

## INTRODUCTION

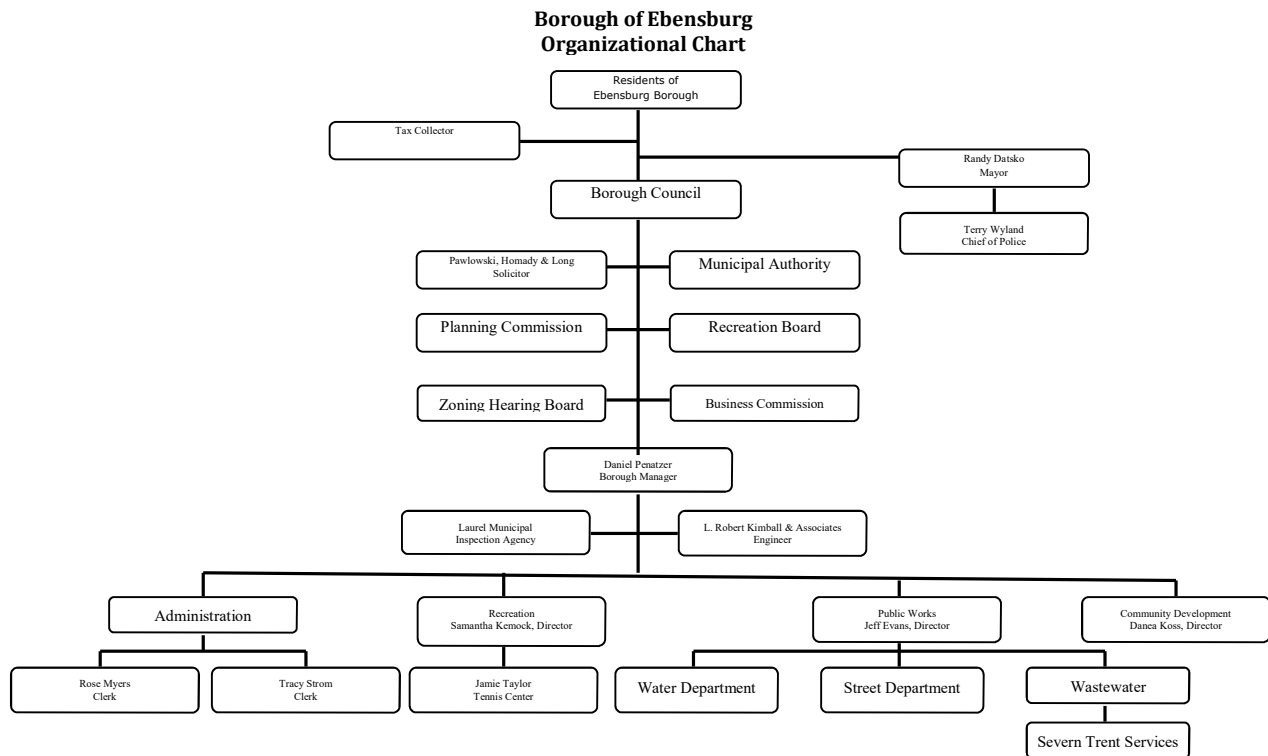
Ebensburg Borough is governed according to Pennsylvania's "Borough Code" and operates under the Council/Manager form of government. Under this form, the elected Borough Council determines governmental policy and employs a Borough Manager to administer its policies.

This manual provides you with information about operating practices and policies that affect all employees. Each department may have policies or procedures that supplement this manual. The Borough may from time to time amend or rescind some or all of the provisions within this manual. This manual and its contents are not permanent conditions of employment nor are they intended to create a contract between the Borough and any employee.

The policies and benefits set forth in this manual apply to all Ebensburg Borough employees. Many of these provisions have also been incorporated into collective bargaining agreements applicable to Borough employees either through past practice or through negotiating or Act 111 Arbitration. In the event of any conflict between a collective bargaining agreement applicable to Borough employees and this manual, it is resolved in favor of the collective bargaining agreement.

## ORGANIZATION

The Borough Manager is responsible for all Borough non-uniformed employee operations. While the Mayor is responsible for the operation of the police department, the Borough Manager maintains responsibility for the police department's budgeting, purchasing and finance. The reporting relationships of all employees are shown in the organizational chart.



Each employee is provided with a job description that identifies the essential functions of the job. This job description also references the knowledge, skills, physical and mental requirements of an incumbent of the job, and also details the work environment of the job.

## **EQUAL EMPLOYMENT POLICY**

Ebensburg Borough is committed to providing equal employment opportunity for all persons and to prohibiting discrimination because of race, color, sex, national origin, age, religion, marital status, disability, or any other protected status and/or conditions specified in federal or Pennsylvania civil rights laws. In the event of a conflict between this policy and any such laws, the laws shall control.

Ebensburg Borough's equal opportunity process provides opportunities for staff advancement through internal posting of vacant positions. Ebensburg Borough's management will take lawful actions permitted to establish, implement and promote practices that will provide equal employment opportunity.

Employees who believe or suspect 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 the Borough Manager.

The Borough Manager will investigate all such complaints promptly to determine whether discrimination has occurred and report findings and recommendations to Borough Council. In the event the Borough Manager is involved in the substance of the complaint, the Borough Council or its designee will conduct the investigation of the complaint and make all decisions relating to the resolution of the complaint.

Any employee, supervisor or manager who is found, after appropriate investigation, to have engaged in equal employment violations will be subject to disciplinary action, depending upon the circumstances, up to and including termination of employment, as further described in the Borough's discipline policy.

## **WHISTLEBLOWER POLICY**

It is a policy of Ebensburg Borough to abide by all applicable Federal, State, and Local laws, rules and regulations and to have all of its employees do the same. Every employee has a responsibility to assist in implementing this policy.

A violation of this policy should be reported to the Borough Manager, verbally immediately, followed in writing. In the event such a violation would involve the Borough Manager, the employee should contact the President of Borough Council.

The Pennsylvania Whistleblower Law provides that an employee may not be discharged, threatened or otherwise discriminated or retaliated against regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or person acting on behalf of the employee make a good faith report or is about to report, verbally in writing, to the employer or appropriate authority an instance of wrongdoing or waste, or that the employee is requested by an appropriate authority to participate in any investigation, hearing or inquiry held by an appropriate authority or in a court action.

Knowledge reported, or evidence presented, shall be in confidence, and shall not subject the reporting individual to undue pressures that create a hostile work environment for the employee.

However, allegations of a criminal nature against other employees that are made with reckless disregard for truth or accuracy, or made as a form of harassment, or retaliation, will subject the reporting individual to disciplinary measures or termination from employment.

ALL employees are subject to disciplinary measures, or termination from employment, for ANY ACTIVITY, which interferes with the investigation being conducted into employee misconduct or criminal activity.

Knowledge of deliberate violation of Ebensburg Borough policy or regulations by another employee will be reported, verbally immediately, followed in writing. Allegations of employee misconduct shall be truthful and accurate. Any intent to harass another employee, or to retaliate for any reasons, will be grounds for disciplinary action.

An employee who believes they have been discriminated or retaliated against in violation of the Pennsylvania Whistleblower Law may bring a Civil Action in a court of competent jurisdiction for appropriate relief or damages, or both, within 180 days after the occurrence of the alleged violation.

## **POLITICAL ACTIVITY**

It is the policy of Ebensburg Borough that employees shall not be subject to direct or indirect political influence as a condition of their employment, nor shall employees engage in partisan political activity while in the workplace. In order to ensure the integrity of governmental offices and the provision of public services, employees of Ebensburg Borough are further prohibited from (1) use of official authority or influence for the purpose of interfering with the election or nomination for office or affecting the results thereof (except by casting the employee's vote); and (2) directly or indirectly coercing or attempting to coerce, commanding or advising any officer or employee to pay, lend or contribute any part of the employee's salary or compensation, or anything else of value to any party, committee, organization, agency, or person for political purposes. In addition those employees of Ebensburg Borough who are covered by the Hatch Act, 5 U.S.C. §1501 et seq., are prohibited from becoming a candidate for partisan elective office.

Ebensburg Borough employees who hold civil service positions are also covered by state law, which prohibits such employees from taking an active part in political management or in a political campaign. Activities prohibited by state law include, but are not limited to the following activities:

- a. Serving as an officer of a political party, a member of a national, state or local committee of a political party or an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;
- b. Organizing or reorganizing a political party organization or political club;
- c. Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose;
- d. Organizing, selling tickets to, promoting or actively participating in a fundraising activity of a candidate in a partisan election or of a political party, or political club;
- e. Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office;
- f. Becoming a candidate for, or campaigning for, an elective public office in a partisan election;
- g. Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;
- h. Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in a partisan election;
- i. Driving voters to the polls on behalf of a political party or a candidate in a partisan election;

- j. Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature or similar material;
- k. Serving as a delegate, alternate or proxy to a political party convention;
- l. Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office;
- m. Initiating or circulating a partisan nominating petition;
- n. Soliciting, paying, collecting or receiving a contribution at or in the workplace from any employee for any political party, political fund or other partisan recipient; and
- o. Paying a contribution at or in the workplace to any employee who is the employer or employing authority of the person making the contribution for any political party, political fund or other partisan recipient.

