee and an option to include their legal dependents on their health, dental and vision policy at a nominal cost to the employee. Lastly, a retirement package is available. **Packages do vary between the two basic employee groups; uniform and non-uniformed employees and are attached as Annex 1 & 2.**

3.1.2 Education, Training, Seminars

North East Borough encourages its employees to participate in formal and informal training programs to expand your technical knowledge for your position. All or a portion of the expenses for training may be paid by North East Borough, depending on the nature of the course. Required education and training to maintain a certification or license for the employees’ primary job description shall be paid for by the borough.

All training, conventions and seminars other than that required for licensed operators shall be approved by the Borough Manager and or Council. All expenses shall be accounted for on an expense reimbursement form. Completion certificates and/or letters shall be placed in the employee’s personnel file.

3.1.3 Errors in Pay

The Borough takes reasonable steps to ensure that each employee receives the correct amount of pay in each paycheck, and that each employee is paid promptly on the scheduled payday. When an employee believes there is errors in his/her pay, including an overpayment, the employee

should report the matter to the attention of the borough management. The Borough will make every effort to adjust the error immediately, but no later than the next pay period.

3.1.4 Garnishments

A garnishment is a court ordered legal claim against an employee's wages by a creditor for nonpayment of a debt and is served by the constituted legal authority which must be recognized by the Borough. The court order shall state the amount and means to deduct from the employees pay check.

3.1.5 Inclement Weather

In the event that a **non-uniform** employee cannot come into work at the Borough at their scheduled starting time due to inclement weather and/or road conditions, employees shall contact their respective Department Head as soon as possible and report that they will be late and their anticipated time of arrival to the Borough. Failure to contact your Department Head will automatically result in an unexcused absence.

In the event that weather conditions are such or are being forecast as such that travel home may be treacherous, an employee may request of their Department Head to be released early from work. An employee is not permitted to leave work under any circumstances, without the prior approval of their Department Head.

When a **non-exempt** employee is late arriving to or leaves early from work, due to inclement weather, the amount of time off from work may be charged in one of the following ways:

1. Charged to Paid Time Off
2. Taken as Leave without Pay

The employee is required to ensure that their time card accurately reflects the event and is signed by the Department Head. This may be completed after-the-fact as necessary.

3.1.6 Light Duty Policy

The purpose of this Policy is to establish procedures for an effective program to address the return to work of an employee from an on the job injury prior to receipt of a full medical release. The Policy may allow an employee to return to productive employment as soon as he/she is physically able, for the purpose of rehabilitating the employee. **A light duty assignment will not be available for any injury or illness not incurred in the course and scope of employment.**

All employees injured in the course and scope of their duties with North East Borough shall strive to return to work as soon as possible with the treating physician's concurrence. The employee shall, if the physician indicates that the employee is not capable of returning to his/her normal duties, request that the physician evaluate the employee for light duty assignments. Upon being released by a physician to return to work on a light duty basis, the injured employee must immediately report to the Borough Manager with a release completed by his/her physician indicating any restrictions.

Upon receipt of the return to work release provided by the employee's physician, the Borough Manager or his designee will interview the employee to review his/her physical restrictions and abilities and to determine whether the injured employee can be utilized in any department. North East Borough will evaluate each employee on a case-by-case basis and determine whether appropriate light duty work is available. A light duty assignment is not guaranteed to an injured employee and North East Borough reserves the right to deny light duty work to any employee at any time.

If an employee is granted a light duty assignment, the wages and benefits paid to the employee will be appropriate for the light duty assignment being performed. An employee who is assigned to light duty shall not be assigned to any duties, even temporarily, that require the employee to perform duties that are not within the restrictions placed by the physician.

An employee who is assigned to light duty will be required to periodically furnish a written statement, from his/her treating physician or a physician designated by North East Borough, that he/she is capable of performing the light duty assignment and/or that the employee is capable of returning to their regular duties. In no event will an employee be allowed to perform a light duty assignment for more than six (6) months. North East Borough may elect to limit the duration of the light duty assignment to less than six (6) months and may limit the number of employees that are provided light duty within its sole discretion.

3.1.7 Overtime

Overtime is a management tool used to finish work that couldn't be completed during the normal workday or an emergency situation and must be authorized by the Department Head or, in his/her absence, the appropriate supervisory authority and approved by borough management. **Overtime is not a right and should not be counted on to supplement an employee's normal paycheck.** Employees shall work overtime as required. Generally, working unauthorized overtime is prohibited and may result in discipline, up to and including discharge. Unusual or emergency circumstances may require employees to work overtime without prior authorization from the Department Head. When this occurs, a note shall be made on the employee's time card stating the nature of the call-out.

Overtime assignments made in advance of the scheduled work days will attempt to be made on a reasonable basis according to a number of factors including type of work involved, availability of workforce and seniority.

3.1.8 Personnel Files

The Borough shall maintain a personnel file for each employee. For benefits administration, security and other reasons, it is important that you notify the Borough of any change in the following information:

- Your legal name
- Your address and telephone number
- Your marital status (for insurance purposes)
- A contact person to notify in case of emergency

- Your dependent information
- The status of your W-4 exemptions
- The person(s) you named as beneficiary(is) under your group life insurance policy or other benefit programs
- Your immigration status (if your eligibility for employment in the United States is affected)
- Military status
- Driver's license

You may provide or update this information by contacting the Human Resource desk or the Borough Manager.

Additionally, each personnel file shall include, but is not limited to, individual employment data; payroll information; records pertaining to hiring, promotion, demotion, disciplinary action, etc., performance evaluations, and job related training, qualifications, or license records. Personnel files, and all information contained in those personnel files, shall be deemed confidential in accordance with state and federal regulations and laws.

A current employee may inspect his/her personnel file at reasonable times with advance notice to the Borough Manager. Prior to reviewing the file, the employee and the Borough Manager will agree on a mutually convenient time and place for inspection. All records in the file may not be accessible to the employee as governed by law. All such records shall be removed prior to employee review of the file. Those restricted items may include:

- Records containing information relating to an investigation of a possible criminal offense
- Letters of reference
- Documents prepared for use in court or grievance procedures

3.1.9 Payroll & Employment Records

This policy establishes the rules regarding the release of the employee's payroll or employment records. The policy is intended to guard against the invasion of an employee's privacy.

The Borough shall make employment or payroll records available to anyone at the request of a current employee, to the extent the records are available, and in the format in which they are ordinarily maintained by the Borough. The employee's request shall be written and include the following:

1. The date of the request
2. The name and address of the individual or organization the employee's information shall be given to
3. A list of the items in the file the employee wants released
4. The signature of the employee making the request

3.1.10 Pay Period

Employees are paid every Friday for the one (1) week period which ended at midnight on the preceding Tuesday. Police officers pay period ends at 7:00 am on Wednesday. If a pay day falls on a Borough holiday, pay checks shall be issued on the preceding work day.

3.1.11 Record of Work Hours

The Borough is required to comply with federal and state laws that require records to be kept on the number of hours worked by employees. Such records must document actual hours worked (including starting times, quitting times, and overtime worked) and accrued leave taken.

When an employee is absent, the reason for the absence should be entered directly on the time card (e.g. sick, vacation or personal).

Normally, employees are not permitted to start more than five minutes prior to the start of the scheduled starting time, or finish later than five minutes after the scheduled quitting time, unless the overtime has been approved. Failure to adhere to this policy may result in discipline, up to and including discharge. While subject to discipline, if an employee performs unapproved work prior to the start of their scheduled shift or after the end of their scheduled shift, he/she will be paid for the actual time worked.

It is expected that employees and Department Heads will take steps to ensure time cards are accurate and complete. Employees must talk to the Department Head to correct any problems with the time card. **Falsification of time records, or unauthorized marking of another employee's time card or allowing someone else to enter information on an employee's time card, may result in disciplinary action, up to and including discharge.**

3.2 PAID TIME OFF (Vacation, Holidays or Sick Days)

Only regular, full-time employees are eligible for paid vacation, holidays and sick days. **You are not eligible for paid time off during your probationary period, nor are you eligible for paid vacation if you are a part-time, seasonal or temporary employee.** The requested time must be agreed upon with your Department Head at least one month prior or as soon as possible and recorded on the employee's time card.

