

# BOROUGH OF FOUNTAIN HILL



## PERSONNEL POLICY AND EMPLOYEE MANUAL

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**INDEX**

STATEMENT OF PURPOSE-INTRODUCTION..... 3  
NATURE OF EMPLOYMENT..... 3  
EQUAL EMPLOYMENT OPPORTUNITY..... 4

**I. SELECTION PROCESS FOR EMPLOYMENT ..... 4**  
**II. PROMOTIONS..... 7**  
**III. JOB DESCRIPTIONS ..... 7**  
**IV. PAY RATES..... 7**  
**V. PERFORMANCE EVALUATION ..... 7**  
**VI. TRAINING ..... 7**  
**VII. OPERATING PROCEDURES ..... 8**  
    **A. WORKING HOURS..... 8**  
    **B. OVERTIME..... 9**  
    **C. SAFETY ..... 9**  
    **D. CELL PHONES ..... 10**  
    **E. INTERNET USE POLICY ..... 13**  
**VII. BENEFITS..... 15**  
    **A. VACATION..... 15**  
    **B. HOLIDAYS ..... 16**  
    **C. SICK PAY LEAVE ..... 17**  
    **D. PERSONAL DAYS..... 18**  
    **E. HEALTH INSURANCE..... 19**  
    **F. LIFE INSURANCE ..... 19**  
    **G. DISABILITY INSURANCE ..... 19**  
    **H. PENSION..... 20**  
    **I. FUNERAL LEAVE ..... 20**  
    **J. JURY DUTY ..... 20**  
    **K. MILITARY LEAVE..... 20**  
    **L. FMLA ..... 21**  
    **M. WORKERS COMPENSATION..... 22**  
    **N. DISABILITY LEAVE OF ABSENCE..... 23**  
    **O. RETURN TO WORK..... 23**  
    **P. CASUAL DAYS..... 23**  
    **Q. TUITION REIMBURSEMENT ..... 23**  
    **R. TRAVEL REINBURSEMENT ..... 24**  
    **S. MEDICAL COVERAGE OPT-OUT..... 24**  
**IX. DISCIPLINARY ACTION..... 25**  
**X. PERSONNEL FILES ..... 25**

ADDENDUM 1 - SEXUAL AND OTHER FORMS OF UNLAWFUL HARASSMENT ..... 26  
ADDENDUM 2 - SMOKING POLICY ..... 28  
ADDENDUM 3 - DRUG AND ALCOHOL TESTING (CDL EMPLOYEES) ..... 29  
ACKNOWLEDGEMNT..... 30

## **STATEMENT OF PURPOSE-INTRODUCTION**

This personnel policy is established to provide for the fair and consistent treatment of Borough employees in order to encourage a responsive, competent, and efficient work force. Experience has shown that Written policies promote consistency, continuity, and understanding within a municipal corporation. Moreover, written policies aid in reducing or eliminating the need for time consuming and expensive memos, bulletins and announcements.

The rules and procedures included in this policy are intended to provide employees with information on which they can rely in dealing with matters affecting their work-related conduct, responsibilities, rights, and benefits. This policy does not constitute a contract with any employee or group of employees, and if items in this policy are found to be in conflict with any legal contract or with any law, the contract or law will prevail. Borough Council may authorize exceptions, additions; or changes to this policy whenever necessary to meet the intent of fair treatment of employees and reasonable and efficient service to residents of the Borough. Additionally, to the extent that Borough Council has awarded greater benefits to any existing employee, through motion or otherwise, that employee shall continue to be entitled to those greater benefits authorized by Borough Council.

The Executive Administrator will be responsible for the administration of this policy, for assuring that all employees are aware of it, for preparing reports to Borough Council and maintaining records that may be required, and for recommending policy changes to Borough Council as necessary to maintain efficiency and compliance with applicable laws.

## **NATURE OF EMPLOYMENT**

As established by Section 1005(1) of the Borough Code, 53 P.S. § 46005(1), all Borough officers and employees appointed by Borough Council, with the exception of those who, under applicable laws, are under civil service or have a definite term of office, shall serve for an indefinite term at the pleasure of the Borough Council. Officers and employees may also terminate employment at any time upon notice to the Borough.

Any reference in this Ordinance or any other Borough document to a probationary period for employees means a period of evaluation and training. The completion of a probationary period without termination does not create any right to continued employment; an employee may be terminated at any time with or without cause, whether during or after a probationary period. All newly-hired employees shall be subject to a probationary period of six (6) months, which may be extended or reinstated at any time thereafter at the sole discretion of Borough Council.

The benefits, policies and rules that are described in this manual are not intended to be a contract of employment or a guarantee of any or all benefits, policies or rules. Borough Council reserves the right to revoke or revise any or all provisions of this policy, and any or all of the benefits, policies, and rules included at any time, for any or no reason, without prior notice.

Whenever the terms "Supervisor" or "Department Head" are used in this policy, such terms shall mean the Executive Administrator for Clerical and Office employees and the Public Works Supervisor for Public Works employees.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The Borough of Fountain Hill is, and shall continue to be, an equal opportunity employer and shall comply with all applicable Federal and State rules and regulations. All persons employed by, or seeking employment with the Borough, will be assured and provided equal opportunity without regard to race, age, color, religion, sex, marital status, national origin, citizenship, handicap, disability or status as a disabled veteran. Affirmative action shall be taken by the supervisors to ensure that this policy extends to the employment relationship and all areas of personnel activity such as selection, job assignment, supervision, training, promotion, job grading, transfers, discipline, termination, compensation, benefits, educational opportunities, recreational activities, and facilities. The Borough shall actively promote such opportunities for all qualified persons and take reasonable and necessary action to ensure that these objectives are met.

Any form of harassment because of a person's race, color, religion, citizenship, age, sex, national origin, veteran status handicap, or disability is strictly prohibited by the Borough and by law. Offensive and derogatory comments based on race, color, religion, citizenship, age, sex, national origin, veteran status or handicap disability will not be tolerated. The complaint procedure and disciplinary procedure in the Sexual Harassment policy is equally applicable to such other forms of harassment.

It will be the responsibility of each supervisor to apply all policies in a fair and consistent manner in the supervision of employees. Specific attention must be given to the application and administration of policies dealing with work environment, selection, hire, promotion, training, transfer, compensation, benefits, discipline, and termination. These factors may be appropriate to both applications for employment and current employees.

### **I. SELECTION PROCESS FOR EMPLOYMENT**

#### **A. FULL-TIME NON-UNIFORMED EMPLOYEES**

Non-uniformed employees include clerical and office staff in the Office of the Executive Administrator and all other employees hired by Borough Council not subject to Civil Service or with a definite term of office.