## **SEXUAL HARASSMENT POLICY**

### Section 1 - Statement of Policy

Federal and State law, specifically, Title VII of the Civil Rights Act, 42 U.S.C. §2000, et seq. and the Pennsylvania Human Relations Act, 43 P.S. §§951, et seq. prohibit employment discrimination on the basis of race, color, sex age or national origin. Sexual harassment is included among the prohibitions.

Sexual harassment, according to Title VII, consists of unwelcome sexual advances, request for sexual favors or other verbal or physical acts of a sexual or sex based nature where (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or, (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual. Examples of conduct that would be considered sexual harassment or related retaliation are set forth in the Statement of Prohibited Conduct that follows. These examples are provided to illustrate the kind of conduct prescribed by this policy; the list is not exhaustive.

Sexual harassment is unlawful, and such prohibited conduct exposes not only Ebensburg Borough, but individuals involved in such conduct, to significant liability under the law. Employees at all times should treat other employees respectfully and with dignity in a manner so as not to offend the sensibilities of a co-worker. Accordingly, Ebensburg Borough is committed to vigorously enforcing its sexual harassment policy at all levels.

### Section 2 - Statement of Prohibited Conduct

Ebensburg Borough considers the following conduct to represent some of the types of acts that violate the sexual harassment policy:

- a. Physical assaults of a sexual nature, such as:
  - 1) Rape, sexual battery, molestation or attempts to commit these assaults.
  - 2) Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.

- b. Unwanted sexual advances, propositions or other sexual comments such as:
  - 1) Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way, that such conduct in his or her presence is unwelcome.
  - 2) Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
  - 3) Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- c. Sexual or discriminatory displays of publications in the work place, such as:
  - 1) Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed, or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work at Ebensburg Borough, and who has posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
  - 2) Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place, other than restrooms and similar semi-private lockers/changing rooms.
- d. Retaliation for sexual harassment complaints, such as:
  - 1) Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about, or resisted harassment, discrimination or retaliation.
  - 2) Intentionally pressuring falsely denying, lying about or otherwise covering up or attempting to cover up conduct.
- e. Other acts:
  - 1) The above is not to be construed as an all-inclusive list of prohibited acts under this policy.
  - 2) Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described here is sexual harassment of any one at whom it is directed or who is otherwise subjected to it. Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex based conduct have no legitimate business purpose; accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct.

### Section 3 – Penalties for Misconduct

Any employee's commission of acts of sexual harassment or retaliation against a sexual harassment complainant will result in appropriate sanctions, up to and including dismissal, against the offending employee, depending upon the nature and severity of the misconduct.

A written record of each action taken pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct, or alleged conduct, and the warning given, or other discipline imposed.

## Section 4 – Procedures for Making, Investigating and Resolving Sexual Harassment and Retaliation Complaints

### a) Complaints

- 1) Complaints of acts of sexual harassment and retaliation that are in violation of the sexual harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to their immediate supervisor. In the event that it would be inappropriate to report such concerns to one's immediate supervisors, the report may be made to the Borough Manager.
- 2) Only those who have an immediate need to know, including the person to whom a report was made, the alleged target of harassment or retaliation, the alleged harasser or retaliator, and any witness will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy.

### b) Cooperation.

An effective sexual harassment policy requires the support and example of personnel in positions of authority. Ebensburg Borough's agents or employees who engage in sexual harassment or retaliation or who fail to cooperate with Ebensburg Borough sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Ebensburg Borough employees, and/or retaliate against sexual harassment complainants or witnesses may be immediately sanctioned by suspension or dismissal.

## Section 5 – Other Types of Harassment

As stated in the beginning of this policy, the law prohibits harassment based upon a number of protected characteristics (race, color, creed, national origin, religion or disability). Ebensburg Borough will not tolerate harassment based upon any protected characteristic. Employees of Ebensburg Borough can expect that other types of harassment will be handled in a manner similar to this policy.

## **AMERICANS WITH DISABILITIES ACT (ADA)**

### Section 1 – General Statement

It is the policy of Ebensburg Borough to be in compliance with the Americans with Disabilities Act (ADA) and the Pennsylvania Human Relations Act. In regard to non-employment matters, it is the policy of the Borough to ensure that Ebensburg Borough work sites are appropriately accessible to job applicants, employees and other visitors. In regard to job applicants and employees, it is the policy of the Borough to ensure that a disabled person (as defined in the ADA), is qualified to perform the essential functions of a relevant position, with or without reasonable accommodation, and receives fair treatment regarding that position. It is the general policy of the Borough not to assume that an applicant or employee has an ADA disability, or needs a reasonable accommodation. However, the Borough does not require the use of any particular "magic" works by an applicant or employee, to initiate the process of discussing a reasonable accommodation. When considering what might constitute a reasonable accommodation for a disabled applicant or employee otherwise qualified to perform the essential

functions of a position, the Borough will actively discuss that accommodation issue with the applicant or employee.

## Section 2 - ADA Compliance

In order to assure ADA compliance, the Borough will take, or has taken, the following steps:

- a) It has posted and maintained at all work site locations a notice of its ADA duty to provide, to applicants and employees, reasonable accommodation.
- b) The Borough strives to maintain its physical facilities in a way that provides reasonable access to its facilities by persons with disabilities, including job applicants and employees.
- c) The Borough has named the Borough Manager as its ADA compliance officer. Concerns about ADA compliance issues should be addressed, immediately upon perception of those concerns, to the Borough Manager.
- d) The Borough strives to create and maintain job descriptions for each position, to emphasize and focus on the essential functions of a job.
- e) The Borough's job application form, should it decide to use one, hiring process, performance evaluation program, and internal job notice/promotion programs have been reviewed to ensure that they do not create inappropriate employment barriers for disabled persons. Pennsylvania Job Centers will be provided notices of job openings and applications to ensure that the community at large has access to notices of job opportunities at the Borough. In addition, the Borough has access to equipment and persons to aid the Borough in causing the employment process itself to be accessible to disabled individuals.
- f) The Borough will, unless it creates an undue hardship, reasonably accommodate a successful applicant or employee with an ADA disability who is otherwise qualified to perform the essential functions of the relevant position. In making employment decisions, it is the policy of the Borough that the existence of a disability in an applicant or employee who is otherwise qualified to perform the essential functions of a position, where that individual can perform those essential functions with or without reasonable accommodation, will not be a factor in the employment decision.
- g) The Borough has a continuing commitment, and will continue to provide ADA training for its supervisory and human resources staff.

## Section 3 – Determining the Existence of an ADA Disability and Related Matters

- a) The Borough recognizes that this crucial determination is a difficult and complex one. When an applicant or employee signals a belief that he or she has an ADA disability, the Borough will discuss and analyze that issue with the applicant or employee.
- b) It is the policy of the Borough to follow the contents of the ADA, its regulations, and interpretive court decisions as to what constitutes a disability. For example, the Borough is instructed by these sources that the following do not constitute disabilities: an effectively medicated or otherwise controlled/corrected condition; the inability to perform one job or narrow range of jobs; temporary conditions; individuals who are currently engaging in the illegal use of drugs; homosexuality, bisexuality, transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from the current illegal use of drugs. It is also the policy of the Borough not to employ, or to continue to employ, an individual whose employment would constitute a direct threat to the health or safety of others that cannot be eliminated by reasonable accommodation.