Non-accrual of Paid Time Off

An eligible employee does not earn paid time off during a period in which the employee is:

- Within a period of an approved leave of absence
- Within a period of an approved sabbatical leave
- Within a period of layoff
- Within a period of extended military leave
- Otherwise on unpaid status

Payment in lieu of Paid Time Off

The purpose of a vacation is to provide you with a time to rest and relax; therefore, no additional wages or salary will be paid to you instead of vacation.

3.2.1 Holidays

The following holidays are recognized by North East Borough and will be closed except for normally scheduled or emergency operations:

New Year's Day	Labor Day	Memorial Day
Thanksgiving Day	Independence Day	Christmas Day

We schedule all national holidays on the day designated by common business practice. The following rules apply:

1. If the above listed holiday falls on a Saturday the Borough will be closed on the preceding Friday.
2. If the above listed holiday falls on a Sunday the Borough will be closed on the following Monday.

If a holiday occurs during your scheduled vacation, you are permitted to take an extra day of vacation. In order to qualify for holiday pay, you must work the scheduled workday immediately before and after the holiday unless you have approved vacation during the same time. Only excused absences by the Borough Manager will be considered exceptions to this policy. You are not eligible to receive holiday pay when you are on a leave of absence.

****The non-uniformed and uniformed contracts specify additional paid holidays based upon the employees position and classification.****

3.2.2 Vacations

Every effort will be made to grant your vacation at the time you desire. However, vacations should not interfere with our operations and must be approved by your Department Head. If any conflicts arise in requests for vacation time, preference will be given to the employee with the most seniority.

****The non-uniformed and uniformed contracts specify vacation rates based upon the employees seniority, position and classification.****

- Advance vacation pay is not authorized in any circumstance. It is highly encouraged that all employees have their paycheck directly deposited into their bank accounts.
- If you are eligible for four or more weeks of vacation, you may take only two weeks at one time unless you receive written approval from the borough management.
- Specific dates of vacation taken in single-day increments must be approved by your Department Head. The request will be granted as long as your absence will not seriously affect our operations. Usually, only one employee may take vacation at a time from any one department.

Accumulation Policy

Vacation time may not be carried over and accumulated in subsequent fiscal years in accordance with the respective labor contracts. Exceptions to this policy may be made in unusual circumstances, with each case considered individually by the Borough Manager.

3.2.3 Sick Day Policy

To qualify for sick leave, you must be a full-time employee and have completed your probationary period. Time taken off before this will be without pay. Sick days are earned in increments dictated by the respective articles of agreement.

All employees shall comply with the following:

- **Advise your Department Head as soon as possible that you will be absent from work due to illness either the evening before or at least two (2) hours before your starting time.**
- **Employees shall talk with their Department Head directly, and do not leave word with a co-worker or on voice mail.**
- **Sick days taken in excess of three (3) days shall require a doctor's excuse.**
- **An employee's failure to call or report to work for three (3) consecutive days shall be treated as a voluntary resignation by the employee.**

Sick leave may be used for the purpose of visiting doctors, dentists or other practitioners in their offices.

In the event of a personal illness that requires time off from work in excess of three (3) days and/or the recuperation period requires no work for three (3) or more days the FMLA Policy will become in effect. In the event of an illness or injury covered by workers' compensation, this sick leave policy will not apply but will defer to state statutes.

3.3 OTHER APPROVED ABSENCES:**3.3.2 Funeral Leave**

Employees shall be entitled to a paid leave of absence up to but not exceeding five (5) days when a death occurs in the employee's immediate family. The immediate family is defined as spouse, child, parent, grandparent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law and grandchild.

3.3.3 Military Leave

North East Borough grants military leaves of absence in accordance with federal and Pennsylvania law.

3.3.4 Court Leave

An employee called for non-voluntary jury duty or subpoenaed to testify in a court of law during any portion of the employee's work day, shall be granted leave at their regular pay rate.

Employees are not entitled to paid court leave when the employee is appearing in court for criminal or civil cases when the case is being heard in connection with an employee's personal matter. Such absence shall be considered as a leave without pay. The employee may opt to receive paid time off, provided the employee gives advance notice to, and the time is scheduled and approved by, the employee's Department Head or, in his/her absence, the appropriate supervisory authority.

3.3.5 Volunteer Firefighter Leave

The employee, who is a member/volunteer firefighter of the North East Volunteer Fire Department (Crescent Hose or Fuller Hose), shall be permitted to respond to fires under the following conditions:

- Permission to respond to an emergency must be received prior to leaving the workplace from the Department Head or, in his/her absence, the appropriate supervisory authority.
- Borough vehicles shall not be used to respond to any fire call.
- The employee obtaining permission to respond to an emergency call during the normal work day shall receive the regular hourly rate of pay for the time spent on a working structure fire within the hours of the work day.
- No overtime shall be paid to the employee remaining at a working structure fire after normal working hours.
- The employee responding to an emergency call after normal work day hours shall be expected to report on time for work the following day.
- The employee unable to report for work due to an emergency call of any type shall notify the Department Head or, in his/her absence, the appropriate supervisory authority before the normal start of the work day. Failure to notify the Department Head or appropriate supervisory authority will automatically result in an unexcused absence and may result in discipline, up to and including discharge. For fires other than working structure fires within North East Borough or Township, the employee shall be required to utilize accrued paid time off if he/she wishes to be paid. If no time is available, the employee shall not be paid for the time absent from work.

3.3.5 Leave without Pay

A leave of absence without pay may be granted for a maximum period of 30 days for an employee's personal reasons. Leaves of absence without pay for a maximum time of one (1) year may be granted for the purpose of education, training, or specialized experience which would benefit the Borough.

Except for emergency situations, the employee shall request a non-paid leave of absence sixty (60) days prior to the start of the requested leave. Requests shall be written and addressed for approval to the Borough management.

Unpaid leaves of absence for other circumstances may be granted for justifiable reasons at the Borough's sole discretion, provided the leave does not seriously disrupt Borough operations. Such leaves will not be granted until all accrued vacation has been exhausted. Where leave is anticipated, it is expected that the employee will plan by saving vacation leave benefits.

During the leave of absence, North East Borough will continue to provide health insurance and all other group insurance benefits for ninety (90) days, provided the employee pays his/her portion of the premium for such coverage. If an employee does not return to work after the expiration of the leave of absence, the employee may be required to reimburse North East Borough for payment of health and other group insurance premiums made during the leave of absence.

During the leave of absence, the employee shall not accrue employment benefits, such as vacation, sick, or personal time. Employment benefits accrued by the employee up to the day on which the leave begins will not be lost.

Upon completion of a leave without pay, the employee shall return to his/her formerly occupied position or to a similar position, if the employee's former position no longer exists. The employee may return to work before the scheduled unpaid leave has expired providing the Borough management has granted such approval.

If the employee fails to report for work after an unpaid leave has expired, the employee may be terminated from Borough employment. If such separation occurs, a statement of "Failure to Report from Leave" shall be recorded in the employee's personnel file.