Full-Time Employee: A permanent employee who works 40 hours per week on a continuing basis.

Salaried Employee: An employee whose primary compensation is based on an annual salary paid in two-week intervals.

Exempt: An employee who is exempt from overtime regulations.

Non-Exempt: An employee who is paid overtime for every hour of overtime they work

Hourly Employee: An employee whose primary compensation is based on an hourly rate.

Except where a job is to be filled by transferring or promoting a current Borough employee, all full-time non-uniformed jobs to be filled shall be advertised by whatever means necessary and practical to assure public knowledge in the community of the vacancy and to attract a sufficient number of qualified candidates.

1. Each application for employment shall be subject to review by the Executive Administrator and/or supervisor to determine whether the applicant meets the minimum requirements for the job to be filled.
2. The Executive Administrator and the supervisor shall prepare a list of all applicants who meet the minimum qualifications for the job. The Executive Administrator and/or supervisor shall recommend from that list a qualified individual for employment to be interviewed by the proper committee. The decision to hire and the terms of employment shall be made by Borough Council.
3. The Borough may fill a position by transferring or promoting a current Borough employee, if the employee possesses the qualifications for the position to be filled.
4. Non-uniformed applicants, after being offered conditional employment, will be required to undergo a physical examination. This examination will be performed by a doctor of the Borough's choosing and at the Borough's expense. The offer of employment will be withdrawn if the applicant does not pass the physical examination.
5. Employees hired for other than administrative positions will be required to comply with Department safety regulations before being allowed to start work.
6. No applicant under 17 years of age will be considered, except that a minor of the age of seventeen years who is a high school graduate or who is declared to have attained his academic potential by the chief administrator of the school district wherein he/she resides shall, for the purpose of this policy, be deemed to be the age of 18. Employees who are not 18 years of age must secure working papers. No person under 18 years of age will be permitted to work until all requirements of the law pertaining to hiring of minors have been met.
7. Persons with physical handicaps or disabilities shall be considered for employment on the basis of their capability to perform the essential functions of the position,
8. The official file for all employees will be kept in the Office of the Executive Administrator.
9. All newly-hired and promoted employees shall serve a probationary period of six (6) months during which the employee shall be required to demonstrate fitness for the position. The probationary period may be increased for up to an additional six (6) months at the recommendation of the department head. A newly hired probationary employee may be removed from his position at any time by Borough Council. A promoted probationary employee may be returned to his previous position by Borough Council at any time. At the end of the probationary period, an employee shall either be retained, dismissed, or returned to his previous position. This decision shall be made by Borough Council upon a written recommendation from the employee's department head.

**B. PART-TIME AND SEASONAL EMPLOYEES**

1. Part Time: Any person employed 32 hours or less per week is considered part-time. Employment of part-time and seasonal employees will generally be on the basis of applications received. Due consideration will be given to the applicant's mental and physical qualifications to perform the duties required. Employment will be governed by authorization and monetary limits imposed by the budget.
2. Seasonal: Anyone employed for not more than six (6) months who may work up to a maximum of forty (40) hours per week.
3. Employees hired for temporary or seasonal work which is expected to last less than one year shall not be considered regular employees and shall be considered to be on probation for the entire period of their employment.
4. The above classifications of employees (Part-Time and Seasonal) shall not receive fringe benefits.

**C. UNIFORMED EMPLOYEES**

This policy shall not apply to uniformed employees working for the Borough. The employment of such employees shall be in accordance with the applicable civil service provisions of the Borough Council and the applicable provisions of the Collective Bargaining Agreements for full-time and part-time police officers and Public Works employees then in effect.

**D. LIGHT DUTY POLICY**

Non-Uniformed employees who, because of injury or disability compensable under the Worker's Compensation Act are unable to perform the essential functions of their job will be required to report for "light duty" work consistent with their condition.

## **II. PROMOTIONS**

### **A. CLERICAL AND OFFICE EMPLOYEES**

All vacancies or new jobs shall be posted on all bulletin boards for a period of 15 calendar days and may be awarded to the senior employee applying for the position who has the capability to perform the work. Capability shall be determined by the Executive Administrator and the Personnel Committee.

## **III. JOB DESCRIPTIONS**

Written job descriptions shall be prepared for all borough employees. Job descriptions are intended to clarify duties, responsibilities, reporting, relationships and limits of authority. They shall be used to improve communication between employees and their supervisors by letting employees know what is expected of them. Job descriptions are not meant to limit the duties an employee may be asked to perform and descriptions are expected to change as borough needs and procedures change. Job descriptions shall be used as a basis for determining the necessary qualifications when new employees are to be hired. All employees of the Borough must be able to perform all of the essential functions of their positions of employment as described in their job descriptions, either with or without reasonable accommodation.

## **IV. PAY RATES**

Pay ranges shall be established for all jobs and will remain in effect until changes are approved by Borough Council. The pay range for each job class shall consist of a minimum rate and a maximum rate. Newly hired employees will be placed at some point on the range. The starting rate will normally be the minimum rate except when an exception is justified because of a shortage of applicants or because an applicant possesses special skills or other qualifications that would be of particular value to the Borough. All such exceptions shall be at the sole discretion of Borough Council. The Borough may establish procedures for advancement to the maximum rate for a job based on job performance. Borough Council shall annually review the pay ranges to determine whether changes in the cost of living, or changes in employment conditions affecting the availability of applicants, or other economic changes require adjustments to the pay ranges.

## **V. PERFORMANCE EVALUATION**

It is the responsibility of all department heads to continuously evaluate the performance of each employee under their supervision. The department heads are to inform the employee directly any time performance falls below acceptable levels. This notification may be informal but should include specific information as to why performance is unsatisfactory and what the employee must do to bring performance up to an acceptable level. At least once each year, at the direction of Borough Council, the department head will prepare a written notification to the Executive Administrator and the applicable committee of Borough Council stating whether or not each employee's performance over the past year has been satisfactory. The notification will include an explanation of any unsatisfactory performance and a description of any accomplishments over and above those normally expected in the job. The Executive Administrator may prescribe forms to be used in making this report.

## **VI. TRAINING**

It is the intent of the Borough, so far as possible; to hire employees who are fully qualified to perform the work for which they are hired. However, recognizing that some jobs may require specialized knowledge or skills that cannot be found among applicants, and that job requirements change over time so that

additional knowledge and skill must be acquired, the Borough may provide reasonable opportunities for employees to receive training that may be necessary to properly perform their duties. Employees are responsible for informing their supervisors of any duties they are required to perform for which they feel they do not have sufficient training, or for which they feel additional training would improve their performance. Any training that the Borough determines to be mandatory shall be paid for by the Borough and time spent at such training shall be considered work time. Any training that the Borough determines to be desirable, but not absolutely required, shall be considered for full or partial payment by the Borough, as well as payment for time spent attending training, based on the importance of the training to the job, the employee's interest and commitment, and the Borough's ability to pay.