- c) An accommodation which would not allow an otherwise qualified individual to perform all of the essential functions of a job is not a reasonable accommodation. Ultimately, as between various possible reasonable accommodations, the Borough will make the determination as to which will be utilized. In reaching this determination, the Borough will thoroughly discuss the issue with the applicant or employee. An accommodation which would impose upon the Borough an undue hardship is not a reasonable accommodation. An undue hardship is an action that would put the Borough to significant difficulty or significant expense in light of specific factors set forth in the ADA itself, and in its implementing regulations.
- d) In order to reasonably accommodate applicants and employees the Borough has access to qualified interpreters, and other effective methods, of making aurally delivered materials available to individuals with hearing impairments. The Borough has access to qualified readers, is able to type text, and has access to other effective methods of making visually delivered materials available to individuals with visual impairments. The Borough will, in appropriate cases, consider job restructuring, part-time or modified work schedules, reassignments to vacant positions, acquisition or modifications of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, and the provision of qualified readers or interpreters, (or other similar accommodations) for applicants or employees with disabilities.
- e) Job applicants will not be required to undergo pre-employment offer medical or psychological testing, though they may be required to undergo job-specific skills testing. Job applicants who are offered positions with the Borough may be required, subsequent to the job offer, to participate in a medical examination. This medical examination may involve either or both physical or psychological analyses. In such an event, the employment offer will be made contingent upon the results of the medical examination. The Borough will not withdraw the tentative job offer, based upon this examination, without engaging in a discussion with the applicant for the purpose of determining whether there is a reasonable accommodation that would allow the applicant to perform all of the essential functions of the job.
- f) An applicant's or employee's medical condition or history will be maintained in a file separate from the basic personnel file maintained on that applicant or employee. This separate medical file will be maintained as a confidential medical record. The only persons who will have access to this separate medical record will be those with a "legitimate need-to-know". This may include informing managers and supervisors regarding necessary restrictions on the work or duties of the employee and necessary accommodations. It may also include informing, where appropriate, first aid and safety personnel regarding any medical condition that may require emergency treatment.
- g) It is the policy of the Borough not to create permanent "light-duty" positions. From time-to-time, when dealing with employees entitled to receive Workers' Compensation, the Borough may create, specifically, so such an employee may return to work, as part of a "work hardening" or similar program, a temporary, light-duty position. The creation of such a position is not a precedent for creating permanent, light-duty positions, or for eliminating legitimate, essential functions of a particular job.
- h) Under the law, and this policy, "a test to determine the illegal use of drugs shall not be considered a medical examination".
- i) An applicant or employee is disabled, as that word is used in the ADA, where the applicant or employee has "a physical or mental impairment that substantially limits one or more of the major life activities of such individual." Working is considered a major life activity. However, this policy recognizes and accepts the position of the Equal Employment Opportunity Commission that one is disabled, in regard to working, where one has a disability that substantially limits one's ability to perform a wide variety of jobs reasonably relevant to the particular individual.



#### Section 4 – Complaint Procedure and Medical Examinations

- a) Because the ADA is driven by a highly technical set of definitions, the Borough has determined that ADA questions and complaints are best addressed to one individual or his or her designee. This will ensure that informed decisions and responses are made in regard to such inquiries/complaints. It will also ensure consistent application of this policy. Therefore, any individual, whether applicant or employee, is requested to address their concerns to the Borough Manager, the designated ADA officer.
- b) Any complaints of harassment or discrimination against a disabled individual, an individual who has asserted a disability, or an individual who is or has sought to aid or support a disabled applicant or employee, will be promptly and thoroughly investigated. In the event that it is determined the accusation(s) has merit, this finding will result in remediation. The remedial activity could include counseling, training, discipline and other remedial activities. Similarly, allegations of retaliation for having raised an ADA reasonable accommodation issue, or for having encouraged or supported the raising of such an issue, will be promptly and thoroughly investigated and remediated, if appropriate.
- c) Any such investigation, or response to an ADA inquiry, will be directed by the Borough Manager, the ADA officer who is fully empowered to conduct such investigations and to recommend, directly to Borough Council, appropriate remedial action.
- d) Medical examinations of current employees:
  1. When an employee asserts the existence of an ADA disability, the Borough may, at its own cost, have that assertion analyzed by medical authorities of its choice. The scope of the examination would be limited to the issues at hand: i.e., is there medical evidence of an ADA disability given the essential functions of the relevant job?
  2. When an employee seeks to return to work from a lengthy medical leave of absence, the Borough may, in the exercise of reasonable discretion, and at its own cost, have the employee medically examined. Again, the scope of the examination shall be limited to the issues which created the need for a medical leave in the first place, as those medical issues might relate to the employee's ability to perform the essential functions of the relevant job.
  3. In the event that an examination, conducted pursuant to either paragraphs 1 or 2 immediately above, produces the conclusion that the employee does have an ADA disability impacting the examined individual's ability to perform all of the essential functions of the relevant job, then the Borough Manager and the employee shall engage in a thorough discussion of the possibilities of reasonable accommodation.

#### Section 5 - Reasonable Accommodation for Disabilities

A qualified employee with disabilities may be afforded reasonable accommodations in order to allow the employee to perform the essential functions of the employee's job. Requests for reasonable accommodation should be made to the Borough Manager. The Borough Manager may request such medical/psychological documentation as may be necessary to assess and make a determination as to the request. Any medical/psychological documentation obtained through this process shall be maintained as a confidential medical record.

#### **WORKPLACE VIOLENCE**

It is the policy of the Borough of Ebensburg that no Ebensburg Borough employee should have to work under circumstances that cause the employee to reasonably fear that he or she may be subject to violence. Employees who threaten or use violence in the workplace are subject to severe punishment, up to and including dismissal. The borough has zero tolerance for acts or threats of workplace violence.

Activities that a reasonable person would believe might be a prelude to violence such as verbal harassment, intimidation or stalking are also subject to immediate discipline. Activities such as name calling, taunting, the use of ethnic slurs, and similarly volatile activities are prohibited, and employees who engage in them place their employment at risk. Employees cannot avoid the impact of this policy by engaging in violent acts, or threatening violent acts, during non-working hours and/or offsite from Ebensburg Borough facilities. If there is a relationship between work and the violence or threatened violence, that activity is covered by this policy. Furthermore, persons who develop a record of violence outside of the workplace or threatening violence will cause their continued employment to be at risk where a reasonable person would conclude that the off-duty conduct demonstrates the person to be unable to control violent tendencies. If you observe, or believe yourself to be the subject of workplace violence or under the threat of such violence, you are to report the observations and concerns to the Borough Manager. Supervisors are, through this policy, made aware that when violence or the threat of violence is reported to them, it is their duty to react immediately so that the matter is promptly and appropriately investigated and resolved. The borough will undertake all reasonable steps, including cooperation with law enforcement authorities, to ensure that someone who has reported violence or the threat of violence will suffer no adverse consequences from so doing. Our employees are also entitled to be able to work without have to do so facing violence or threats of violence from the public. Again, if any member of the public threatens an employee, or acts violently towards an employee, this matter should be reported immediately as described above, and a prompt investigation will be undertaken which will, in turn, be followed by appropriate action.

Weapons are prohibited on Borough-owned property except those carried by police officers.

## **DRUG-FREE / ALCOHOL-FREE WORKPLACE**

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

It is the policy of Ebensburg Borough that the unlawful manufacturing, distributing, dispensing, possessing or use of a controlled substance by any employee is prohibited. Any employee violating this policy shall be subject to discipline, including termination of employment. To violate this policy is to cause a hazardous condition within the workplace.

Any employee who has a drug-related problem or has difficulty complying with this policy should inform the Borough Manager. Drug counseling, rehabilitation and other assistance programs can be made available.

The Borough of Ebensburg reserves the right to require pre-employment drug and/or alcohol testing for potential employees, random testing for employees holding a commercial drivers license (CDL), and mandated testing for any employee when the Borough has a reasonable suspicion that the employee is impaired in the performance of his/her job as a result of drug and/or alcohol use.

## **HIRING PROCESS**

All appointments and hirings shall be approved by Borough Council, and are not final until such time that they are so approved.

All employees are required to perform all essential job functions. Any offer of employment is conditional on the applicant's ability to in fact perform all essential job functions, verifiable by a reasonable medical examination.

## **ORIENTATION**

Borough policies and benefits will be reviewed with each new employee. On the first day of employment, a new employee will report to the appropriate department and meet with his or her supervisor. The supervisor will then direct the employee to report to the administrative office for completion of necessary paperwork. Each department will also have an orientation program to familiarize the new employee with the operations of the department.

## **PROBATIONARY PERIOD**

All new employees shall be considered on probation for the first nine months of their employment, with the exception of police officers, who shall be considered on probation for the first year of employment. During this time a supervisor will observe the new employee's ability, with or without reasonable accommodation, to perform all of the essential functions of the job as detailed in the employee's job description. In addition, the supervisor will observe the employee's efficiency in performing assigned tasks, attitude toward work, and relationship with fellow employees.

No probationary employee has a right to complete his/her probationary period. In other words, the Borough may terminate a probationary employee during the probationary period. At the end of a probationary period, if this has not been done earlier, the Borough will formally decide whether to grant the probationary employee regular full-time or regular part-time employment status.

During the probationary period, the employee will be entitled to participate in the relevant retirement program and all health care benefits, but will not be entitled to vacation or personal leave. Upon satisfactory completion of the probationary period and the gaining of regular full-time status, the employee will be entitled to vacation and personal leave, granted retroactive to the first day of employment.

## **JOB DESCRIPTION**

A written job description for all employees is on file in the administrative office, and is included in each employee's personnel file. The job description serves as an outline of the employee's duties and responsibilities.

## **EMPLOYEE RECORDS**

Employee records are confidential records and can only be reviewed on a need to know basis. The employee has the right to examine his/her own personnel file, with reasonable advance notice, and, if need be, the right to add a responsive statement to the record or document in question.

An employee's personnel file may contain official records of disciplinary action or reprimands.