3.4 FAMILY AND MEDICAL LEAVE ACT POLICY

3.4.1 Eligibility and Amount of Leave

North East Borough will grant up to twelve (12) weeks of family and medical leave ("FMLA Leave") during a twelve (12) month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 ("FMLA"), as amended. Employees are eligible for FMLA leave if they have worked for at least twelve (12) months and for at least 1,250 hours during the twelve (12) month period immediately preceding the request for FMLA leave. North East Borough will grant up to twelve (12) weeks of unpaid FMLA leave for the following reasons: (1) to care for the employee's child after birth, or placement for adoption or foster care; (2) to care for the employee's spouse, child or parent who has a serious health condition; (3) for a serious health condition that makes the employee unable to perform his/her job; (4) for incapacity due to pregnancy, prenatal care, or pregnancy; or (5) for a qualifying exigency arising from the employee's spouse, child, or parent who is in the armed forces being notified of an impending federal call or order to active duty in the armed forces. Any FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available FMLA leave. For purposes of FMLA leave, the term "serious health condition" shall be defined as set forth in the FMLA. In the case of unpaid leave for serious health conditions, the leave may be taken immediately or on a reduced hour's basis only if such leave is medically necessary.

3.4.2 Prior Notice for Leave

In order to be eligible for FMLA leave, where the need for the leave is foreseeable, the employee must give at least thirty (30) days advance written notice of request for leave. Notice must be given as soon as practical if the necessity for leave arises less than thirty (30) days prior to the leave. The employee shall make a reasonable effort to schedule leave, if possible, so as not to unduly disrupt the operation of North East Borough. Appropriate forms must be submitted to the Borough Manager to initiate family or medical leave and to return to active status.

3.4.3 Medical Certification

North East Borough will require medical certification acceptable to support a request for FMLA leave because of a serious health condition, and may require second or third opinions and a fitness for duty report to return to work. North East Borough may also require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and periodic recertification of the medical condition. If notification and appropriate medical certification are not provided in a timely manner, approval of leave may be delayed or denied.

3.4.4 Use of Paid Time Off

Employees shall use their available personal and sick leave time during the twelve (12) week FMLA leave, unless the employee is eligible for workers' compensation benefits under the following guidelines:

- (1) Hourly Employees: In the case of an employee's individual medical care, an hourly employee is required to use, concurrently with the FMLA leave, the following paid

leaves in the order listed: (1) sick days in excess of 10 days; (2) personal and miscellaneous days; (3) vacation days in excess of 10 days.

- (2) Salaried Employees: In the case of an employee's individual medical care, a salaried employee is required to use, concurrently with the FMLA leave, the following paid leaves in the order listed: (1) sick days in excess of 10 days; (2) all personal and miscellaneous days; (3) all compensatory time; (4) vacation days in excess of 10 days.
- (3) Any employee may request in writing that the additional sick and vacation days be used in order to continue to be paid.
- (4) For all other leaves all employees are required to use, concurrently with the FMLA leave, the following paid leaves in the order listed: (1) available vacation days; (2) available personal and miscellaneous days; (3) available sick days.

The remainder of the FMLA leave shall be unpaid, unless an employee is otherwise eligible for some other form of pay such as workers' compensation.

3.4.5 Benefits During Leave

During FMLA leave, North East Borough will continue to provide health insurance and all other group insurance benefits for ninety (90) days, provided the employee pays his/her portion of the premium for such coverage. If an employee does not return to work after the expiration of the FMLA leave, the employee may be required to reimburse North East Borough for payment of health and other group insurance premiums made during the FMLA leave.

During FMLA leave, the employee shall not accrue employment benefits, such as vacation, sick, or personal time. Employment benefits accrued by the employee up to the day on which FMLA leave begins will not be lost.

3.4.6 Return to Work

Employees who return to work from FMLA leave within or on the business day following the expiration of the twelve (12) weeks of FMLA leave are entitled to return to their job or an equivalent position with equivalent pay, benefits, and other employment terms. Failure to return to work on the day after the expiration of leave may result in termination of employment, unless the employee requests a Disability Leave of Absence.

3.4.7 Qualifying Exigency Leave

North East Borough will grant eligible employees up to twelve (12) weeks of unpaid leave for a qualifying exigency arising from the employee's spouse, child or parent who is in the armed forces being notified of an impending combat deployment or involuntary federal call or order to active duty in the armed forces. The following is a list of eight situations when qualifying exigency leave may be taken:

- (1) In short-notice deployment situations, where a covered military member is notified of an impending call or order to active duty seven or fewer days from the date of deployment, in which case an eligible employee may take military exigency leave for a period of seven days beginning on the date when the covered military member is notified of the impending deployment;
- (2) To attend military events, ceremonies or programs sponsored by the military that are related to the active duty or the call to active duty of a covered military member, or to

attend similarly related family support or assistance programs or informational briefings sponsored or promoted by the military;

- (3) For certain childcare and school activities necessitated by active duty or the call to active duty status of a covered military member, including to arrange for alternative childcare, to provide childcare on an urgent, immediate need basis (but not routine, regular or everyday) basis, to enroll or transfer a child in a new school or day care facility, or to attend meetings with school or day care staff;
- (4) To make or update financial or legal arrangements to address a covered military member's absence while on active duty or call to active duty status;
- (5) To attend certain counseling arising from active duty or the call to active duty status of a covered military member;
- (6) To spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during a period of deployment for up to 5 days of leave for each instance of rest and recuperation;
- (7) To attend certain post-deployment activities, such as arrival ceremonies and reintegration briefings and events, and to address issues arising from the death of a covered military member while on active duty status; and
- (8) For certain additional activities arising out of a covered military member's active duty or call to active duty where the employer and employee both agree on the timing and duration of the leave.

Qualifying exigency military leave is not available in cases where the call to active duty is considered voluntary.

3.4.8 Military Family Leave

North East Borough will grant eligible employees up to twenty-six (26) weeks of unpaid military caregiver leave during a single twelve (12) month period. This leave must be used to care for a covered family member with a serious illness or injury.

A covered family member means a spouse, child, parent or next of kin who is a covered service member. A covered service member is a person who is a member of the armed forces, National Guard or Reserves and 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 a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the armed forces, National Guard or Reserves at any time during the period of five (5) years preceding the date on which the veteran undergoes the medical treatment, recuperation or therapy. A serious injury or illness in the case of a member of the armed forces, National Guard or Reserves means an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that may render the member medically unfit to perform the duties of the

member's office, grade, rank or rating. The term serious injury or illness in the case of a veteran who was a member of the armed forces, National Guard or Reserves at any time during the five (5) years preceding the date on which the veteran undergoes the medical treatment, recuperation or therapy means a qualified injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that manifested itself before or after the member became a veteran. North East Borough may request that an employee seeking to take military caregiver leave provide an appropriate certification from the Department of Defense that the covered service member's serious injury or illness was incurred in the line of duty while on active duty.

An employee's entitlement to military caregiver leave is limited to twenty-six (26) work weeks of leave within each twelve (12) month period, per covered service member, per injury. Thus, an eligible employee may take twenty-six (26) work weeks of military caregiver leave in different twelve (12) month periods to care for multiple service members or to care for the same service member with a subsequent serious injury or illness.

Other terms and conditions of Military Family Leave will apply as set forth in the Family and Medical Leave section above.

3.4.9 PROCEDURES:

Employees shall provide timely notice to their Department Head and the Borough Manager about the need for FMLA-qualifying leave. The request for Family Medical Leave will fall into the two categories below:

1. **Where the need is foreseeable:** A 30 day or more notice is to be provided before the leave is to begin. This should NOT be an issue for most qualifying family events as most are not emergent in nature.
2. **If the need is not foreseeable (such as emergency medical treatment):** Notice must be given as soon as practicable. (As soon as practicable generally means at least verbal notice within **one or two business days** of learning of the need to take FMLA).

