



## **JACKSON TOWNSHIP EMPLOYEE HANDBOOK**

Revised December 26, 2020

*“Employment in the public service is unique in many ways. Every citizen in our community is your employer. Your neighbors, your friends and those with whom you may disagree pay your salary and benefits. To the citizens, every employee of Jackson Township represents the entire Township Government. For these reasons, high standards of personal conduct are required of each employee. These standards are not difficult to maintain, as they are the same qualities we look for in others, primarily: honesty, patience, courtesy and dedication to do the best possible work we can. It is with these thoughts in mind that the Jackson Township Board of Trustees has prepared this Employee Handbook.”*

-- Jackson Township Board of Trustees, June 2007 --

**JACKSON TOWNSHIP EMPLOYEE HANDBOOK**  
**PERSONNEL POLICIES MANUAL**  
**Originally Adopted June 12, 2007**

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<b>Historical Revisions</b>			
<b>Date</b>	<b>Resolution</b>	<b>Date</b>	<b>Resolution</b>
January 8, 2008	2008-05	April 8, 2014	2014-35
May 13, 2008	2008-41	May 20, 2014	2014-50
December 22, 2008	#2008	June 3, 2014	2014-58
March 3, 2009	2009-31	August 26, 2014	2014-88
May 12, 2009	2009-49	December 23, 2014	2014-143
June 23, 2009	2009-72	April 21, 2015	2015-41
December 22, 2009	2009-150/151	May 5, 2015	2015-49
March 16, 2010	2010-38	June 30, 2015	2015-62
September 14, 2010	2010-115/114	July 14, 2015	2015-67
April 26, 2011	2011-54	September 8, 2015	2015-83
May 10, 2011	2011-63	April 5, 2016	2016-39
August 16, 2011	2011-104	May 17, 2016	2016-53
September 13, 2011	2011-112	July 26, 2016	2016-75
October 11, 2011	2011-124	October 18, 2016	2016-110
February 14, 2012	2012-13	February 7, 2017	2017-013
March 13, 2012	2012-31	March 21, 2017	2017-022
April 24, 2012	2012-46	May 15, 2017	2017-043
June 19, 2012	2012-75	June 26, 2018	2018-050
August 14, 2012	2012-89	November 27, 2018	2018-101
December 18, 2012	2012-146	December 18, 2018	2018-113
December 24, 2012	2012-153	May 14, 2019	2019-048
April 9, 2013	2013-45	September 3, 2019	2019-092
May 21, 2013	2013-64	October 1, 2019	2019-111
December 12, 2013	2013-155	October 27, 2020	2020-098
		December 22, 2020	2020-131

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# SECTION 1

## INTRODUCTION

The policies and procedures outlined in this handbook should be regarded as guidelines, which will require changing from time to time. The Jackson Township Board of Trustees retains the right to make decisions involving employment and benefits as needed in order to conduct business in a professional manner that is beneficial to both the employees and to Jackson Township.

### **Applicability**

This handbook applies generally to all employees and officers of the Township (full-time, part-time, uniformed and temporary) although benefits can vary for different positions. It summarizes current benefit plans and provides an overview of Township policies and procedures. It is not intended to address every situation or answer every question. Specific questions should be directed to your immediate supervisor. In addition to this handbook, employees should also consult specific departmental standard operating guidelines (SOGs), directives, practices and procedures.

Appendix Section 1 to this handbook addresses issues, benefits and policies that are unique to the uniformed members of the Jackson Township Fire Department. Appendix Section 2 applies to all other non-uniformed civilian employees. **All other Appendix Sections describe specific policies applicable to ALL employees of Jackson Township**, uniformed and civilian and may be updated and revised from time to time.

### **Your Relationship with the Township & Code of Conduct**

We hope that you will find the challenges and rewards you are seeking in your employment with Jackson Township. Each of us as individuals has the opportunity to contribute significantly to the quality of life of the residents in our community. We take this opportunity and accompanying responsibilities seriously.

We desire to provide a workplace where communications are open and problems can be discussed and resolved in a mutually respectful atmosphere. We firmly believe that by communicating with each other directly, we can resolve difficulties that may arise; and develop a mutually beneficial relationship.

With your help, we are committed to providing the best service possible to our Township residents. The Jackson Township Board of Trustees endeavors to provide a pleasant and safe working environment for its employees because each employee fills an important role in providing Township service. We will do all that we can to ensure a good working environment. In return, we expect each employee to follow established policies and procedures.

Please read this handbook carefully and ask your supervisor or Department Head any questions you may have. Please understand that no one but the Jackson Township Board of Trustees has authority to make any binding promise to you or binding arrangements with you about your employment.

We are always interested in hearing your suggestions for improving the work environment or ways in which we can provide better service to our Jackson Township residents.