## **VII. OPERATING PROCEDURES**

### **A. WORKING HOURS**

Office and Clerical- Monday through Friday, 8 hours per day (inclusive of lunch period) 40 hours per week. For purpose of clarification, normal working hours are from 8:30 A.M. to 4:30 P.M. A 30 minutes' lunch period shall be granted.

Part -Time Non-Uniformed - Monday through Friday, 6 hours per day or less, with a 30-minute paid lunch break. Hours are flexible depending on departmental needs. Not to exceed 32 hours per week. (Revised March 6, 2006)

Continuous Coverage Lunch Hours - From time to time a policy shall be established to ordinarily schedule office employees to alternate lunch hours as to provide continuous coverage of the office. (Revised March 6, 2006)

Employees are responsible to accurately track their time. The department head is responsible for filling out the payroll timesheets for submission to the Executive Administrator's Office or his designee no later than 10:00 A.M. on the Monday following the close of the pay period. If the department head is unavailable to sign the time sheets, the timesheet should be forwarded to the Executive Administrator and the department head should sign the timesheets at a later time. Payroll checks for each employee will be available by 10:00 A. M., Wednesday, the tenth day after the end of the pay period.

Closing of Municipal Offices - Heavy snow or other emergency may require the closing of all or part of the municipal offices. These decisions will be made by the President of Borough Council or Vice President. The Executive Administrator will determine in the absence of the President and Vice-President. Employees pay during closings is as follows;

Hourly employees will be paid for periods of time during which they do not work for the Borough because of snow or other emergency closing.

Employees are required to report off from work each day or part thereof that they are unable to work due to illness or injury. In the event an employee is aware that an illness or injury will require an absence from work for three (3) or more consecutive days, the employee may request permission from his or her immediate supervisor not to report off on a daily basis.

Payroll Period - All employees shall be paid on a bi-weekly basis, which will start on 12:00 AM on a Monday and end on 11:59 PM on a Sunday. Payroll checks will be dated for and distributed on the Wednesday, 10th day following the end of the pay period. In special circumstances such as Holidays, payroll checks may be distributed the day before the Wednesday, however, the check will be dated for the

Wednesday and should not be presented for cashing prior to the date of the check.

**B. OVERTIME**

1. Overtime will be paid to hourly Employees and for Salaried Employees (if not determined to be exempt from FLSA), for all time worked in excess of 40 hours per week. Overtime compensation shall be equal to one and one-half times the individual's hourly rate.

**C. SAFETY**

**A. General** - The Borough requires all employees to consider safety as the highest priority in any task they perform, Safety is an important part of each job and each employee is charged with the responsibility of preventing accidents. Specific safety rules shall be established for each work site. At a minimum, all employees are required to abide by the following rules regardless of job. (This is not all inclusive.) Failure to obey these rules may result in disciplinary action up to and including termination.

1. Use the safety equipment provided in performing assigned work. Follow manufacturer's instructions in operating any equipment or machinery.
2. Shoring-All trenches, 4 feet and deeper must be shored during construction and inspection. It is the responsibility of the employee doing the installation to make sure the shoring is in place.
3. Hard Hats-Hard hats are required and shall be supplied by the Borough. Hard hats shall meet the O.S.H.A. guidelines. Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets. The Supervisor shall implement policies regarding activities that will require the use of hard hats.
4. Hearing Protection-Hearing protection must be worn when operating loud equipment, and in areas where loud equipment is being operated.
5. Work Boots-Work boots must be worn by employees who work in areas which warrant the use of work boots, no generic sneakers will be allowed. This rule extends to full-time, part-time and seasonal employees.
6. Wear the prescribed clothing or uniform for the job to be performed.
7. Do not operate equipment on which you have not been trained or which you do not feel confident in operating.
8. Warn co-workers or anyone who might be in danger of any unsafe conditions or practices you observe.
9. Report defective equipment to your supervisor without delay.

10. Report unsafe conditions that you observe anywhere in the Borough, regardless of whether the condition is your responsibility.
11. Report all injuries and accidents, regardless of severity.
12. The Borough carries Workers' Compensation coverage for all qualifying employees. Workplace injuries and re-occurrence of workplace injuries must be reported to the employee's supervisor immediately. The supervisor will take the employee to get medical attention. The supervisor and/or employee must complete a Workers' Compensation accident report form and submit it to the Executive Administrator's office within 48 hours from the date of occurrence. Workers' compensation benefits shall be provided in accordance with the Workers' Compensation Act, as amended.

**B. Employee Responsibilities** - Each employee must be aware of his/her responsibility for prevention of accidents and must abide by the following guidelines. Failure to follow these guidelines may result in disciplinary action up to and including termination. (This list is not all-inclusive.)

1. Follow instructions. If employee does not know, he/she must ask the department head to get safe job instructions.
2. Correct all unsafe conditions. If beyond employee's ability to do so, report them to the department head.
3. Keep work area clean and orderly at all times.
4. Use the prescribed tools and equipment for the job and use them in a safe manner.
5. Report all accidents immediately to the supervisor. If injured, get medical attention.
6. Operate only equipment employee has been authorized and instructed to use.
7. WEAR proper protective equipment such as eye protection, steel toed shoes, and safety hats when working in hazardous operations and areas; dress safely and sensibly.
8. Avoid engaging in conduct that will endanger others; avoid distracting others.
9. Obey all safety rules and practices and take an active part in the safety program.

**C. Vehicles & Equipment**

1. Borough vehicles may only be used for borough business during working

hours. No one is allowed to use these vehicles for personal errands, or to drive home at night unless approved by the Executive Administrator for Borough Business. Failure to comply with this policy will result in disciplinary action up to and including termination.