EMPLOYEE REQUEST FOR FAMILY MEDICAL LEAVE

When an employee's request for Family Medical Leave is received; the Borough is required to notify employees of their rights and obligations under the FMLA. The Borough's notification must provide the employee with their rights and responsibilities while on leave, and consequences of failure to meet those obligations. The following forms shall be provided:

1. EMPLOYEE RIGHTS & RESPONSIBILITIES UNDER THE FAMILY MEDICAL LEAVE ACT
2. NOTICE OF ELIGIBILITY AND RIGHTS & RESPONSIBILITIES (Form WH-381) With this form the employee will receive one of the four forms below:

- a. Certification of Health Care Provider for Employee's Serious Health Condition (Form WH-380-E) This form will be provided if the employee is requesting leave for their own medical condition. The employee takes the form to their doctor for completion and returns the form to North East Borough for evaluation of the claim.
 - b. Certification of Health Care Provider for Family Member's Serious Health Condition (Form WH-380-F) This form will be provided if an employee requests leave to care for a family member. The employee and/or family member should take the form to their treating physician for completion. North East Borough would then evaluate an employee's claim for Family Medical Leave to care for a family member's serious health condition based on this form.
 - c. Certification of Qualifying Exigency for Military Family Leave (Form WH-384) this form is to be used in evaluating claims for qualifying exigency leave for military family members.
 - d. Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave (Form WH-385). This form is to be used when an employee is requesting military family leave for the injury or illness of a covered service member.
3. Once the Borough determines that an employee **is** or **is not** eligible to receive FMLA leave a **DESIGNATION NOTICE** (Form WH-382) shall be provided to the employee.
 4. Any employee on FML shall update their Department Head on a weekly basis. The Borough Manager may from time to time require updated documentation or certification of a medical condition in accordance with state and federal laws.
 5. An employee returning to work from FML for their own medical condition shall provide a certification of fitness from their physician to the Borough Manager.
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3.5 GENERAL ENTITLEMENTS & BENEFITS

The following section is a general overview of the benefits and entitlements offered to every full-time employee of the Borough. Please refer to the Uniformed and Non-Uniformed Contracts for specifics and where there is a difference in policy or procedure the applicable contract supersedes this manual.

3.5.1 Clothing & Work Shoe Allowance

Full-time employees receive an annual clothing allowance to purchase items necessary for the performance of their borough employment such as uniforms, work clothing, work shoes or boots, coats, etc. Specific safety items such as safety vests, bullet proof vests, hard hats, non-prescription eye protection, hearing protection shall be provided by the Borough. See the applicable contract(s) for specific dollar amounts for each group.

Office or administrative personnel do not receive a clothing allowance; but receive an extra paid holiday.

The annual clothing allowance SHALL be expended by December 1 each year with no carryover into the next year. Overages will be billed to the employee.

Newly hired Streets, Water and Sewer Department employees shall be required to obtain hard soled safety shoes or boots within two (2) weeks of employment. Full-time probationary employees may request reimbursement using their annual clothing allowance upon successful completion of probation.

3.5.2 Mileage Reimbursement

Employees shall be reimbursed for the use of their personal vehicle to attend Borough business. A personal vehicle shall be utilized only if a Borough vehicle is unavailable and written permission is obtained from the Borough Manager. The reimbursable mileage rate shall be calculated by utilizing the current Internal Revenue Service business mileage rate which is implemented on January 1st of each calendar year or by the applicable contract guidelines.

3.5.3 Health Insurance

The Borough provides health insurance for each full-time employee in accordance with the uniformed and non-uniformed labor contracts (see annexes), and have as an option at an additional cost to carry his/her spouse, and dependent children in accordance with the health insurance policy. The Borough reserves the option to determine which company to use for service. All benefits start on the day immediately following successful completion of the probationary period or as directed by Council for exempt employees.

COBRA

Consolidated Omnibus Budget Reconciliation Act (COBRA) benefits are available in accordance with the law.

3.5.4 PA WORKER'S COMPENSATION ACT (Workman's Comp)

State law provides that every Borough employee is eligible for workers' compensation for injuries or occupational illnesses arising from or in the course of his/her employment. Workers' compensation generally provides for income replacement for temporary and permanent disabilities, up to two-thirds (2/3) of the employee's average wage, not to exceed two-thirds (2/3) of the State-wide weekly wage, along with all hospital, doctor, dentist, rehabilitation and pharmacy bills.

The Borough, in accordance with the PA Workers' Compensation Act, shall maintain records of all injuries to employees which are reported or which management has knowledge of. If the employee is temporarily disabled due to a work-related accident, and has properly reported the accident to the appropriate supervisory personnel, the disability is covered by workers' compensation.

Any time lost due to a work-related accident shall not be charged to accrued paid time off. Employees are not eligible for paid time off while simultaneously receiving workers' compensation payments.

In accordance with State law, employees may not be entitled to benefits if:

1. The injury or death is caused by the employee's intoxication from alcohol, drugs, or other controlled substance, or reckless indifference to danger.
2. The injury or death is intentionally self-inflicted or is caused by the employee's violation of the law.

3.5.5 Procedure: Guidelines for administering accidents and workers' Compensation:

1. **If the employee becomes injured while performing work duties, the employee must immediately report the injury, regardless of the apparent seriousness of the injury, to his/her Department Head.**
2. Immediately upon receiving notice of an employee's injury, the employee's Department Head shall complete a "Report of Injury" form (contact the borough office). The Report of Injury form shall be completed regardless of the apparent seriousness of the injury or whether medical attention is required. **The Report of Injury form shall be given to the Borough Manager as soon as possible, but no later than forty-eight (48) hours from the time of the accident.**
3. Should the employee's injury require medical attention or otherwise appear serious, the employee's Department Head must immediately notify the Borough Manager so an investigation may be initiated, if necessary.
4. Workers' compensation claim forms shall be completed as soon as possible by the human resources personnel for the purpose of initiating compensation claims for the injured employee. If possible, the injured employee shall meet with the office personnel at a

mutually agreed time to assist with completion of forms. Otherwise, the employee's Department Head shall provide the necessary information.

5. The employee is responsible for advising the Borough Manager on the status of his/her work-related injuries and expected date of return to work, when known.
6. Copies of the documents received from the injured employee, his/her physician, hospital or from the State regarding workers' compensation claims, shall be forwarded immediately to the Borough Manager.
7. The employee who is injured at work and unable to complete his/her scheduled work day shall be paid the regular rate of pay for the balance of time left in the scheduled work day.

3.5.6 Life Insurance

Beginning at the day immediately after the probationary period or as directed by Council for exempt employees, each full-time employee will be provided with term life insurance in accordance with the uniformed and non-uniformed labor contracts (see annex's).

3.5.7 Disability Benefits & Supplemental Insurance

The borough offers supplemental group insurance through a third party provider such as disability and medical insurance separately paid for by the employee as a payroll deduction. Contact the Borough Office for additional information.

3.5.8 Retirement Plan

A mandatory pension plan is provided for all full-time non-uniformed and uniformed employees in accordance with the uniformed and non-uniformed labor contracts (see annex's).

3.5.9 Grievances

All complaints and grievances relating to working conditions, relationships with others, and similar matters arising out of the employment relationship must be presented in accordance with the respective labor contract. Any grievance not timely presented shall be deemed waived and final unless otherwise mutually agreed upon in writing. The Borough reserves the right to extend the reporting of EOE, Harassment or Workplace Violence Policy violations to thirty (30) days.

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4.0 EMPLOYEES CONDUCT & DISCIPLINARY PROCEDURES

SPECIAL NOTE for the Police Department personnel:

Anywhere that it specifies “Borough Manager” for approvals, scheduling, discipline the Chief of Police and Mayor are the approving authority. Due to the function and nature of police work, the Chief of Police and Mayor may enact additional policies and procedures applicable only to the North East Police Department and are in addition to the policies and procedures outlined in this manual.

4.1 PURPOSE:

A clearly written evaluation and discipline policy shall serve to promote fairness and equality in the workplace, and shall minimize potential misunderstandings among employees regarding disciplinary matters. This manual shall advise employees of the typical types of conduct and job related behavior that the Borough Council has determined to be unacceptable, along with the typical penalties for such unacceptable behavior. This policy does not create and should not be construed as creating a contract for employment or otherwise altering an employee’s at-will status. The Borough reserves the right at all times to take any corrective action it deems appropriate, up to and including discharge.