Each employee is required to submit a personal history record listing name, address, social security number, date and place of birth, number of dependents, education, previous experience, doctor, hospital preference, and next of kin.

It is the responsibility of each employee to promptly notify the Borough Manager of any changes in personal data, including address, telephone number, emergency contacts, marital status, dependent status, beneficiary changes, and any educational related certificates.

## EMPLOYEE CONDUCT

To ensure a safe and efficient work environment, Ebensburg Borough expects its employees to follow these commonly accepted rules of conduct. The following examples of inappropriate conduct in the workplace are reminders to us of action that are neither tolerated nor condoned by fellow employees or the Borough.

### Attendance

- Improper or unauthorized use or abuse of paid leave.
- Excessive absenteeism, regardless of reason, the effect of which disrupts or diminishes operational effectiveness.
- Being absent without authorized leave or repeated unauthorized late arrival or early departure from work.

### Behavior

- Willful or negligent violation of the Borough's policies and procedures, department rules or related directives.
- Failure to carry out a direct order from a supervisor, except where the employee's safety or the safety of other individuals may reasonably be jeopardized by the order.
- Conduct that discredits the employee or Ebensburg Borough, or willfully misrepresents the Borough.
- Conviction of a felony, including convictions based on a plea of no contest, or of a misdemeanor involving moral turpitude, the nature of which reflects the possibility of serious consequences related to the continued assignment or employment of the employee.
- Knowingly falsifying, removing or destroying information related to employment, payroll, or work-related records or reports.
- Soliciting outside work for personal gain during business hours or participating in any off-duty employment that adversely affects the employee's performance of work for the Borough.
- Discourteous treatment of the public or other employees, including harassing, coercing, threatening, intimidating, or retaliating against others.
- Conduct that interferes with the management of the Borough's operations.
- Violation or neglect of safety rules, or contributing to hazardous conditions.
- Threatening or utilizing violence, physical altercations.
- Any act that is discriminatory in nature toward another person's race, color, sex (including sexual harassment), national origin, age, disability, handicap, religious belief, or political affiliations.
- Display of bad attitude, lack of cooperation, failure to be a team player such that the workplace and/or production are adversely affected.

### Performance

- Inefficiency, incompetence or negligence in the performance of duties, including failure to perform assigned duties or training, or failure to discharge duties in a prompt, competent and reasonable manner.
- Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable time period.
- Intoxication or incapacity on duty due to the use of alcohol or controlled substances, and/or failure to report other employees under the influence of alcohol or controlled substances or otherwise unfit for work.
- Careless, negligent, or improper use of Borough property, equipment or funds, including unauthorized removal or use for private purpose.

- Unauthorized release of confidential information or official records.
- Performance of unauthorized personal work during working time.
- Committing profoundly stupid acts.

## **DISCIPLINE**

The Borough Manager may discipline or, with the approval of Borough Council, discharge an employee for any of the above stated reasons. The above list is not exhaustive.

### Verbal Reprimand

For minor infractions, an employee may be given a verbal warning. The verbal warning will usually involve a supervisor discussing the problem with the employee and providing guidance to correct it. The employee should view this as an indication of the supervisor's interest in attempting to help the employee perform his/her job to the best of his/her abilities. Verbal reprimands are noted in employee files.

### Written Reprimand

Written warnings are usually issued when an employee has failed to respond to verbal warnings or has committed a violation where stronger initial action is warranted. A written warning will generally be preceded by a private disciplinary conference.

### Suspension

Suspensions are given when a strong response by management is deemed necessary, such as in the case of serious misconduct or repetition of past problems for which the employee has been earlier reprimanded. The circumstances surrounding the offense dictate the length of the suspension. Recurrence of the same or other offenses can result in a second suspension, a longer suspension, or even dismissal. A suspension may be paid or unpaid, as deemed appropriate by management. A suspension will generally be preceded by a private disciplinary conference.

### Dismissal

An employee may be dismissed from employment with the Borough in the case of serious misconduct or repetition of past problems for which the employee has been earlier reprimanded. Dismissal will generally be preceded by a private disciplinary conference.

### Appeals Procedure

Employees covered by a labor contract are instructed to follow the grievance procedure outlined in the applicable contract. Employees not covered by a labor contract are afforded the following appeals procedure.

1. Appeals from disciplinary action shall be made by an employee in writing within three working days from the date of such action to the Borough Manager. The Borough Manager may hold a private hearing within three working days after such request for an appeal. The hearing will be closed with the department head and employee present. The Borough Manager shall render a decision in writing within three working days after the hearing.

2. If the employee wishes to appeal the decision of the Borough Manager, it shall be so transmitted in writing within three working days of the decision to Borough Council. Borough Council shall consider the appeal as soon as possible and submit its decision, which action shall be final.

## **EMPLOYEE SEPARATIONS**

### Voluntary Separation

Just as the Borough retains its right to terminate an employee at any time, an employee has the right to terminate his/her employment at any time. In order to avoid disruption in Borough staffing and work requirements, the Borough requires a minimum of two weeks notice that an employee intends to terminate employment.

### Involuntary Separation

At-will Borough employees may be terminated at any time and for any reason permitted by law, or for no reason whatsoever. However, it is the Borough's policy not to terminate an at-will employee unless there is an appropriate reason for doing so. Employees who are other than at-will employees will be provided with the legally mandated procedure applicable to their involuntary employment separation. In addition to employment separations for disciplinary purposes, it is possible that a Borough employee may be separated from Borough employment due to budgetary/economic reasons. A probationary employee may be separated from employment for all the reasons listed above, and because the Borough is not satisfied with his/her probationary performance or, in the case of a probationary police officer, pursuant to the reasons referenced in applicable Civil Service law.

### Exit Conference

All employees shall be granted an exit conference upon request to the Borough Manager.

## **EMPLOYEE RELATIONS**

The Borough is most sincere in encouraging any employee who has a grievance or complaint of any kind to make it known to his/her department head or direct supervisor. It is the responsibility and duty of your department head to handle grievances and complaints according to this policy. It is the desire and interest of the Borough to see that every complaint is handled with reasonable promptness, complete fairness and, if possible, to the satisfaction of all involved. Complaints regarding sexual harassment are handled pursuant to the Sexual Harassment subsection rather than through this general subsection.

Any employee who wishes to speak with the Borough Manager for any reason should feel free to do so.

## **GIFTS AND GRATUITIES**

Employees are prohibited from accepting gifts, gratuities, loans, rewards or promise of future employment from a person or organization in exchange for purchasing materials or supplies, performing services, influencing an official activity or giving away materials.

The acceptance of gifts and gratuities of minimal value is permitted. Individuals receiving such gifts or gratuities shall promptly notify the department head.

## **PUBLIC CONTACT**

As an employee of Ebensburg Borough, each employee represents the Borough to the public and shares the responsibilities for building good public relations. By performing efficiently in his/her daily work, the employee contributes to the Borough's success.

The nature of employment with the Borough requires the constant contact with the general public. All employees shall deal with the public in a polite, courteous, patient and professional manner at all times.

## **BOROUGH EQUIPMENT**

All borough-owned equipment shall be used properly and with good judgment and care. Vehicles are to be maintained in a clean and orderly condition. Any defective part or condition observed should be corrected as soon as possible. The Borough will not be responsible for traffic fines incurred by an employee while driving a borough-owned vehicle.

## **TELEPHONE USAGE**

Telephone calls of a personal nature should not be made or received during working hours, except in case of an emergency. It is recognized, however, that at times an employee may have need to use a Borough telephone for personal use. Under such circumstances, the caller should exercise good judgment and keep the call brief. Making personal telephone calls that result in long distance charges to the Borough is prohibited.

## **COMPUTER HARDWARE, SOFTWARE, E-MAIL AND INTERNET**

The Borough is committed to providing an environment that encourages the use of computers and electronic information as essential tools to support the governance of the Borough's business. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information.

Every personal computer (PC) purchased or leased by the Borough shall be assigned to one or more users, who will be responsible and accountable for the legal, proper and prudent use of all Borough licensed software on the relevant machine. Any breach of the licensing agreements by Borough users is prohibited. Please note that the unauthorized use of intellectual property is a crime.

### Section 1 - Software and Hardware Use and Maintenance

Any software purchased by the Borough and installed on Borough-owned or leased PCs is not to be copied or removed for personal use. All Borough software is licensed to the Borough and is NOT authorized for personal use.

The individual software user will be responsible for exterior care of his/her PC (i.e. cleaning the monitor, keyboard, mouse, etc.) Any cleaning supplies needed may be acquired through housekeeping.

NO software purchases for use on Borough computers are authorized unless approved in writing by the Borough Manager. Absolutely NO software from home, friends or family shall be loaded on Borough PCs without specific authorization of the Borough Manager (this prohibition includes but is not limited to third party utilities, games, calculators, e-mail games, word processors, paint programs,

graphics, any browsers, screen savers, etc.). Questions regarding software purchases or perceived computing inefficiencies should be directed to the Borough Manager.