2. Employees required to operate a vehicle as part of their job duties must have a current validated driver's license which reflects the appropriate classification for the size and type of vehicle or equipment operated. The revocation of employee's driver's license or failure to notify the Borough of such revocation, may result in immediate disciplinary action, up to and including discharge.
3. Unauthorized personnel are not allowed to ride in or drive Borough vehicles. Report any infraction of this policy to the Supervisor or to the Executive Administrator's office.
4. Seat belts must be worn at all times while operating Borough vehicles.
5. Employees operating municipal vehicles shall be periodically subject to a driver's license check.
6. Employees shall obey all Motor Vehicle Laws.
7. Employees shall not permit anyone to ride on the running boards, fenders or any part of the vehicle except inside the passenger compartment.
8. Employees shall not ride on trailers.
9. Only trained and authorized employees will operate powered industrial equipment such as, but not limited to backhoes, pavers, rollers, chippers, or bucket trucks.
10. Trucks or equipment stopped on any roadway shall be protected by proper warning lights, reflectors or red flags.
11. When backing a vehicle without the assistance of an observer, the driver shall perform a walk around inspection to ensure that the direction of travel is free of obstructions.
12. Whenever possible, vehicles shall be positioned to avoid the necessity of backing later.
13. Extreme caution shall be exercised when backing a vehicle, to avoid injury to persons and to prevent property damage. If another employee is present, he/she shall be stationed at the rear of the vehicle to assist the driver in backing the vehicle safely.
14. When it is necessary to stop on the highway, extreme caution shall be used. The rotating beacon and emergency flashers shall be used, and work area protection devices erected.

15. Under no circumstances shall the manufacturer's load limit of the bucket truck be exceeded.
16. Employees shall not ride in the bucket while the bucket truck is moving.
17. Wheel chocks shall be placed and the emergency brake set when any employee is working from the bucket of the bucket truck.
18. When working from the bucket truck, a body belt or harness shall be worn and a lanyard attached to the boom.
19. Employees' feet shall be on the floor of the bucket the entire time he/she is in the bucket.

#### **D. CELL PHONES**

The Borough recognizes that cell phones have become commonplace in society and are utilized for many important functions. Accordingly, the Borough allows employees to keep their cell phones with them while working. Receiving and/or making calls on a cell phone are to be done only for work-related reasons or in the case of an emergency, unless the employee is on a recognized break. Additionally, employees should not be utilizing their phones for other reasons (texting, using the internet, checking e-mail, posting on social media, etc.) during their work day. Employees who are found to be utilizing their cell phones for non-work related purposes will be subject to discipline, up to and including immediate termination.

For safety reasons, cell phones are not to be operated in any way while driving, even in hands-free mode. If you are on the road and need to make a call, employees are required to pull off to the side of the road to make or take the call. Additionally, Employees found to be texting while driving will be subject to discipline, up to and including immediate termination.

## **INTERNET USE POLICY**

All Borough computer system users (users) shall be allowed to use Borough equipment and access to the Internet and Internet Email (collectively - Internet.) Use of the Internet is intended to be primarily for Borough business, however, users may access and use the Internet for personal use providing such use is:

- conducted during the user's personal time
- does not interfere with Borough business
- is not objectionable or improper
- is not part of any personal business enterprise

All use of the Internet, whether for Borough business or personal, shall meet the following conditions

### **Professional Behavior**

All access to and use of the Internet by users shall be done in a professional manner and in compliance with all applicable laws and Borough policies. Internet access and use of Borough equipment is a privilege. The Internet shall not be used for any illegal, improper, unprofessional, or illicit purposes.

Users shall be aware that they leave a “footprint” wherever they go on the Internet, thus the “trail” that is left by the user reflects on the Borough. Users shall conduct themselves as representatives of the Borough and are responsible and accountable for their actions.

Because postings placed on the Internet may display the Borough's address, users shall make certain before posting information on the Internet that the information reflects the Borough's standards and policies; if you aren't sure, ask your supervisor or the Borough Systems Administrator.

Unauthorized uses include, but are not limited to: connecting, posting, or downloading pornographic material; engaging in computer "hacking" and other related activities; attempting to disable or compromise the security of information contained on the Borough's computers; and posting or sending messages that are inconsistent with the Borough's policies concerning discrimination and harassment.

No obscene or improper language shall be used. No improper references which would imply or be considered discrimination or harassment are permitted.

All mail sent as part of the Borough's Email system, if expressing an opinion that is not representative of the Borough policy, shall have the following disclaimer present:

"The opinions expressed here are my own and do not necessarily represent those of the Borough of Fountain Hill"

### **Authorized Installations**

No one shall copy, install, or use any software or data files in violation of applicable copyrights or license agreements.

Subscriptions to news groups and mailing lists are permitted when the subscription is for a work related purpose; if you aren't sure, ask the Supervisor or Borough Systems Administrator. Any other subscriptions are prohibited.

## **Monitoring**

All correspondence and information downloaded from the Internet on Borough equipment is Borough property; therefore, no communications are considered private despite any such designation either by the sender or the recipient. Any information may be reviewed at any time without notification; the existence of passwords and "message delete" functions do not restrict or eliminate the Borough's ability or right to access electronic communications. Reasons for review include, but are not limited to, system hardware or software problems, general system failure, regular system maintenance, legal actions, suspicion of a crime or violation of policy, or a need to perform work or provide a service when the employee is-unavailable, Internet use may be monitored and recorded at the discretion of the Borough. The Borough reserves the right to monitor an individual user's access.

Should employees make incidental use of the Internet to transmit personal messages, such messages will be treated no differently than other messages, and may be accessed, reviewed, copied, deleted, or disclosed. You shall expect that a message will be disclosed to or read by others beyond its original intended recipients.

Since the Borough system is being used, or will be implemented in the near future, all correspondence shall be considered to be the property of the Borough and is therefore subject to disclosure as public information.

Confidential communications shall not be done on the Internet.

No user, without specific authorization, shall read, alter or delete any other user's Email files.

Maintaining standards for network security is essential for the continued integrity of the Borough systems.

Many of the sites available on the Internet can contain computer viruses. If viruses are downloaded to the Borough network and not detected, they may contaminate Borough systems and result in failures. Users must be totally familiar with the methods used to detect viruses. Any and all materials or attachments downloaded from the Internet must be downloaded to the user's local hard drive and scanned, either manually or automatically for viruses. If a virus is detected, the Borough Systems Administrator shall be immediately notified.

User passwords are confidential and shall only be shared with the Borough Systems Administrator, who will secure them for emergency access purposes. Obtaining another user's password by unauthorized means is prohibited.

Users shall not create, install or knowingly distribute a computer virus of any kind on any Borough computer, regardless of whether any demonstrable harm results.

Unless the prior approval of the Borough Systems Administrator has been obtained, users may not establish Internet or other external network connections that could allow unauthorized persons to gain access to the Borough's systems and information. These connections include the establishment of hosts with public modem dial-ins, World Wide Web home pages and File Transfer Protocol (FTP).

## **Training**

Training for access to the Internet and necessary related activities will be provided by the Borough Systems Administrator upon request. Users that question their abilities shall defer access to the Internet until they are confident that they can meet the Borough's requirements for access, use and security.

Users may not access sites that will impose any additional charges to the Borough without prior specific approval of the Borough Systems Administrator.