The Borough has adopted a progressive discipline policy to serve as a guideline only, for the administration of disciplinary procedures. While disciplinary action shall usually be progressive; depending on the severity of an offense and in the sole discretion of Borough management, immediate termination may occur.

The Borough Manager and/or the employee's Department Head are responsible for administering disciplinary procedures. This policy shall not be construed to be a delegation of, or a limitation upon, any statutory rights of the Borough.

Any disciplinary action taken shall be documented and placed in the employee’s personnel file.

4.1.1 Performance Evaluations

Written performance evaluation provides management with an effective mechanism to measure and communicate levels of job performance to employees. It provides the employee with documented, constructive feedback concerning current job performance. Documented performance evaluation serves as a basis for important management decisions regarding training needs, job assignments, promotion, and retention of employees. The work performance of each employee shall be evaluated in accordance with the procedures set forth below.

Exempt employees may serve up to a one (1) year probationary period and shall receive two evaluations during the course of probation. The first shall be completed halfway through the probationary period; the second shall be completed at the conclusion of the one (1) year period.

Non-exempt employees will serve a ninety (90) day probationary period and shall receive an evaluation at the conclusion of the ninety (90) days. At the conclusion of the initial probationary period, the employee shall be provided notice of permanent employment status, or, the employee's probationary period may be extended for another sixty (60) days, or the employee may be terminated, at the discretion of Borough Management.

All other full or part-time employees shall receive at least one (1) evaluation per year, to be completed during a review period to be established by the Borough Management.

Nothing in this policy should be construed as to alter the presumption of at-will employment. Regardless of whether an employee is in a probationary period or not, he/she may be terminated at any time, with or without cause and with or without notice.

The employee's immediate Department Head shall be responsible for completing the performance evaluation form, and for discussing its contents with the individual employee. The Department Head shall provide a copy of the completed performance evaluation form to the employee. The employee must sign a copy of the performance evaluation and the signed copy will be placed in the employee's personnel file.

Department Heads shall rate their employees in an objective, uniform, and unbiased manner, based upon a fair evaluation of the employee's performance level during the preceding rating period. Any member of the Borough Management found to be unfairly influencing or biasing the results of a performance evaluation, for whatever purpose, shall be subject to disciplinary action, up to and including discharge.

4.1.2 Disciplinary Action and Penalties

This disciplinary policy provides standard penalties for specific offenses; however, the examples of specific offenses are not inclusive and merely serve as a guide. The standard penalties as provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances warrant such penalties, in the discretion of Borough management.

Penalties:

Penalties for offenses fall into the following categories:

1. Instruction and cautioning (oral reminder)
2. Written reminder
3. Up to fifteen (15) day suspension without pay
4. Up to termination of employment

Example Offenses: this listing is not all inclusive and all offenses are subject to review and the borough reserves the right to add or delete any infractions:

1. The manufacture, distribution, dispensation, possession or use of an unlawful controlled substance.
2. Use of prescription medication without doctor's permission.
3. Use of illegal drugs or alcoholic beverages on the job.
4. Failure to "report off" work for any absence. (Failure to report off for three (3) consecutive days shall be treated as a voluntary resignation.)
5. Unauthorized absence from work.
6. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the scheduled work period.
7. Leaving the job or work area during the regular working hours without authorization.
8. Making preparations to leave work without specific prior authorization before the lunch period, or before the specific quitting time.
9. Reporting to work or working while unfit for duty.
10. Unsatisfactory work or failure to maintain required standard of performance.
11. Sleeping during working hours.
12. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
13. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
14. Failure to cooperate with other employees as required by job duties.
15. Use or possession of another employee's working equipment without authorization.
16. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
17. Failure to observe department rules.
18. Obliging the Borough for any expense, service or performance without authorization.
19. Failure to report accidents, injuries, or equipment damage.
20. Unauthorized posting or removal of notices or signs from official bulletin boards.
21. Discourteous treatment of the public.
22. Distributing or posting written or printed matter of any description on Borough premises unless authorized.
23. Gambling during working hours.
24. Unauthorized use of Borough property or equipment.
25. Conduct violating morality or common decency, e.g., sexual harassment.
26. Performing private work on Borough time.
27. Failure to make required reports.
28. Failure to report for overtime work without good reason after being scheduled to work.
29. Solicitation on Borough premises without authorization.
30. The making or publishing of false, vicious or malicious statements concerning employees, Department Heads, the Borough or its operations.
31. Refusing to give testimony when accidents are being investigated.
32. Giving false testimony during a complaint or grievance investigation or hearing.
33. Willful disregard of departmental or borough rules and regulations.
34. Use of abusive or threatening language toward supervisors.

35. Misuse of two-way radio or related equipment, abusive language over the air ways, or the interference with business-related transmissions.
36. Neglect in the performance of assigned duties or in the care, use or custody of any Borough property or equipment. Abuse or deliberate destruction in any manner of Borough property, tools, equipment, or the property of employees.
37. Signing or altering other employees' time cards, tampering with other employees' time cards, or unauthorized altering of the employee's own time card.
38. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying or destroying any Borough records, including working performance reports; or giving false information called for in making application for employment.
39. Making false claims or misrepresentation in an attempt to obtain any Borough benefit.
40. Stealing or similar misconduct, including destroying, damaging or concealment of any property of the Borough or of another employee.
41. Threatening, fighting or attempting to injure, intimidating, coercing, or interfering with other employees, supervisors or persons.
42. Illegal possession of firearms, explosives or weapons on Borough property at any time without prior authorization.
43. Knowingly concealing a communicable disease which may endanger other employees or the public.
44. Misuse or removal of Borough records or information without prior authorization.
45. Instigating, leading or participating in any illegal or unauthorized walkout, strike, work stoppage, refusing to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction or interference with work on or about the work station.
46. Dishonesty or any dishonest action. Some examples of what are meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work. The foregoing is examples only and does not limit the terms "dishonesty" or "dishonest action."
47. Insubordination by refusing to perform assigned work or to comply with written or verbal instructions of the Department Head or, in his/her absence, the appropriate supervisory authority. **Refusal to obey an order that the employee considers to be unsafe or otherwise detrimental to anyone shall not be insubordinate.**

4.2 PROCEDURES:

4.2.1 Step One: Oral Reminder

Your Department Head will meet with you to discuss the problem, making sure that you understand the nature of the violation and the expected remedy. The purpose of this conversation is to remind you exactly what the performance expectation is and that it is your responsibility to meet that expectation. In some cases retraining may be ordered.

You will be informed that the oral reminder is the first step of the discipline procedure. Your Department Head will fully document the oral reminder. Documentation will not be placed in your permanent record unless another disciplinary transaction occurs. In most cases the

Department Head will not consult with the Borough Manager unless a habitual pattern is established.

4.2.2 Step Two: Written Reminder

If your performance does not improve within the three-month period, or if you are again in violation of Borough practices or standards of conduct, your Department Head, after reviewing the situation with the Borough Manager, will discuss the problem with you, emphasizing the seriousness of the problem and the need for you to immediately remedy the problem.

Following the conversation, your Department Head will write you a memo summarizing the discussion and employee action plan. The original memo will go to you and a copy will be routed to the Borough Manager to be placed in your file. The memo shall remain in your active record for a period of three (3) years unless a pattern is exhibited at which case they will remain indefinitely.

4.2.3 Step Three: Suspension

A suspension is the next to last step of North East Borough's disciplinary system. If your performance does not improve following verbal and written reminders, or if you are again in violation of Borough practices, rules or standards of conduct, you will be placed on decision-making leave by the Borough Manager after consultation and recommendation of the employee's Department Head. Suspensions are awarded in the following manner; three (3), seven (7) and fifteen (15) day suspensions. All suspensions are a **UNPAID STATUS**; however medical benefits are not suspended. Suspended employees shall not visit any borough facilities except by permission of their Department Head or the Borough Manager and will spend the prescribed time away from work, deciding whether to correct the immediate problem and conform to all Borough practices, rules and standards of conduct or to resign their employment with us.