No utilities are authorized to be loaded, manipulated, or used on Borough PCs without the prior written approval of the Borough Manager.

No peripheral hardware (i.e. sound cards, receiver cards, scanners, CD-ROMS, tape drives, jazz or zip drives, cameras, printers, etc.) shall be installed, attached or used with a Borough PC without specific authorization from the Borough Manager.

No individual or employee using Borough telephones, modems, computers, or any other electronic or communications device has an expectation of privacy in their use. By using such facilities, employees and other individuals consent to the monitoring and supervision of any and all of their communications by authorized Borough personnel.

### Section 2 - E-Mail Procedures

All e-mail correspondence is the property of the Borough. As such, e-mail is a tool to be used for job-related purposes only.

Employee e-mail communications, including any and all attachments, are not considered private despite any such designation either by the sender or the recipient. E-mail is not the place for discussing sensitive issues such as suspicions, employee performance, hiring or firing.

The Borough reserves the right to monitor its e-mail system, including an employee's mailbox, at its discretion. Please note that in certain situations (i.e. legal action taken against the Borough) the Borough may be compelled to access and disclose messages sent over its e-mail system. Further note that modern technology can recover "deleted" e-mail.

The existence of passwords and "message delete" functions do not restrict or eliminate the Borough's ability or right to access electronic communications.

Employees shall not share an e-mail password, provide e-mail access to an unauthorized user, or access another user's e-mail box without authorization of the Borough Manager.

Employees shall not post, display or make easily available any access information including, but not limited to, passwords.

Offensive, demeaning, or disruptive messages and messages that violate the Borough's sexual harassment, EEO, or other applicable policies, good taste or common sense are prohibited. Employees have no more right to waste compensated work time in e-mail activity not related to work than they do to waste time in workplace telephone conversations not related to work.

Subscriptions to news groups and mailing lists are permitted only with the prior approval of the Borough Manager.

### Section 3 - Internet Procedures

The Borough's networks, including its connections to the Internet, are to be used for business-related purposes only and not for personal use, except as may be permitted in his Policy. Any unauthorized use of the Internet is strictly prohibited. Unauthorized use includes, but is not limited to,



connecting to the internet without an authorized account; posting, downloading or viewing pornographic or sexual material; engaging in computer “hacking” and other related activities; attempting to disable or compromise the security of information contained on the Borough’s computer and electronic systems.

The Internet may be used for personal use ONLY before or after work hours and during breaks and lunchtime, so long as such use is consistent with this Policy and with other applicable policies of the Borough.

Internet postings must be approved in writing by the Borough Manager. Under no circumstances shall information of a confidential, sensitive, or otherwise proprietary nature be placed by Borough employees using Borough equipment on the Internet.

Information posted or viewed on the Internet may constitute published material. Therefore, reproduction of information posted or otherwise available over the Internet may be done only by express permission from the author or copyright holder.

Users may not establish Internet or other external network connections that could allow unauthorized persons to gain access to Borough 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).

All files downloaded from the Internet must be checked for possible viruses.

#### Section 4 – Social Media Policy

Social networks have become an increasingly prevalent form of communication in our personal and professional lives. Used responsibly, social media can help positively shape the public’s perception of local government and its products, services and employees. This policy promotes responsible use of social media.

This policy applies to both work and personal use of any form of social media or social networking including Facebook, Twitter, MySpace, LinkedIn, Foursquare, Gowalla, Usenet groups, online for a, message boards, bulletin boards, blogs and other similar social media or other sites where text, photos, videos, audio files, or other content may be posted and shared (hereinafter collectively referred to as “Social Media”). All employees should exercise good judgment and common sense when accessing and using Social Media. Employee use of Social Media should be consistent with, and not in violation of, this and other policies of the Borough of Ebensburg, including but not limited to, the E-mail and Internet Policy, discrimination, harassment and confidential information policies.

While typically what employees do outside of work is their personal business and generally not subject to Borough policies, certain activities, like use of Social Media, may affect employee compliance with policies. As such, use of Social Media as an employee of Ebensburg Borough is subject to certain restrictions.

Employees are prohibited from posting content that is inconsistent with your duties and obligations as an employee of the Borough of Ebensburg, especially in the case of those employees employed by the Ebensburg Police Department. For example, racist or sexist comments, comments insulting groups on the basis of national origin, and other similarly unacceptable comments all tend to undermine the public trust and confidence required by yourself, fellow employees, and police officers.

Your posted content has the potential to be shared broadly, including with individuals with whom you did not intend to communicate. For example, opposing counsel may subpoena a police officer's posts if they are relevant to a criminal prosecution or a lawsuit related to your official duties. Counsel may also use posts to impugn one's reputation or to show bias.

Due to increased scrutiny of police officer posts to social networking sites by opposing attorneys, we strongly discourage officers from posting information regarding off-duty activity that may tend to bring one's reputation into question, even if taken out of context. Attorneys can use such information for impeachment purposes.

Employees of Ebensburg Borough maintain their rights to speak about matters of public concern and may post on Social Media information about Ebensburg Borough, but should include a disclaimer that the views expressed are the employee's own views and are not the views of your employer. When posting your point of view, you should neither claim nor imply you are speaking on your employer's behalf, unless you are authorized in writing to do so.

#### Prohibitions on Use of Social Media

No employee may post information on Social Media that portrays him or her as an employee of Ebensburg Borough or that reveals confidential information obtained during the course of employment with Ebensburg Borough, including but not limited to, trademarks, logos, clothing with trademarks or logos, badges, uniforms, employee information, or information related to investigations.

Employees are prohibited from using Social Media during work hours for personal use. Employees are permitted to access Social Media on their personal devices before and after work hours and during breaks.

Employees are prohibited from using Social Media in violation of state, Federal or local law, and will be held legally responsible for their postings.

Employees should not misrepresent their identity when accessing and posting information and content on the Internet.

#### Appropriate Uses

Employees may post information or images on Social Media on behalf of Ebensburg Borough after obtaining written permission from the Borough Manager. The Borough reserves the right to withdraw said permission at any time, and any previously authorized posting shall be removed immediately. When posting Social Media information in the course of approved work activities about Ebensburg Borough or any aspect of Borough business, employees should clearly identify themselves as an employee of the Borough. With the required approval, Social Media may be used for community outreach, time-sensitive notifications, recruiting and employment, and marketing and advertising.

#### Privacy

Employees do not have any expectation of privacy on Social Media accessed from technology owned, operated or leased by the Borough. Even when content or postings are deleted or erased, it is still possible to retrieve and view that content or posting. Further, the use of passwords for security does not guarantee confidentiality. Ebensburg Borough reserves the right

to monitor all activity on technology owned, operated or leased by the Borough. This includes all hardware that is part of the Borough's network of computers and information stored or backed up on site or off-site by the Borough or agents of the Borough, and all cell phones, pagers, laptops, tablets, PCs or any other mobile devices owned or leased by the Borough. Employees should be aware that their posts may be brought to the Borough's attention by other employees, supervisors or third parties. The Borough also reserves the right to request that employees remove postings that are in violation of this policy.

### Complaints

Employees who have seen and have legal access to posted information that violates the Borough's policy or any Federal, state or local law should print the posting and provide a copy to the Borough Manager.

## **REIMBURSEMENT OF EXPENSES**

Employees engaged in official business authorized by the Borough Manager may be reimbursed for expenses incurred including transportation, lodging, meals and meeting costs. The rate of reimbursement for use of one's personal vehicle will be that in effect at the time by county government. The employee will be required to present an itemized expense report with invoices prior to reimbursement.

## **EMPLOYEE TIME CARDS**

All employees are responsible for submitting on the designated day to his/her department head an accurate time card. Before submitting the card, every employee shall sign his/her card to certify the accuracy of that card. Time cards shall be verified by the department head prior to submittal to the administrative office. Punching of an employee's time card by another employee is prohibited. If the nature of the day's work makes punching of the time card impossible or impractical, the entry may be handwritten at the next opportunity and that entry approved by the department head.

## **OVERTIME/COMPENSATORY TIME**

Employees who work more than forty hours a week or more than eight hours a day will receive overtime pay at the rate of time and one half.

Employees called to work outside of his/her regular scheduled shift shall be paid a minimum of two hours at time and one half.

Employees may elect to take compensatory time in place of overtime. Compensatory time shall be taken at the rate of time and one-half (1½). Compensatory time can be accumulated up to a maximum of 24 hours. Compensatory time accrued during the year must be used by the end of that year, with the exception of compensatory time requested for working during the month of December, which must be used by March 1st of the following year. The use of compensatory time must be approved by the department director. The Borough may elect to pay out accumulated compensatory time in wages if it is determined to be in the best interest of the Borough to do so. The Borough reserves the right to limit and/or amend the guidelines regarding compensatory time, and/or eliminate it.