## **Disciplinary Action**

Violation of these conditions for use of the Internet shall be handled under the Borough's Employee Manual Article IX and current Collective Bargaining Agreement in force for the Police and Public Works Department.

## **VIII. BENEFITS**

### **A. VACATION**

#### **1. Full-Time Clerical and Office Employees.**

(a) Employees shall earn vacation according to the following schedule;

After 1 year of Service-	1 week (5 working days)
After 2 years of Service-	2 weeks (10 working days)
After 5 years of Service-	3 weeks (15 working days)
After 12 years of Service-	4 weeks (20 working days)
After 17 years of Service-	5 weeks (25 working Days)

(b) The number of vacation days available to an employee during any calendar year shall be determined as follows:

- (1) If the Employee's First Day occurs during that calendar year: zero (0) days.
- (2) If the first anniversary of the Employee's First Day occurs during that calendar year: zero (0) days until said first anniversary, and five (5) days thereafter, if the Employee is an Employee on the first anniversary.
- (3) If the second anniversary of the Employee's First Day occurs during that calendar year: five (5) days, plus an additional five (5) days at any time after said second anniversary if the Employee is an Employee on the second anniversary.
- (4) If the third and fourth anniversary of the Employee's First Day occurs during that calendar year: ten (10) days.
- (5) If the fifth, sixth, seventh, eighth, ninth, tenth, or eleventh anniversary of the Employee's First Day occurs during that

calendar year: fifteen (15) days.

- (6) If the twelfth, thirteenth, fourteenth, fifteenth, or sixteenth anniversary of the Employee's First Day occurs during that calendar year: twenty (20) days.
- (7) If the seventeenth anniversary of the Employee's First Day occurs during that calendar year: twenty-five (25) days.
- (8) The maximum number of vacation days that can be earned is twenty-five (25) days.

(c) Vacation Usage:

The Executive Administrator and/or Department Supervisor shall be responsible to schedule vacation time and all use of vacation time and vacation shall be granted subject to management's responsibility to maintain efficient operations.

If unforeseen circumstances prevent their usage, up to 10 unused vacation days may be carried over to the following calendar year subject to the approval of the Supervisor. In no situation may an more than 10 days may be carried over in a given year and the "carry over" must be utilized during the following year.

The employee shall request vacation time by March 1 of each year and shall record up to two weeks of vacation. Unscheduled single vacation days or half-day increments may be approved by the Executive Secretary provided that the request for such unscheduled vacation is made at least twenty-four hours in advance of the vacation day.

Employees who retire or resign with two weeks' notice shall be granted their accrued vacation upon the date of the next regularly scheduled pay day and shall receive payment for all unused vacation in a severance allowance.

An employee, while on vacation, who suffers the death of a relative described under the Bereavement Leave for which absence is authorized, will be carried in such status until the end of the authorized period. He or she may then revert to a vacation status or return to work as appropriate.

**B. HOLIDAYS**

- 1. All Full-Time employees shall receive a regular day pay for the following holidays, even though not worked:

- New Year's Day
- President's Day
- Good Friday
- Memorial Day

Independence Day  
Labor Day  
Thanksgiving Day  
Friday After Thanksgiving  
Christmas Eve  
Christmas Day  
Individual's Birthday

2. Holiday pay will only be granted if the employee worked on the last scheduled work day immediately preceding the Holiday and on the next scheduled workday immediately after the holiday unless the employee was absent in an excused absence with pay status (vacation, sick, injury, jury duty, etc. ...)

Holiday pay shall be determined by multiplying eight hours times his/her hourly rate.

If a Holiday, including the Birthday Holiday, falls on a Saturday, it will be observed on a Friday and a Monday if it falls on a Sunday,

Each employee is granted a holiday on his/her birthday. This Holiday will be taken on the actual birthday. Floater days are discouraged however Department Heads may vary this policy in accordance with their departmental needs.

### **C. SICK PAY LEAVE**

1. Full Time Clerical and Administrative shall be granted 12 days per year of sick leave with a maximum accumulation of 100 days. Sick time shall not be granted to probationary employees.
2. There will be no "cash out" of accumulated sick leave at the end of employment with the Borough.
3. The following guidelines are effective for sick leave use:
4. The absent employee is personally responsible to contact his or her Supervisor on the nature of his /her sickness prior to the start of the work day. Failure to notify the Supervisor in a timely manner can be a cause for denial of sick leave with pay for the period of absence unless failure to notify was impossible due to circumstances beyond the employee's control. Sick leave can only be applied against regularly scheduled work days. When a holiday regularly observed by the Borough falls during a time when an employee is off sick for the entire pay period, holiday will be charged on the day it occurred. A doctor's certificate of illness is required for any absence of three (3) or more consecutive days due to illness. The doctor's certificate must be presented to the immediate Supervisor upon initial return to work. If the employee does not have the certificate upon return to work, he or she will not be able to work until the doctor's note is presented to the Supervisor and will be carried in a no pay status until that time. If the Supervisor allows an employee to return to work without the doctor's certificate, the Supervisor will face disciplinary action.

5. Whenever an employee's illness extends for a period of time greater than one (1) calendar month, an additional note or certificate from his or her physician will be required for each additional full or partial month stating:
  - The nature of the illness;
  - That the employee is unfit to work;
  - The probable date on which the employee will be able to return to work.
6. Sick Leave is a benefit provided by the Borough and abuse of this benefit may be subject to disciplinary action, up to and including termination. To allow flexibility to employee, all supervisors are requested to allow their employees reasonable amount of time off from work in order to go to an occasional medical appointment or tests) that cannot be scheduled before or after their normal working hours. Employees should be allowed to go to the appointment/test and return to work immediately after the appointment/test is completed.
7. In severe situations, the Borough may allow Employees to donate accumulated sick days to other employees after notifying the Executive Administrator in writing.

#### **D. PERSONAL DAYS**

1. All Full-Time Clerical/Administrative employees shall be granted three (3) leave days (personal days) per year for personal business or emergencies. In order to be eligible for personal days an employee must have completed his or her probationary period. A leave must be taken for a valid reason and will be allowed if scheduling permits. The request for a personal day shall be submitted 24 hours in advance of scheduled work, except in cases of extreme emergency when the twenty-four (24) notice is not practical. In no event can personal days be carried over from one year to the next. There will be no "cash out" of personal days at the end of the employee's employment with the Borough. (Added May 2004)

2. Part-Time Clerical Office Employees

All Part-Time Clerical and Office Employees shall earn Personal days up to a maximum of three (3) days per a calendar year. The Personal days shall be computed on the basis of 1 day earned for each month worked averaged to work a minimum of 30 hours per week.