If your decision following the decision-making leave is to return to work and abide by practices, rules and standards of conduct, the Department Head and Borough Manager shall write a memo explaining this commitment and the consequences of failing to meet this commitment. You shall be required to sign the letter acknowledging receipt and a copy of the letter shall be placed in your personnel file for as long as you are employed with the Borough.

You will be allowed to return to work with the understanding that if a positive change in behavior does not occur, or if another disciplinary problem occurs within the next three months, you may be terminated.

4.2.4 Step Four: Termination

Employment with and compensation from North East Borough is -at-will in that you can be terminated with or without cause or notice, at any time, at the option of either the Borough or yourself, except as otherwise provided by law. If after all steps to remediate the situation(s) and failure of the employee to perform to required job requirements, termination of employment with the Borough of North East shall be ordered. Note: Some infractions may result in immediate dismissal.

4.3 GRIEVANCE PROCEDURES

In the case of an aggrieved employee, the employee shall submit, in writing, their grievance to the Department Head. The employee's Department Head shall, within two (2) days, meet with the aggrieved party and review the complaint, and, within five (5) days render his or her decision. If the decision is not satisfactory to the aggrieved party, he or she may, within seven (7) days, meet and discuss the grievance with the Borough Manager.

If the decision rendered by the Borough Manager is not satisfactory, the aggrieved party may, within five (5) days, appeal to the Borough Council. Council shall grant the aggrieved employee a hearing no later than the date of its regularly scheduled meeting and make a decision with five (5) days of said hearing. The Borough reserves the right to extend the reporting of EOE, Harassment or Workplace Violence & Retaliation violations to thirty (30) days.

5.0 DRUG & ALCOHOL POLICY

5.1 INTRODUCTION

North East Borough is committed to maintaining a safe and drug-free workplace and to providing a quality product to our customers. Successful attainment of these goals is directly dependent upon the establishment and maintenance of a workplace that is free from the adverse effects of drug and alcohol abuse. Consistent with these goals, our policy on drugs, alcohol, and controlled substances which applies to all of the Borough's employees and applicants, is as follows:

Special Note for police department personnel:

Anywhere that it specifies "Borough Manager" for approvals, scheduling, discipline the Chief of Police is the approving authority. Due to the function and nature of police work, the Chief of Police may enact additional policies and procedures applicable only to the North East Police Department and are in addition to the policies and procedures outlined in this manual.

5.2 APPLICABILITY/COMPLIANCE AS A CONDITION OF EMPLOYMENT

The Borough requires that all employees comply with this policy as a condition of employment. Employees include: full-time, part-time, seasonal, and temporary employees; paid and unpaid interns; volunteers; contractors and subcontractors.

In addition, this policy applies to all applicants who have been made a conditional offer of employment for drug testing purposes only. Any applicant who has been given a conditional offer of employment must receive a negative drug test result.

5.2.1 Contract Disclaimer

This policy is designed to serve as guidelines for management action. It is not intended to create any contract or binding agreement between the Borough and any employee. This policy is subject to change or modification at the Borough's discretion at any time that particular circumstances warrant.

5.2.2 Employment "At-will" Disclaimer

This policy is not intended to create a contract binding the employee or the Borough to an agreement of employment for a specific period of time. Either the employee or the Borough can terminate an employee's employment at any time, for any lawful reason, with or without notice. No representative or agent of the Borough, other than Borough Council, can authorize or sign an employment agreement contrary to the above terms or otherwise make any binding offer of employment for a specific term, and then only in writing.

5.2.3 Reporting Violations

Each employee is required to immediately report any violations of the Borough's Policy on Alcohol, Drugs, and Controlled Substances to his/her Department Head. Any employee who fails to report such violations is subject to disciplinary action, up to and including discharge.

5.3 DRUG/ALCOHOL AWARENESS EDUCATION

In order to maintain a drug/alcohol free workplace, the Borough is committed to the following:

- Educate employees on the dangers of drug/alcohol abuse.
- Advise employees of our Employee Assistance Program (EAP).
- Educate employees on the drug/alcohol testing practices and procedures.
- Inform employees of the penalties which may be imposed for violation of this policy and
- Inform employees on who is responsible for the cost incurred when there is a positive drug test result (e.g., who will pay for the treatment, test of the split specimen, etc.)

The Borough is committed to educating our employees in the following practices:

- Discuss the drug, alcohol, and controlled substance abuse policy during employment selection and orientation process.
- Develop and maintain a qualified drug and alcohol training program for our supervisors and employees.
- Educate our employees on the dangers of drug and alcohol abuse in the workplace.
- Provide an Employee Assistance Program (EAP) to all employees, if applicable.

5.4 Terms & Definitions

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

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

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

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

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

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

Definitions continued on next page:

Definitions continued:**Commerce** means:

1. Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and
2. Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (1) of this definition.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

1. Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
2. Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Borough refers to the Borough of North East.

Borough Business includes, but is not limited to, work performed on or in a non- Borough vehicle being used for Borough business, and the term also includes meal and break times.

Confidentiality and Privacy includes that the Borough will attempt to insure all aspects of the testing process are as private and confidential as reasonably practical.

Confirmatory drug test means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmed drug test means a confirmation test result received by a Medical Review Officer (MRO) from a laboratory.

Consortium/Third party administrator (C/TPA) means a service agent that provides or coordinates one or more drug and/or alcohol testing services to Department of Transportation (DOT)-regulated employers. C/TPAs typically provide or coordinate the provision of a number

of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not –employers for purposes of this part.

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

- Marijuana metabolites.
- Cocaine metabolites.
- Amphetamines (amphetamine, methamphetamines, Methylenedioxymethamphetamine [MDMA] Methylenedioxyamphetamine [MDA] and Methylenedioxyethylamphetamine [MDEA]).
- Opiate metabolites (morphine, codeine and heroin).
- Phencyclidine (PCP)

Designated employer representative (DER) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the Borough. Service agents cannot serve as DERs.

Discipline means the consequences an employee may encounter when caught in the following situations:

- possessing
- using
- selling
- buying or transferring drugs or alcohol

Direct Observation (DO) – The collector or another person that the collection site approves of, being same gender as the employee, must instruct the employee to raise clothing, just above the navel; lower clothing, to mid-thigh; then turn around to show the same gender observers they do not have prosthetic devices for beating the tests. If no device is detected, the employee is permitted to return clothing to its proper observed-collection position. Then the observed collection will take place. The DO testing is mandatory for all Return to Duty and Follow -Up Testing.

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

- Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- Exclusions.

- Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
- Tire disablement without other damage even if no spare tire is available.
- Headlight or taillight damage
- Damage to turn signals, horn, or windshield wipers which make them inoperative.

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

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

Employee Training Program means educating an employee of the Borough drug policy & procedures.

Employer means a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this part. The term, as used in this part, means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this part and any applicable DOT agency regulations. Service agents are not employers for the purposes of this part.

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

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

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

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

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

Performing a safety-sensitive function means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

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

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

Refuse to submit (to an alcohol or controlled substances test) means that an employee:

- An employee admits to the collector that he or she adulterated or substituted their specimen.
- The employee behaves in a confrontational way that disrupts the collection process.
- The employee fails to follow the observer's instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.
- The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process. The employee refuses to wash his or her hands – after being directed to do so.
- failing to provide adequate breath for an alcohol test without a valid medical explanation,
- failing to submit to a test as directed,
- Engaging in any conduct which clearly obstructs the testing process.
- Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- Fail to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
- Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen.
- Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fail or declines to take a second test the employer, MRO or collector has directed the driver to take;
- Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the

- collection process, refuse a direct observation test, refuses to wash hands when directed by the collector); or
- Is reported by the MRO as having a verified adulterated or substituted test result.

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

- All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by §§392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

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

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

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

Voluntary Treatment and Counseling means that an employee who feels he or she may have a substance abuse problem and is seeking assistance through the Self Identification Program.