## **SAFE HARBOR POLICY, FAIR LABOR STANDARDS ACT**

### Section 1 - Background

The U.S. Department of Labor administers and enforces the Fair Labor Standards Act (FLSA), a federal law which requires that most employees be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. A provision in the law found at 29 CFR § 541.603, allows an employer to avoid the loss of an overtime exemption for an entire class of employees in instances where an improper deduction was made from the salary of one employee in the class. To avoid application to the entire class, the employer must adopt a policy that includes the following:

- 1) indicates an intention to comply with the new regulations,
- 2) includes a procedure whereby an employee may file a complaint alleging an improper deduction from salary, and
- 3) establishes a prompt review procedure for complaints.

Because of the potential protection provided, such a policy is referred to as a “safe harbor” policy.

### Section 2 - Policy Statement

Ebensburg Borough intends to comply with all federal regulations with respect to the Fair Labor Standards Act (FLSA). In this regard, the FLSA provides an exemption from both minimum wage and overtime payment for employees employed in bona fide executive, administrative, professional, computer and outside sales positions. To qualify for an overtime exemption, an employee generally must be paid no less than \$23,660 a year or \$455 per week on a salary basis.

Being paid on a “salary basis” refers to an employee who regularly receives a predetermined amount of compensation each pay period on a weekly or less frequent basis which cannot be reduced because of variations in the quality or quantity of work. Subject to the exceptions listed below, an exempt employee must receive his or her full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work and will not be paid, unless appropriate accrued paid leave is utilized. If deductions are made from an employee’s predetermined salary because of the employer’s operating requirements, that employee is not paid on a “salary basis.” If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from pay are permissible when an exempt employee is:

- absent from work for one or more full days for personal reasons, other than sickness or disability;
- absent from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- in receipt of amounts such as jury or witness fees; or
- on an unpaid disciplinary suspension for one or more full days, imposed in good faith for workplace conduct rule infractions.

Also, Ebensburg Borough is not required to pay an employee’s full salary in the initial or final week of employment, for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either a partial-day or full-day deduction may be made. Finally, as a

public sector employer, Ebensburg Borough operates under principles of public accountability, which permit deductions from the pay of an exempt employee for partial-day or full-day absences due to illness, injury or personal reasons when accrued paid leave is not used by an employee because:

- permission for its use has not been sought or has been sought and denied;
- accrued leave has been exhausted; or
- the employee chooses to use leave without pay, if such leave is available.

Ebensburg Borough has classified those positions which are considered to be “exempt.” It is the policy of Ebensburg Borough to comply with the “salary basis” requirements of the FLSA with regard to exempt employees. If you believe that an improper deduction has been made to your salary, you immediately should report this information to the Borough Manager.

Reports of an improper deduction from wages will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction.

## **HOLIDAYS**

The following holiday schedule has been established for regular, full-time employees:

New Year's Day	Independence Day	Thanksgiving Day
Good Friday	Labor Day	Christmas Day
Memorial Day	Veterans' Day	

Monday shall be recognized as a holiday for all holidays occurring on a Sunday. Friday shall be recognized as a holiday for all holidays occurring on a Saturday.

This schedule is subject to change.

Regular, full-time employees shall receive one day's pay for each of the above holidays. If an employee works on any of the holidays above, he/she shall be paid the holiday pay plus time and one half for all hours worked.

## **PERSONAL DAYS**

Full-time employees will be granted four days of paid personal leave. New employees hired before July 1 and who complete their probationary period shall be eligible for three personal days that year. New employees hired after July 1 who complete their probationary period shall be eligible for two personal days that year. New employees hired after September 1 will not be eligible for any personal days until the upcoming January 1.

The use of personal days must be approved by the department head.

Personal days cannot be carried over into the next year.

## **VACATION**

Regular, full-time employees will be granted annual vacation in accordance with the following schedule:

One To Two Years	1 Week
Three To Seven Years	2 Weeks
Eight To Thirteen Years	3 Weeks
Fourteen Years and Over	4 Weeks*

\*non-union employees hired after October 1, 2010 are limited to three (3) weeks vacation regardless of years of service.

Employees who are hired between January 1st and June 30th of any given year shall earn one week vacation for the following year. Employees hired between July 1st and December 31st shall earn three days vacation for the following year, after having completed the probationary period.

Employees completing three, eight or fourteen years of service in any given year shall be eligible for the additional week of vacation during the year in which the anniversary occurs.

Employees hired before January 1, 1999 with over twenty years of service are eligible for five weeks vacation.

Employees must request one half of their vacation before April 30 of each year, when award of vacation days is subject to seniority. After April 30, all requests for vacation time is first come, first serve. All remaining vacation must be requested before August 15 of each year.

No vacation time may be carried over from year to year.

## **SICK LEAVE**

Regular- full-time employees hired before January 1, 1999 shall be granted one and one-fourth (1¼) days of sick leave for each month of service. Regular, full-time employees hired on or after January 1, 1999 shall earn one day of sick leave for each month of service.

Employees may accumulate a maximum of one hundred ten (110) days of sick leave.

Employees separated due to total disability, retirement or death will be compensated for the accumulated unused sick time at the rate of sixty dollars (\$60.00) per day up to a maximum of seventy-five (75) days.

Sick leave may be used for illness, recuperation, rehabilitation, doctor's appointments, vision examinations, dental examinations and treatments, and illnesses of a parent, spouse or child.

The employee must report his/her absence to the department head before or at the beginning of each scheduled shift. Otherwise, the absence will be considered unauthorized and without pay. Any employee who fails to call-off for three consecutive days reporting an absence shall be deemed to have abandoned his/her employment with the Borough.

If an employee is off work due to illness for three or more days, he/she must submit documentation from a physician verifying the employee's inability to perform required duties.

An employee who is repeatedly absent shall be subject to an investigation by the Borough to ascertain whether he/she is able to meet the requirements of his/her position, notwithstanding that the employee is able to produce documentation of a doctor's office visitation for each of his/her absences.

## **BEREAVEMENT LEAVE**

In the event of death of an employee's spouse, parent, child, step-child or step-parent the employee shall be entitled to a maximum of five (5) scheduled calendar days with pay following the date of death.

In the event of death of an employee's grandparent, grandchild, brother, sister, brother-in-law, sister-in-law or parent-in-law the employee shall be entitled to a maximum of three (3) scheduled calendar days with pay following the date of death.

In the event of death of an employee's uncle, aunt, first cousin, niece or nephew the employee shall be entitled to a maximum of one (1) scheduled calendar day with pay to attend funeral or burial arrangements.

## **MILITARY LEAVE**

Pennsylvania and Federal law protects the employment rights of members of the Pennsylvania National Guard and reserve components who are called to active duty, as well as those who enlist or are drafted at time of war, armed conflict, or emergency declared by the Governor or President.

- a. Members of the Pennsylvania National Guard are entitled to a leave of absence without loss of pay or seniority on all days in which they are engaged in active State duty.
- b. Members of the Pennsylvania National Guard and reserves are entitled to a leave of absence without loss of pay or seniority for up to 15 days annually on which they are engaged in training or other military duty under orders authorized by law.
- c. Members of the Pennsylvania National Guard and reserves are entitled to a leave of absence without loss of seniority on all days in excess of 15 annually on which they are engaged in training or other military duty under orders authorized by law.
- d. Members of reserve units and those drafted or enlisting for active duty are entitled to leaves of absence, without loss of seniority and without pay. An employee shall be permitted to use accrued vacation or similar leave benefits during the period of service, but is not required to use such leave.
- e. When a member of the Pennsylvania National Guard or reserve component is called into active Federal or State service, other than training, the Borough will continue health insurance and benefits in effect for the first 30 days of the military duty, at no cost to the employee. After the first 30 days, the Borough will provide the option to the employee to continue the health insurance and benefits at his/her own expense and at the same rates paid by the Borough.
- f. Upon completion of such active duty service, an employee is entitled to reemployment in his/her prior position or a position of like seniority, status and pay.

## **JURY DUTY**

A regular, full-time employee who is required to serve on jury duty shall receive paid leave for the necessary period. Any juror fees received by the employee will be reimbursed to the Borough.

## **EMERGENCY LEAVE**

Employees may receive up to two days of unpaid emergency leave at the discretion of the Borough Manager.

## **CIVIL LEAVE**

Any employee subpoenaed in the course of his/her employment for a work-related matter shall be paid his/her regular wages for each day of court appearance.

Any employee subpoenaed to attend court on a non-borough related matter shall be granted leave without pay while attending court. The employee may elect to use vacation or personal time.

### ***NON-FMLA EXTENDED LEAVES OF ABSENCE***

Borough Council may authorize a leave of absence without pay. An employee granted an unpaid leave of absence in excess of thirty days will not receive benefits, and will not accrue vacation, personal or sick leave during the leave. The period will count toward pension vesting, and seniority will accrue.