An employee must request Personal days well in advance from his/her immediate supervisor and Personal days shall be granted subject to management's responsibility to maintain efficient operations,

All Personal days earned during a given year must be used in the calendar year. There will be no "banking" or carry over of unused Personal days from one calendar year to the next calendar year

If employee terminates employment either voluntary or involuntary, he/she shall not receive payment for any unused Personal days. (Added January 1, 2008)

**E. HEALTH INSURANCE**

1. It is the intention of the Borough to provide plans for health care for reasonable benefits at realistic costs to both the Borough and the employees. Currently the cost for this plan is paid by the Borough. The Borough reserves the right, at its sole discretion, to change this practice in the future and explore allocation of costs to be paid by the employee.
2. Coverage under the Borough's Health insurance program commences upon the first of the month following Date-of Hire.
3. The Borough may seek comparable medical insurance coverage from another carrier provided that medical coverage is equal to, or greater than, the coverage now provided. Currently the Borough maintains coverage under the Lehigh Valley Insurance Cooperative.

**F. LIFE INSURANCE**

1. The Borough shall provide for all Full -Time employees and Clerical - Administrative employees, life insurance in the face amount of the employee Basic Annual Compensation rate multiplied by 1, provided that said employee comply with rules and regulations required under the policy issued by the Insurance Company so designated to provide for such a benefit. Please refer to current handbook provided by Principal Financial the current provider of this benefit.

**G. DISABILITY INSURANCE**

1. **Short-Term.** The Borough shall provide and maintain, at its own expense, short-term disability insurance for full-time Covered.
2. **Long-Term.** The Borough shall provide and maintain, at its own expense, long-term disability insurance for full-time Covered.
3. **Other Payments for Same Time Period.** Full-time Covered Employee shall not be entitled to receive total payments (before taxes) from the Borough and Borough-paid insurance for any hours not worked in an amount greater than 100% of the payments (before taxes) that the full-time Covered Employee would have received under this Agreement if he had worked those hours. Thus, for example, if a full-time Covered Employee elects to utilize paid time off for Vacation (*see* Section VIII-A), Sick Leave (*see* Section VIII-C), Personal Days (*see* Section VIII-D), Funeral Leave (*see* Section VIII-I), and/or Jury Duty (*see* Section VITI-J), and the full-time Covered Employee receives payment from the insurance under subsections (a) or (b) which is attributable to the same time, then the full-time Covered Employee shall turn all such insurance amounts over to the Borough, and if such payment shall not be so made by the full-time Covered Employee, the amount so due to the Borough shall be deducted from any compensation then or thereafter becoming due and owing to the full-time Covered Employee. (Added August 1, 2007)

**H. PENSION**

The Borough has elected to participate in a system pursuant to Act 15 of 1974, the Pennsylvania Municipal Retirement Law. Employees currently contribute 3.5 percent of their salary towards the program. Probationary employees will be allowed to join the system after completion of their probation. Please refer to Joinder Agreement and Plan for an explanation of benefits provided by PMRS.

The Borough currently allows existing employees to participate in an IRS 457 plan, which is solely funded by employee contributions. Presently, the Borough does not match any contributions.

Employees hired on or after June 30, 2018 will be placed in a Cash Balance Plan administered by the Pennsylvania Municipal Retirement System. Employees contribute 3.5% of their salary towards the program. Probationary employees will be allowed to join the system after completion of their probation.

**I. FUNERAL LEAVE**

For the death of a mother, father, mother-in-law, father-in-law, sister, brother, spouse, child grandchild, grandparent, stepchildren, stepparents, an employee shall receive time off with full pay from the date of death until the date of the funeral, plus one (1) day. In no case, shall this exceed a total of four (4) days. (These days will be calendar days, not work days; thus, if the parent of an employee dies on a Wednesday, and is buried on Saturday, Monday would not be the "plus one" day). For the death of any other relative not listed above, an employee shall receive time off with pay for the day of the funeral if scheduled to work that day.

**J. JURY DUTY**

If an employee is called to serve for jury duty he shall receive compensation for the time required to serve. Compensation will be the difference between his regular pay and jury pay. It is understood that "time to serve" shall not exceed five (5) working days and Borough will not pay above and beyond the five (5) days.

An employee required to appear in Court as a defendant or a witness is not entitled to time off with pay under this benefit. Such employee will be required to be on vacation or non-pay status. This provision does not apply if the presence in Court of the individual is in connection with his/her employment as an employee of the Borough of Fountain Hill.

**K. MILITARY LEAVE OF ABSENCE & THE UNIFORMED SERVICES EMPLOYMENT & REEMPLOYMENT RIGHTS ACT (USERRA)**

It is the policy of Fountain Hill Borough to comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable Pennsylvania laws regarding military leave of absence. USERRA and Pennsylvania laws protect the reemployment rights and health care benefits of uniformed service members who leave their civilian jobs for military service.

**L. FMLA - Family and Medical Leave Act (FMLA) Policy**

The Borough is committed to full compliance with all of the requirements of the Family and Medical Leave Act (“FMLA”). Employees who have been employed by the Borough for at least twelve (12) months and have worked at least 1,250 hours during the preceding twelve (12) month period are eligible for up to twelve (12) weeks of unpaid leave due to the birth or adoption of a child or the “serious health condition” of the employee or the employee’s spouse, child, or parent. An eligible employee’s FMLA leave entitlement is limited to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period.

In addition, Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, with the National Guard or the Reserves, in support of a contingency operation. A qualifying exigency arises when the military member is on active duty or is called to active duty status and includes the following: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities that are agreed upon by the Employer and the employee.

Further, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Eligible employees who need to take FMLA leave must provide the Borough with at least thirty (30) days advance notice before the leave is to begin if the need for the leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition. If thirty (30) days’ notice is not possible, due to lack of knowledge of approximately when the leave will be required, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. When an employee fails to give the requisite notice for FMLA leave, the commencement of such leave may be delayed.

An eligible employee may elect, or the Borough may require the employee, to substitute paid leave (e.g., vacation) for FMLA leave for any part of the 12-week period of such leave. For example, if an employee takes paid vacation leave because of a serious medical condition or pregnancy, the Borough may designate this leave towards the employee’s yearly FMLA entitlement.

For eligible employees who are covered under the Borough’s health insurance plan, the Borough will continue to make its contribution toward the employee’s health insurance coverage while the employee is on FMLA leave. In order for such coverage to continue, however, employees on FMLA leave must continue to pay their share of the premium payment. These payments must be made by employees upon receipt of an invoice from the Borough each month during which the employee is on FMLA leave. Failure to timely make these payments may result in the termination of the employee’s coverage under

Employer's health insurance plan.