5.5 PROHIBITED CONDUCT

Employees may not possess, use, purchase, sell, or transfer illegal drugs, alcohol, or controlled substances of any amount on the Borough's property (including parking lots). Illegal drugs or substances are those, which cannot be legally obtained, including controlled dangerous substances and controlled substance analogues, as well as those drugs, which, although legal, have been obtained illegally (i.e., prescribed drugs not being used as prescribed).

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

Employees may not consume alcohol, illegal drugs, or substances on or off the Borough's property during working hours, lunch periods, breaks or relief periods.

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

Employees are prohibited from possessing any amount of alcohol (**INCLUDING POSSESSING MEDICATIONS WHICH CONTAIN ALCOHOL**) while on duty or driving, unless the alcohol is manifested and being transported as part of the shipment

Off-the-job illegal drug use which could adversely affect an employee's job performance, jeopardize the safety of others, the public, or Borough equipment, or adversely impact the Borough's reputation, is proper cause for disciplinary action up to and including termination of employment.

Employees who are convicted of off-the-job drug or alcohol-related activity may be considered to be in violation of this policy. In deciding what action to take, management will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the Borough and other factors relating to the impact and circumstances of the employee's arrest.

- Employees may not report to work with any illegal drugs or substances in his/her system.
- Employees are required, as a condition of employment, to submit to a Post-Accident/Incident/Injury, Reasonable Suspicion/Cause, Random, Return-to-Duty, Follow-up alcohol and/or drug test when required. Refusal to test will result in immediate termination of employment.
- Employees are prohibited from testing positive for drugs and/or alcohol.
- Claiming the ingesting of hemp food products will not be an acceptable defense of a positive in a drug test.
- Employees shall not violate any applicable federal and/or state requirement governing the use of drugs or alcohol.
- In the event of any situation, circumstance, or result not addressed in this Drug & Alcohol Policy, the Borough will adhere to 49 CFR Part 40, as amended.
- Employees shall not do anything to obstruct the Borough's goals with respect to drug and alcohol testing

5.5.1 Dilute Specimen

When the Borough receives a result from the MRO that states Positive Dilute, the Borough shall treat the result as a verified positive result. The employee shall not be able to take another drug

test based on the fact that the specimen was dilute. See Violation section of the policy for consequences.

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

1. If the MRO directs the Borough to conduct a recollection under direct observation (i.e., because the creatin concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, the Borough shall have the employee do so unannounced and immediately.
2. If the MRO reports the result as a negative dilute and when the creatinine concentration of the dilute specimen is greater than 5 mg/dL, the Borough shall direct the employee to take another unannounced test immediately.
3. Recollection of the specimen shall not be collected under direct observation unless there is another basis to support a directly observed collection.
4. When the Borough receives the second result after the initial Negative Dilute result and the result is again Negative Dilute the Borough shall accept this result, unless the MRO asks for another collection under direct observation. If the MRO requires another recollection the employee must do so immediately.

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

5.5.2 Inspection of Lockers, Personal Possessions and Vehicles

Where Borough has reason to believe that an employee is in violation of Borough drug and alcohol policy, he/she may be asked to submit immediately to a search of his/her person and/or to make his/her locker, lunch box, briefcase, purse, packages, personal belongings, desk, vehicles, or any other receptacle he/she uses or has access to, available for inspection. Such search or inspection shall always be conducted in the presence of at least one witness other than the Borough representative performing the search or inspection, and the contents resulting from such a search or inspection shall be inventoried. Entry onto Borough premises (including parking lots and job sites) constitutes consent to search and inspection. Refusal to consent to search or inspection shall be grounds for which an employee will be disciplined, up to and including discharge.

5.6 VIOLATION OF THE POLICY

Any employee who violates the provisions of this policy or engages in prohibited conduct as set forth herein may be subject to the provisions of [Part IV of this manual](#).

5.7 LEGAL PRESCRIPTIONS AND OVER-THE COUNTER MEDICATIONS

An employee shall inform his/her Department Head, prior to commencing work, if he/she is taking any prescription or over-the-counter medications, which could interfere with their ability

to perform his/her job functions safely. If the employee does not notify the Borough/Department Head this shall be grounds for termination.

It is the employee's responsibility to make sure that the medication that is prescribed to the employee will not have adverse effects that will comprise the employee's safety while working. If the employee is taking a prescription or over-the-counter medication that has warnings on the medication, the employee will be sent for a fit for duty physical. The employee also will need a letter from the prescribing physician that the employee is capable and safe to work along with the fit for duty physical from a physician that is chosen by the Borough.

If the employee is not capable of working safely then the Borough shall try to find an alternate job for the employee, if one exists. If one does not exist, the employee will be required to take time off and the employee may use any time off the employee has accrued until the employee is safe to return to work.

5.7.1 Self-Identification & Rehabilitation Program

Rehabilitation following self-identification:

1. Employees who believe they may have a drug and/or alcohol problem are encouraged to seek help (self-identify) from the management of the Borough. An employee who seeks help voluntarily, and is not currently in the process of being evaluated for testing as defined in this policy, will not be disciplined for any involvement with drugs and/or alcohol, which he or she admits to in connection with his or her initial request for help.
2. An employee who self-identifies may be eligible for and/or be required to take a leave of absence (using paid time off, to the extent available, and thereafter, unpaid time) and will be permitted to return to work subject to the terms, conditions and restrictions set forth by the Borough.
3. The employee must be evaluated within seven days, from the date on which he/she self-identified to the Borough. A certified Substance Abuse Professional associated with a supervised drug and alcohol treatment program must do the evaluation.
4. Before the employee can return to work, the employee must comply with the following terms and conditions:
 - The employee must be cleared by the Substance Abuse Professional who must certify to the Borough in writing that the employee has complied with his or her treatment plan, if applicable, and is physically and mentally fit to Return-to-Duty.
 - The employee must submit to and test negative on a drug and/or alcohol test.
 - The employee must comply with any ongoing treatment recommended.
 - The employee must submit to unannounced Follow-up testing for drugs and/or alcohol for up to sixty months. There will be a minimum of six Follow-up tests in the first twelve months following the employee's return to work.
5. The employee will be terminated immediately in the event he/she:

- Refuses to comply with the treatment plan recommended for him/her, if applicable, either before or after he/she returns to work.
- Tests positive for drugs and/or alcohol and/or refuses to submit to a drug and/or alcohol test on the date and time required.
- Otherwise fails to meet the Borough's expectations for performance or behavior.
- Is identified for termination under any other circumstances deemed appropriate by the Borough.

5.7.2 Testing

The Borough has implemented six circumstances for drug testing:

1. Pre-Employment testing
2. Post-Accident/Injury/Incident testing
3. Reasonable Suspicion / Cause
4. Random
5. Return-to-Duty (or for Self Identification Program only)
6. Follow-up (or for Self Identification Program only)

The Borough has implemented five circumstances for alcohol testing:

1. Post-Accident/Injury/Incident testing
2. Reasonable Suspicion / Cause
3. Random
4. Return-to-Duty (or for Self Identification Program only)
5. Follow-up (or for Self Identification Program only)

5.7.3 Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the Borough will be grounds for refusal to hire applicants, and will result in the termination of employment of existing employees. Refusal to test will be considered a voluntary resignation. A refusal to test is defined as any conduct, which would obstruct the proper administration of a test. A delay in providing a specimen may constitute a refusal. If an individual cannot provide a sufficient specimen, a physician of the Borough's choice will evaluate the employee. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen, the individual will be considered to have refused the test. All refusals will result in termination.

5.8 EMPLOYEE RESPONSIBILITY

Employees and prospective new hires are required to provide a specimen for testing, as a condition of employment. Employees acknowledge to the Borough, and its selected vendors for any testing required as prescribed in this policy, and for the release of information, concerning these tests results and/or the successful participation in a treatment program approved by the Borough. If an individual refuses the test, adulterates, or substitutes the specimen of another person, or refuses to cooperate in the testing process in such a way that prevents completion of the test, the employee will be terminated or the employment candidate will not be hired.