### **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

#### Section 1 - Eligibility and Leave Requirements

- a) Ebensburg Borough is covered under the Family and Medical Leave Act of 1993 (FMLA or Act). Any Ebensburg Borough employee with at least one (1) year of service and who has worked at least 1,250 hours in the last 12 months will be eligible to take up to 12 weeks of FMLA leave during a 12-month period for any of the following reasons:
  - 1) The birth of a son or daughter and in order to care for such son or daughter (leave must be taken and completed within 12 months after birth).
  - 2) The placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter (leave must be taken and completed within 12 months after placement).
  - 3) To care for a spouse, son, daughter, or parent with a serious health condition.
  - 4) An employee's own serious health condition that makes the employee unable to perform the function of his/her job.
- b) The 12-month period is calculated on a rolling basis by counting backwards from the date of a leave request.
- c) FMLA leave for birth or placement under 1) or 2) above must be taken at one time in consecutive days or weeks. Leaves of absence due to serious health conditions under 3) and 4) above may be taken intermittently or on a reduced schedule, when medically necessary, and provided the employee complies with the procedures as set forth in Section 2.
- d) If both spouses are employed by Ebensburg Borough and are otherwise eligible for FMLA leave, they are permitted to take only a combined total of 12 weeks leave during any 12 month period for reasons set forth in 1) or 2) above.
- e) Employees are required to first utilize any accrued vacation time and personal days as part of their twelve (12) week FMLA leave. Employees requesting FMLA leave due to their own serious health condition must first utilize any accrued sick leave, in addition to accrued vacation and personal leave, as part of their 12 week FMLA leave. Once accrued paid leave has been exhausted, the remainder of any FMLA leave shall be unpaid. Any applicable Workers Compensation shall also consume FMLA leave.
- f) Any employee using unpaid FMLA leave shall not be entitled to holiday, bereavement, or jury duty pay while on such leave.
- g) During any period of FMLA leave, Ebensburg Borough will continue to make premium payments to maintain an employee's health care coverage under the same terms and conditions as in existence on the date leave begins, or as changed during the period when the employee is on leave. However, this does not eliminate the requirement of employee co-payments for those employees who normally have co-payments towards their insurance coverage. Provisions for employee co-payments will be made at the time of leave request. If any co-payment is more than thirty (30) days past due, Ebensburg Borough will terminate health care coverage for the duration of the leave period. Coverage will be restored upon return to work.



- h) Ebensburg Borough will be entitled to recoup the costs of providing health care coverage for an employee during the leave period if the employee fails to return to work at the conclusion of her/her FMLA leave period. This obligation does not apply in a situation where Ebensburg Borough grants an additional leave of absence and the employee subsequently returns to work or where the employee is unable to return to work for reasons beyond his/her control.

## Section 2 - Employee Responsibility

- a) When requesting FMLA leave whether paid or unpaid, a 30-day advance notice is required where the necessity for leave is foreseeable. Where the need for leave is not foreseeable, the employee must provide such notice as soon as practical (within one or two days of discovering the need for leave). Failure to provide such notice may result in the employee's leave being delayed.
- b) The notice referred to in a) shall include sufficient explanation of the reason for leave, the date on which leave is anticipated to begin, and the anticipated duration of the leave. An FMLA request form for employees to use is attached as Attachment A.
- c) Employees requesting leave due to their own or a qualifying family member's serious health condition must, in conjunction with their relevant health care provider, submit medical certification of the need for leave and additional recertification of the need for leave every thirty (30) days. Failure of the employee to provide the completed forms to Ebensburg Borough within fifteen (15) days of Ebensburg Borough's request for such forms may result in denial of leave until certification is provided or revoking an employee's entitlement to continued leave.
- d) Employees requesting an intermittent leave or leave on a reduced schedule due to a serious health condition must first make a reasonable effort to schedule any treatment so as to not unduly disrupt the operation of Ebensburg Borough (if such need is reasonably foreseeable) and provide as part of the medical certification from the health care provider a statement as to why such leave is medically necessary.
- e) Employees are required to notify Ebensburg Borough of their intent to return to work every thirty (3) days and, where applicable, are required to update their medical certification every thirty (30) days.
- f) Employees returning from a leave due to their own serious illness or injury must provide a "Fitness for Duty/Return to Work" certification from their health care provider prior to reinstatement.

## Section 3 - Ebensburg Borough Responsibility

- a) Ebensburg Borough shall designate any leave as FMLA leave where the circumstances indicate that the leave qualifies and shall inform the employee of this fact and of any paid vacation, personal or sick time that must be used as part of the twelve (12) week FMLA leave, a form for providing such notice to the employee is attached hereto as Attachment B.
- b) If Ebensburg Borough has reason to doubt the validity of any medical certification provided, Ebensburg Borough may, at its own expense, require a second opinion of a health care provider approved or designated by Ebensburg Borough, so long as the provider is not employed on a regular basis by Ebensburg Borough. If there are conflicting medical opinions, a third opinion, which will be final and binding on both Ebensburg Borough and the employee, may be required by Ebensburg Borough, at Ebensburg Borough's expense, from a health care provider approved jointly by Ebensburg Borough and the employee.
- c) An employee who requests intermittent leave or a reduced leave schedule that is foreseeable based on planned medical treating may be temporarily transferred, at Ebensburg Borough's

- option, to an alternate position have equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.
- d) Ebensburg Borough will be responsible for keeping records required under the FMLA and for ensuring that all medical information is kept in a separate file which will be kept confidential except as required to coordinate the employee's leave.

#### Section 4 - Restoration of Employment

- a) Employees returning from a FMLA leave are generally entitled to be restored to their previous position or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. An employee will not be reinstated if he/she otherwise would not have been employed at the time reinstatement is requested. Ebensburg Borough is not obligated to reinstate any employee whose job position is eliminated while on leave.
- b) Employees designated by Ebensburg Borough as "Key" employees may be denied restoration if necessary to avoid substantial grievous economic injury to Ebensburg Borough's operations, in accordance with the express provisions of the FMLA. These employees are among the ten percent most highly compensated salaried employees and will be notified of their status as key employees at the time they make their leave request. If it is anticipated that it may be necessary to deny restoration to a key employee, Ebensburg Borough will notify that employee and offer him or her an opportunity to return to work. If that employee elects not to return to work, Ebensburg Borough will nevertheless reconsider at the end of the leave whether or not it will be possible to reinstate that employee without suffering substantial and grievous economic injury.

#### Section 5 - Notification of Rights

Ebensburg Borough will not interfere with, restrain or deny the exercise of any right provided under the FMLA. Ebensburg Borough will not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA nor will it discriminate against or discharge any person because of involvement in any proceeding under or related to the FMLA. The Secretary of Labor is authorized to investigate and attempt to resolve complaints and violations and may bring an action in any federal or state court against Ebensburg Borough for violating FMLA. The FMLA will be enforced by the Department of Labor's Wage and Hour Division. An eligible employee may also bring a civil suit for violation of the FMLA. It should be noted that the FMLA does not affect any federal or state law prohibiting discrimination, nor does it supersede any state or local law which provides for greater family or medical leave benefits. The FMLA does not effect Ebensburg Borough's obligation to provide greater leave benefits that is required under a collective bargaining agreement or employee benefit plan or contract. No rights provided for under the FMLA may be diminished or waived by agreement, plan or contract. A copy of your rights under the FMLA is posted within Ebensburg Borough offices. Questions concerning the FMLA or your leave benefits should be directed to the Borough Manager.

#### **FIREFIGHTING LEAVE**

Regular, full-time employees who are active members of the local fire department may, conditions permitting, be granted a leave of absence without pay when called upon to perform firefighting or emergency rescue work during an emergency or other disaster. When leaving work for such an emergency, circumstances should be such that the employee's assistance is in fact required. For example, an employee's leaving work for a structural fire, hazardous materials incident or significant rescue is acceptable. However, leaving work for brush fires, traffic control, fuel leaks, trees down and other such routine minor calls to which an adequate number of other responders would normally be expected to respond should be avoided.

The employee shall return to work immediately upon completing his/her task and/or learning that his/her services are not required to bring the emergency incident to a successful conclusion. This may at times be before emergency units even respond, and will often be prior to the time that emergency units are released from the scene.

Time away from work shall be made up. All responses shall be recorded on the time card along with the make up hours. Such responses shall not result in the need for overtime for any employee.

## **BENEFITS**

### Retirement Plan

Basic plan provisions for the uniformed employees' pension plan are outlined in Ordinance #506, as amended. Basic plan provisions for the non-uniformed employees' pension plan are outlined in Ordinance #545, as amended. Retirement plans may be subject to employee contributions.

### Hospitalization

Health care coverage is provided for regular, full-time employees and their families subject to payroll contributions as detailed in the applicable collective bargaining agreements. Employees acquiring alternative healthcare coverage are eligible for payment of 33% of whatever the resulting savings is to the borough.