**M. WORKER'S COMPENSATION**

It is the policy of Fountain Hill Borough to comply with federal and state laws that require us to provide workers' compensation coverage to eligible employees who have a work-related illness or injury. The purpose of the policy is to provide employees who suffer work-related injury or illness with medical care, rehabilitation services, and compensation for lost wages, or death and burial benefits for surviving dependents. This policy is not intended to supersede or replace the terms or requirements of any state or federal law or union contract. If the terms of this document conflict with the terms of any other governing document, then the terms of that document will control over this document, unless otherwise required by law. The terms of any union contract will apply to those employees who are subject to that contract notwithstanding any provisions in this policy.

**Eligibility**

All regular full-time and part-time employees are eligible for workers' compensation benefits if they are unable to work due to a work-related illness/injury (other than self-inflicted or intentional injury). An employee on workers' compensation must not engage in outside employment during the leave and is expected to avoid activities that may delay recovery and a timely return to work.

**Reporting a Work-Related Injury or Illness**

Fountain Hill Borough has established a procedure for reporting work-related injuries and illnesses and a list of designated health care providers. The name, address, and telephone number of the company that administers the workers' compensation benefits is posted at all work sites.

Employees who suffer a work-related injury/illness must notify their supervisor or Fountain Hill Borough immediately, or as soon as they are aware of an injury or illness. Employees will be given information and instructions on workers' compensation benefits, rights, and responsibilities.

If the injury/illness happens after normal business hours and the employee needs immediate care, they should follow the instructions on the posted information sheet. Employees should notify Fountain Hill Borough on the next scheduled work day, or have a family member contact Fountain Hill Borough. Emergency room visits are to be used for life threatening injuries only.

An employee, or someone on the employee's behalf, must notify Fountain Hill Borough of the injury/illness within 21 days of the injury/illness date in order for retroactive workers' compensation benefits to be paid.

Failure of an employee, or someone on the employee's behalf, to notify Fountain Hill Borough of the injury/illness within 120 days of the injury date will result in no workers' compensation benefits being paid.

Fountain Hill Borough uses a panel of designated health care providers for treatment of work-related injuries/illnesses. Employees will be given the names, addresses, and telephone numbers of the health care providers they are required to see at the time of the injury/illness. The first 90 days of treatment following a work-related injury/illness must be provided by a designated health care provider. Treatment from non-designated providers during the 90-day period shall be at the employee's expense (and will most likely not be covered by health insurance because the treatment is for a work-related illness or injury). After the 90-day period has ended, employees may seek treatment from any health care provider. Employees must notify Fountain Hill Borough within five days of treatment with a new provider, after the initial 90 days.

**N.      DISABILITY LEAVE OF ABSENCE POLICY**

It is the policy of Fountain Hill Borough to provide a leave of absence to eligible employees who are disabled and unable to work due to a non-work related illness, injury, or pregnancy, even if not eligible for FMLA leave. The granting of leave is at the discretion of the Borough Council and will be handled on a case-by-case basis.

**O.      RETURN TO WORK**

If an employee is out of work due to a medical reason (whether out on workers compensation, FMLA or a disability leave of absence), it is the Borough's policy to require a doctor's release to return to work. If an employee is unable to return to work at full duty, the Borough will engage in the interactive process with the employee to determine whether any reasonable accommodations would permit the employee to perform the essential functions of his/her job. The Borough may, if such work is available, offer light-duty work to employees on a temporary basis.

**P.      Casual Days**

A business "Casual Days" will be held on every Friday of each month. Casual day is not a day off. Employees will need to realize work should continue as usual. Professionalism should be our priority at all times.

If an employee must go out to conduct business in the community, the proper attire for that occasion should prevail.

Casual day should not mean sloppy nor a time to give up on one's appearance. Casual day should be a time for one to feel comfortable but dressed neatly. Things not allowed:

- No halter tops, tank tops, tee shirts, flip flops, cut-off jeans, jeans with holes, or short shorts. Walking shorts (knee length) are acceptable.

Employees who are required to wear a uniform in the course of their work will be expected to continue that practice even on Casual Day.

**Q.      TUITION REIMBURSEMENT/SCHOOLING**

A non-uniformed full-time Borough employee who desires to obtain reimbursement for tuition costs for an educational course in an area related to the employee's Borough

employment must first receive approval from Borough Council prior to enrolling in the course. (Approval may be given or withheld in the complete discretion of Borough Council.) If the course is approved for reimbursement, the employee must pay for the course initially, but will be reimbursed by the Borough upon successful completion with a grade of a C (or its equivalent) or better. All such courses must be taken during nonworking hours.

Employees attending seminars with prior approval of the Executive Administrator will also receive their normal full-time wage during the period of attendance at such seminars and courses. Borough Council will to set a limit of reimbursement yearly.

## **R. TRAVEL REIMBURSEMENT**

In the course of their duties employees and other official will be required to attend seminars, follow up on complaints, attend hearings, etc. If the employee uses his or her vehicle, the Borough shall reimburse mileage in accordance to IRS guidelines. Employees will be required to submit a travel reimbursement form along with receipts. The forms shall be prescribed by the Executive Administrator and must be approved by the Department Head. The reimbursement allowance shall be established annually by Borough Council. If a non-police vehicle is available, it shall be utilized by employees unless it presents a disturbance in normal business operations. Police personnel shall use a police vehicle

## **S. MEDICAL COVERAGE OPT-OUT-PROGRAM**

An Employee may elect to decline Borough provided health/medical insurance coverage and instead utilize coverage through their spouse (proof of which must be provided to the Borough). In that event, the Borough will pay the employee a percentage of the annual premium for single coverage dependent on the number of Borough employees that opt out of coverage, payable in a lump sum, with the payment date set by the Borough. The percentages shall be paid as follows:

1-2 employees (Borough-wide) opt out – 25% of premium for single coverage

3 employees (Borough-wide) opt out – 30% of premium for single coverage

4 employees (Borough-wide) opt out – 35% of premium for single coverage

5 employees (Borough-wide) opt out – 40% of premium for single coverage

6 employees (Borough-wide) opt out – 45% of premium for single coverage

7+ employees (Borough-wide) opt out – 50% of premium for single coverage

Once an employee opts out of coverage, he/she may not re-enroll until an open enrollment period, absent a qualifying event as defined by COBRA regulations. Opt-out payments shall not be included in the calculation of the officer's hourly rate for overtime purposes and shall not be treated as compensation for purposes of calculating an

employee's pension or other benefits

Whenever two Borough employees are married or by law are entitled to medical benefits, where one can be added to the medical coverage of the other employee, such action shall not entitle the employee to opt-out payments under this program. For example, if two Borough employees are married and both employees receive medical benefits under the Borough's medical plan, if one of the spouses elects to be placed under the other spouse's Borough policy, the same shall not be considered an opt-out of medical coverage as the same coverage is being paid for and offered by the Borough under the other spouse's policy. If both spouses elect to opt-out, then there shall be only one payment under the opt-out provision in this contract.