When a Borough management representative has concerns that an employee requested/required to undergo drug and/or alcohol testing may currently be under the influence, and their ability to operate a motor vehicle may be impaired, they may be provided with transportation to the appropriate testing facility and to their home at the Borough's expense. The Borough will not and does not condone individuals operating motor vehicles when a question exists regarding the possibility of impairment.

5.9 TYPES OF TESTING

5.9.1 Pre-Employment

The Borough will require all applicants that receive offers of employment to submit to a pre-employment drug test. All offers of employment are contingent upon the successful completion of all pre-employment screening processes. If the drug test shows positive, the perspective employee will not be hired. If the Borough receives a result from the Medical Review Officer (MRO) stating the result is negative with a Dilute specimen the applicant will (suggestions) not be considered for employment or another unannounced drug test will be required (state who pays for the additional test).

5.9.2 Post-Accident/Injury/Incident

1. An employee involved in a work-related accident resulting in a lost time injury, or injury requiring medical attention to themselves, another employee or a civilian will be required provide a Drug and Alcohol test. In the event that an employee is so seriously injured that he/she cannot provide a specimen at the time of the accident, the employee must provide necessary authorization to the Borough to obtain medical records or other documents that may be necessary in and attempt to determine whether controlled substances or alcohol were present in the employee's system at the time of the accident that would indicate that he/she was in violation of the provisions of this policy.
2. Any employee who damages Borough property will be required to provide a drug and alcohol test.
3. Any incident that is perceived by the Borough that presents or could have presented a risk to safety or any other business interest of the Borough.

5.9.3 Random

The Borough may conduct random drug and alcohol testing for all employees, however all employees subject to the Department of Transportation rules shall be subject to random testing at

all times. The random selection provides an equal chance for each employee to be selected each time a random selection occurs. Random selection, by its very nature may result in employees being tested in successive random selections or more than once in a calendar year. Alternatively, some employees may not be selected in a calendar year.

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

5.9.4 Reasonable Suspicion / Cause

Any affected employee must report to a collection site and provide a specimen if, in the opinion of a Borough official (who has received training covering the indications of probable drug and/or alcohol abuse), there is reasonable cause to suspect the use of drugs and/or alcohol. Their observations must be documented.

Specimen collection for reasonable suspicion testing will take place under the following circumstances:

- When an employee's error appears, on the basis of an preliminary investigation, to have caused an accident, injury or damage to Borough or employee property or vehicle(s)
- Based upon their appearance, speech, body odor or actions, a supervisor reasonably suspects that the employee's ability to work may be impaired by alcohol and/or drugs, or the withdrawal effects of alcohol and/or drugs.

Employees who refuse to be tested shall be terminated

An agent of the Borough will escort the employee to the collection site and arrangements will be made for them to be transported to his/her home after the specimen is collected.

An employee who is directed to take a reasonable suspicion test will be placed on unpaid suspension pending the test results. If the result is negative the employee will be reimbursed for the time of suspension.

Employees will be required to undergo testing when his/her conduct and/or actions cause concern that he/she may be unfit for duty. When possible, observations will be determined by two members of supervision/management. Numerous supervisors have been trained in detecting signs, symptoms, and characteristics of drugs and/or alcohol abuse.

5.9.5 Return-to-Duty (or for Self Identification Program)

An employee, who has self-identified to the Borough or has a positive test, regarding a Drug and/or Alcohol problem, will be required to submit to a return-to-duty test and achieve a negative result, provide a course of treatment plan and be provided a release from the certified substance abuse professional before he/she can return to work. This reason for test shall be directly observed. First time testing shall be paid for by the borough and all subsequent testing shall be paid for by the employee.

5.9.6 Follow-up Testing (or for Self Identification Program)

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, an employee will be required to submit to unannounced follow-up testing for Drug and/or Alcohol for up to (60) sixty months. If the results are positive, the employee will be immediately terminated. This reason for test shall be directly observed. Any testing during this time period shall be shared equally between the borough and employee.

5.10 Testing Procedures**5.10.1 Drug Testing**

Drug testing will be performed through urinalysis and will test for the presence of drugs and/or metabolites of the following controlled substances:

- Marijuana metabolites.
- Cocaine metabolites.
- Amphetamines (amphetamine, methamphetamines, Methylenedioxymethamphetamine [MDMA], Methylenedioxyamphetamine [MDA] and Methylenedioxyethylamphetamine [MDEA]).
- Opiate metabolites (morphine, codeine and heroin).
- Phencyclidine (PCP)

The Borough adheres to 49 CFR Part 40, as amended for cut off levels both for screening and confirmatory levels for the above mentioned controlled substances.

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

The following protocol will apply to all specimen collections:

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

The applicant/employee will participate in the custody and control procedures in order to insure accurate collection by:

- Collection site providing photo identification.
- Following the DOT Urine Specimen Guidelines and in accordance with 49 CFR Part 40 for all urine collection procedures in cooperation with the site.

Under split specimen procedures, the donor must provide 45 ml. in a specimen container. The collector will pour 30 ml. into one bottle and seal it; the remaining sample of 15 ml. will be

sealed in a second bottle. Both bottles will be sent to the laboratory. The bottle with the 30 ml. will be the primary specimen and the second bottle will be held by the laboratory and analyzed only after a verified positive by the MRO and the employee requests the analysis within 72 hours of notification by the MRO.

If the applicant/employee refuses to provide the specimen for the drug testing, the situation will be considered equal to a positive test and the same consequences will apply.

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

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

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

5.10.2 Alcohol Tests

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

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

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

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

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

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

In the event that an employee provides an adequate breath specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a confirmatory test will be performed. In the event that the employee provides an adequate breath specimen and the confirmatory test registers less than 0.02, the test result will be reported to the Borough as -negative.

5.11 CONFIDENTIALITY AND PRIVACY

The Borough will attempt to insure that all aspects of the testing process are as private and confidential as reasonably practical. Actual test results will be provided to supervisors and managers who have a need to know such information, to the person tested and any person permitted or required by law or regulation to receive such information. Except as required by law, test results will not be disclosed to co-workers, an employee's family, uninvolved supervisors, or law enforcement authorities without the specific permission of the person tested.

The Borough will, however, inform the police of trafficking in illegal drugs by employees and will turn over any illegal drugs confiscated on Borough property to the police.

5.12 DISCIPLINE FOR POSSESSING, USING, SELLING, BUYING OR TRANSFERRING DRUGS OR ALCOHOL

*****Employees caught possessing, using, selling, buying or transferring drugs or alcohol while at work, on Borough premises, or while using Borough Vehicles will be terminated.*****

Employees arrested for selling drugs to, or buying them from another employee will be suspended without pay, and if convicted, terminated. Depending on the circumstances, employees arrested for and convicted of other drug offenses may also be terminated.

5.12.1 Miscellaneous

This policy is not intended to create a contract of employment, whether expressed or implied, or to alter the employment relationship insofar as employment is to be considered terminable by the Borough at-will, with or without cause.

The Borough reserves the right to grant exceptions to, modify, add, and/or cancel its policies, procedures, and/or benefits at any time.

If you have any questions, please direct them to your Department Head and/or Borough Manager.

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5.13 ADDENDUM for CDL

Drug, Alcohol, and Controlled Substance Policy & Procedures for Employees under Department of Transportation Regulations Federal Motor Carrier Safety Administration

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

5.13.1 PROHIBITED CONDUCT

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

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

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

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

5.13.2 TESTING

5.13.2.1 Pre-Employment

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

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

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

5.13.2.2 Random

The Borough conducts random drug and alcohol testing for all employees that fall under the regulations of the DOT FMCSA. The random selection provides an equal chance for each

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

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

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

5.13.2.2 Post-Accident

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

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

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

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

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

5.13.3.3 Alcohol Testing

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

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

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

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

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