### Eye and Dental

The Borough provides an annual benefit of up to \$275 to reimburse regular, full-time employees and their families for costs directly related to eye and dental care.

### Life Insurance

The Borough provides a \$25,000 group insurance death benefit for all regular, full-time employees.

### Disability Insurance

The Borough provides all regular, full-time employees with a disability benefit. Benefits for uniformed employees differ from those for non-uniformed employees. Provisions are defined in the particular policies.

### Deferred Compensation

Eligible employees may participate in a payroll deduction program for contribution to a qualified deferred compensation program sponsored by the Borough.

## **EMPLOYEE SAFETY**

The Management of the Borough of Ebensburg has a sincere concern for the welfare and safety of its employees and the public it serves. Our employees are our greatest assets. Providing a safe and healthy working environment is essential to protecting those assets.

With the goal of eliminating the suffering and cost of avoidable personal injury and vehicle accidents, the department heads and crew leaders are responsible for implementing the safety program of the Borough of Ebensburg. The Borough will give precedence to safety over operational expediency or short cuts, and comply with safety laws and regulations.

All Borough employees will promote accident prevention by actively supporting the safety program by observing the safety regulations and by working safely.

The Borough of Ebensburg has established a Safety Committee. Each department shall be represented in the functions of that Committee. The Borough expects its employees to respond to all planned safety efforts and to perform their assigned jobs in the safest manner possible.

Every employee and elected official will adhere to the policies and rules established by the Safety Committee. We must all make an effort to reduce the burden of accidents. We must be alert in detecting and taking steps to remedy potentially hazardous conditions. Above all, we must exercise the concern for others to help ensure the safety, well-being and productivity of everyone affected.

Compliance with safety policies, rules and regulations is mandatory and is considered a requirement for employment.

#### HOUSEKEEPING

- Combustible materials shall be kept in approved containers with metal lids.
- Flammable liquids shall not be used for cleaning purposes.
- Stairways, aisles, walkways and all work areas shall be kept clear and free from obstructions, depressions and debris.
- Materials and supplies shall be stored in an orderly manner.

#### CLOTHING

- The clothing worn by employees shall be suitable for the work they have to perform. Tank tops, muscle shirts and short pants are not acceptable work attire.
- Loose clothing shall not be worn near rotating machinery. Shirttails shall be in at all times.
- Employees shall wear work gloves suitable for the work being performed.
- Safety toe shoes shall be worn.

#### EYE PROTECTION

- Safety glasses shall be worn during work activities that present an increased potential for eye and face injury such as grinding operations, welding, cutting, or chipping or breaking stone or concrete.

#### HEAD PROTECTION

- Hard hats shall be worn in all job sites where the employee or any other employee on the job site will be working above or below grade, operating hydraulic or power tools, or operating heavy equipment.
- Hard hats need not be worn in enclosed cabs, garages, repair shops, office areas.
- Hard hats need not be worn during work activities in which the probability of head injury is low, such as meter reading, vehicle repair, garbage pickup, etc.

## HAND TOOLS

- All tools shall be of an approved type and maintained in good condition.
- Employees shall always use the proper tool for the job to be performed.
- Tools, equipment and materials shall not be thrown from place to place or from person to person. Tools that must be raised or lowered shall be placed in tool buckets or firmly attached to hand lines.
- Tools, equipment and materials shall never be placed unsecured on top of elevated locations such as stepladders.
- Chisels, punches, rods and pipes shall be held with suitable holders or tongs (not with the hands) while being struck by another employee.
- Pipe shall not be used to extend a wrench handle for added leverage.
- Wooden handles that are loose, cracked or splintered shall be replaced. The handle shall not be taped or lashed.

## POWER LAWN MOWERS, WEED EATERS, ETC.

- All lawn mowers shall be equipped with adequate guards provided by the manufacturer, which shall remain in place.
- Prior to making adjustments, inspections or repairs the employee shall turn off the mower and permit it to come to a complete stop.
- All foreign objects are to be removed from the area to be mowed.
- Avoid placing body in front of the discharge opening. Be alert to other persons or vehicles in the path of the discharge opening.
- When mowing a slope or incline with a push mower, mow across the face of the slope.
- When mowing a slope or incline with a riding mower/tractor, mow up and down the face of the slope.
- Wear proper protective equipment to include as a minimum safety glasses and safety shoes. Monogoggles are required when operating a weed eater.

## SHORING

- Before digging in any area, Federal and State regulations shall be followed to ensure that all buried facilities have been identified, including Pennsylvania One-Call.
- In excavations which employees may be required to enter, excavated material shall be effectively stored and retained at least two feet or more from the edge of the excavation.
- When employees are required to be in trenches four feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided.
- Sides of trenches five feet or more in depth shall be shored, sloped, or otherwise supported by means of sufficient strength to protect employees working within them.

## CONFINED SPACES

- Confined spaces are areas that are large enough for a person to enter, have limited means for entry or exit, and are not designed for continuous human occupancy.
- A Confined Space Permit is required for entry into confined spaces where there is a real or potential serious safety or health hazard.
- A Confined Space Permit must be obtained from the Director of Public Works.

- Employees entering confined spaces where a permit is required must receive annual training and a pre-job briefing prior to entry.
- Emergency rescue means must be available for all entry into confined spaces.
- Prior to entry in a confined space, the area must be ventilated, tested for air quality, and a safe means of entry and exit must be provided.

### WORK AREA PROTECTION

- Every effort must be made to insure the safety of the general public and adequate work area protection by safeguarding pedestrians, motorists, workers and equipment with the use of adequate barriers, warning signs, lights, flags, traffic cones, high-level standards, barricade rope, flagmen, etc., on approaches to work areas, excavations, open manholes, parked equipment, etc.
- Bystanders and observers shall not be permitted access to work areas.
- Employees shall wear company approved safety vests/shirts when working on any roadway, unless they are five feet or more from the edge of the roadway.
- All signs used shall conform to State and local codes.
- All State and local traffic codes shall be followed when providing work area protection.
- Regardless of day or night operations, adequate warning equipment shall include 4-way flashing lights, rotating or strobe lights, flares or other area illumination.
- Whenever there is any doubt that effective protection cannot be provided by signs, signals and barricades, the person in charge of the work shall determine when flaggers or other appropriate traffic controls will be used.
- Flaggers shall wear approved florescent orange vests approved by PennDOT.
- When flaggers are utilized, appropriate signs shall be placed to provide adequate advance warning of such to motorists.

### VEHICLE OPERATIONS

- Only those employees specifically authorized and who possess a valid license for the equipment being used shall operate borough-owned motor vehicles or personally owned vehicles on borough business.
- Employees operating municipal vehicles shall be periodically subject to a driver's license check.
- Employees shall obey all Motor Vehicle Laws.
- A driver shall not permit unauthorized persons to drive, operate or ride in or on a borough vehicle.
- Seat belts shall be worn by all occupants of borough vehicles.
- Employees shall not permit anyone to ride on the running boards, fenders or any part of the vehicle except inside the passenger compartment.
- Employees shall not ride on trailers.
- Only trained and authorized employees will operate powered industrial equipment such as, but not limited to, bulldozers, graders, backhoes, loaders, chippers, or bucket trucks.
- Trucks or equipment stopped on any roadway shall be protected by proper warning lights, reflectors or red flags.
- When backing a vehicle without the assistance of an observer, the driver shall perform a walk around inspection to insure that the direction of travel is free of obstructions.
- Whenever possible, vehicles shall be positioned to avoid the necessity of backing later.

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

#### DISTRACTED DRIVING POLICY

In order to increase employee safety and eliminate unnecessary risks behind the wheel, Ebensburg Borough enforces a Distracted Driving Policy, effective April 1, 2013. We are committed to ending the epidemic of distracted driving, and have created the following rules, which apply to any employee operating a borough-owned vehicle, any employee operating a personal vehicle on borough-business, or using a borough-issued cell phone, personal computer, GPS, or other electronic device while operating a personal vehicle.

- Borough employees shall not use a hand-held cell phone, or any other electronic device while operating a vehicle, whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages and text messages.
- If borough employees need to use their phones or electronic devices, they must pull over safely to the side of the road or another safe location, and put the vehicle in park.
- Additionally, borough employees are required to:
  - Turn cell phones off or put them on silent or vibrate before starting the vehicle.
  - Consider modifying voice mail greetings to indicate that you are unavailable to answer calls or return messages while driving.
  - Inform contacts and associates of this policy as an explanation of why calls may not be returned immediately.
  - Before starting the vehicle, secure or place on the floor all objects in the vehicle where they will not fall or otherwise distract the driver.
  - Avoid reaching for objects, papers, maps, etc. while the vehicle is in motion.
  - Avoid any activity that diverts attention from the driving task such as reading, writing, adjusting controls, etc. unless the vehicle is parked.

Failure to comply with the Distracted Driving Policy will be considered a violation of safety regulations, and shall be subject to the established discipline process.