## **IX. DISCIPLINARY ACTION**

Employees will be subject to discipline for failure to adequately perform work duties and/or for violation of any Borough policies, rules or procedures. Such discipline may be in the form of a verbal warning, written warning, suspension with or without pay, or immediate discharge. The determination of appropriate disciplinary action shall be in the sole discretion of Borough Council.

Examples of infractions that may result in disciplinary action include, but are not limited to, the following:

- Unauthorized or excessive absence, tardiness or leaving work early;
- Unprofessional conduct or obscene, abusive or disruptive language or behavior;
- Lack of attention to job responsibilities or refusing to perform work as directed;
- Unauthorized use of office equipment or materials;
- Falsification of documents and/or records, such as employment applications, personnel documents or time-keeping records;
- Divulging or discussing confidential information;
- Unsatisfactory performance of job duties;
- Theft of property;
- Reporting to work under the influence of alcohol, illegal drugs or other controlled substances, or possessing, using, distributing or selling such substances in the workplace;
- Violation of safety or health rules;
- Fighting or other disruptive conduct in the workplace;
- Insubordination or other disrespectful conduct;
- Violation of the No Smoking Policy; or
- Harassment or other unlawful or unwelcome conduct.

**This list is not comprehensive and does not limit, in any way, Borough Council's right to terminate employment at any time.**

## **X. PERSONNEL FILE**

- A. A personnel file shall be established for each employee and maintained in the custody of the Executive Administrator. Employees are responsible for keeping the Borough informed of any changes to their personal contact information. Access to an employee's personnel file is governed by the Pennsylvania Personnel Files Act.

## ADDENDUM 1

### **SEXUAL AND OTHER FORMS OF UNLAWFUL HARASSMENT**

Consistent with the Borough policy of equal employment opportunity, harassment in the workplace based upon a person's race, color, sex, religion, marital status, national origin, ancestry, age, disability, or veteran status will not be tolerated concerning employees or applicants for employment.

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

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

No supervisor or other employee shall threaten or insinuate, either expressly or implicitly, that another employee's or applicant's refusal to submit to sexual advances will adversely affect that person's employment, work status, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Similarly, no supervisor or other employee shall promise, imply or grant any preferential treatment in connection with another employee or applicant engaging in sexual conduct.

By way of example, but not limitation, the following is prohibited on the part of any Borough employee: unwelcome sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; subtle pressure or requests for sexual activities; unnecessary touching of an individual; graphic or verbal commentaries about an individual's body; sexually degrading words used to describe an individual; a display in the workplace of sexually suggestive objects or pictures; sexually explicit or offensive jokes; physical assault; or any unwelcome conduct directed toward any employee solely because of the individual's gender.

Any employee who is determined, after an investigation, to have engaged in any incidents of harassment in violation of this policy will be subject to disciplinary action, up to and including termination.

Any employee who feels that he or she has been subject to unlawful harassment is requested to report this conduct immediately to his or her immediate supervisor. In the event such employee is uncomfortable, for any reason, with discussing such matters with his or her immediate supervisor or, in the alternative, the employee is not satisfied after bringing the matter to the attention of their immediate supervisor, the employee is directed to report the matter promptly to the Executive Administrator or the President of Borough Council.

The Borough will investigate all allegations of sexual harassment in as thorough, prompt and confidential a manner as is reasonably possible, and will take appropriate corrective action when warranted. The Borough will undertake all investigations with due regard to the privacy of all parties

involved consistent with a thorough and appropriate investigation.

Employees may raise concerns and make complaints without fear of reprisal. Retaliation in any form against an employee who exercises, in good faith, the right to make a complaint under this policy is strictly prohibited and will itself constitute a basis for appropriate disciplinary action.

## **ADDENDUM 2**

### **SMOKING POLICY**

In accordance with State law prohibiting smoking in the workplace or in public places, smoking is not permitted as follows:

1. In Borough Hall
  2. In Police Headquarters
  3. In the Public Works Garage
  4. In the Fire Department
  5. Within the Pool Bathhouse and fenced Pool area
  6. Within the Playground and Baseball field snack bars and storage buildings
  7. Within any Borough-owned vehicle or equipment
  8. Where combustible fumes can collect, in areas where chemicals are used, and all other designated areas where an occupational safety or health hazard might exist.
- Borough Council may designate other locations where smoking is not permitted.

Smoking shall be permitted only at the following designated locations:

1. At the Playground and Baseball fields, in open space and grass areas in and around these areas
2. Outside of Borough Hall, Police Headquarters and the Pool
3. Outside of the Public Works Garage where no occupational safety or health hazard might exist

Borough Council may designate other locations where smoking is permitted.

### **ADDENDUM 3**

#### **DRUG AND ALCOHOL TESTING POLICY (CDL EMPLOYEES)**

The Borough is committed to providing a safe and drug/alcohol-free workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner.

While on Borough premises, employees may not use, possess, distribute, sell or be under the influence of alcohol, illegal drugs, or prescription drugs used in excess of their prescribed dosage. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner. Violations of this policy will subject the employee to disciplinary action, up to and including termination of employment and/or required participation in a substance abuse rehabilitation or treatment program.

In order to effectuate the Borough's drug/alcohol policy, Borough employees may be subject to pre-employment or "reasonable suspicion" drug testing. Additionally, CDL license holders will be subject to random testing. If an employee refuses to be tested, fails to submit to testing when required, or has a confirmed positive drug test, the employee will be subject to disciplinary action, up to and including the termination of employment. A copy of the Borough's drug-testing policy will be made available for review upon request.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with the Executive Administrator to receive assistance or referrals to appropriate resources in the community.

**ACKNOWLEDGMENT**

I have received and carefully read the Fountain Hill Borough Employee Handbook. I understand that it is my responsibility to abide by all of its rules of conduct, terms, and conditions. I understand that the Borough may amend or modify the Employee Handbook from time to time without notice.

I acknowledge that this Employee Handbook is not intended to be and should not be interpreted as a contract, express or implied. I further acknowledge that my employment is at-will and that the Borough reserves the right to terminate me at any time with or without cause. I further understand that this Handbook does not alter my at-will status or guarantee me employment with the Borough for any specific period of time.

Signed by: \_\_\_\_\_

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

Dated: \_\_\_\_\_