# NINE PRINCIPLES OF PUBLIC SERVICE IN JACKSON TOWNSHIP

- **THE PUBLIC IS NEVER AN INTERRUPTION TO YOUR WORK.** To serve the public is your reason for being in business. The public is our customer.
- **GREET EVERYONE WITH A FRIENDLY SMILE.**
- **SHOW RESPECT TO VISITORS.** Be polite and address visitors appropriately.
- **REMEMBER YOU ARE “JACKSON TOWNSHIP” TO THE PUBLIC.**
- **NEVER SAY, “I DON’T KNOW”.** If you cannot answer a visitor’s question, say, “Let me find out for you.”
- **REMEMBER THAT VISITORS AND OTHER TAXPAYERS PAY YOUR SALARY.** Treat them appropriately and be helpful.
- **STATE THINGS IN A POSITIVE WAY.** Choosing positive and correct words takes practice.
- **BRIGHTEN EVERY VISITOR’S DAY.** Make an effort to do something that brings some cheer into each visitor’s life.
- **G70 THE EXTRA MILE.** Always try to do just a little more than expected.

## Human Resources Administration

The Jackson Township Board of Trustees designates the Assistant Township Administrator as the primary Human Resources Director in conjunction with the Township Administrator and Fire Chief. Each employee should know and use their chain-of-command.

## Updates and Revisions

The Jackson Township Board of Trustees delegates broad discretion to the Township Administrator and/or Human Resources Director to ensure the Township Handbook is up-to-date and that clarifications, corrections and revisions to this Handbook are updated as needed. It is every employee’s obligation to ensure they are up-to-date on Township Policies. The latest version of the Handbook can always be located on the township’s file server, or contact the Human Resources Director for questions or clarifications.

## Qualifications of Employment

Employees are required to obtain and maintain the minimum qualifications as needed for their respective position, including but not limited to a current Ohio Driver License and other certifications as may be required.

## Personnel Files

The Township needs to maintain up-to-date information about you so we will be able to aid you and/or your family in matters of personal emergency. Changes in name, address, telephone number, marital status, number of dependents or changes in next of kin and/or beneficiaries must be promptly updated in your personnel file. The Township may routinely require employees to review their information and update accordingly. Employees may review their individual personnel files at any time. Under no circumstances may an employee alter or remove any information from these files. To do so or to attempt to do so may result in immediate termination. As a public employee, certain information in your personnel files may be considered a public record.

## **Township's Right to Manage**

It is the right of the Jackson Township Board of Trustees to administer the business of the Township and to direct the operations of each Department. The Board of Trustees may promulgate reasonable rules and regulations and to otherwise exercise the prerogatives of management, including the right to amend, revise, add or delete the policies in this handbook at the discretion of the Board of Trustees to meet the progressive and ongoing needs of the Township.

This employee handbook summarizes the current benefit plans maintained by Jackson Township. If any questions arise regarding the interpretation of these plans, the answers will be determined by reference to the actual plan documents and policies presently in effect rather than the summaries contained in this handbook.

## **Employment "At Will"**

The policies contained in this employee handbook are not intended as a contract of employment and may be added to or changed as needed. The Jackson Township Board of Trustees adheres to the policy of "employment-at-will," unless otherwise specified by the Ohio Revised Code, which enables either the employee or the employer to terminate the employment relationship at any time. All employees are appointed on an indefinite basis until the Board of Trustees or the employee chooses to terminate such employment. The Board of Trustees has the authority to terminate the employment of any employee at Jackson Township at any time, with or without cause, for any reason or for no reason whatsoever, at the sole and absolute discretion of the Board.

# SECTION 2

## DISCIPLINARY POLICY

Public service is unique in many ways. Every citizen in our community is your employer. Your neighbors, your friends and those with whom you may disagree pay your salary and benefits. To the citizens, every employee of Jackson Township represents the entire Township Government. Therefore, it is essential that every employee in the service of Jackson Township demonstrate professional behavior and perform efficient and effective service. The Jackson Township Board of Trustees expects employees to exercise self-discipline. However if the need arises, the steps listed below utilize a constructive, progressive discipline approach:

1. **Verbal Warning or Counseling** – Discussion/Coaching session between employee and supervisor with notation of the discussion added to the employee's personnel file.
2. **Written Warning or Reprimand** – Written notification to the employee with signed documentation added to the employee's personnel file.
3. **Suspension or Demotion** – Written notification with documentation, and unpaid suspension, or demotion to a lower job classification depending on the seriousness of the problem.
4. **Discharge** – Termination of your employment from Jackson Township.

Discipline will usually be progressive, but depending on the severity or frequency of the offense(s), may proceed immediately to termination. Repeated infraction of a less serious nature may result in progressively more serious disciplinary actions, up to and including termination. Jackson Township reserves the right to take appropriate disciplinary action under the circumstances involved.

The responsibility for administering discipline is the duty of the immediate supervisor, through the chain of command, up to and including the Jackson Township Board of Trustees, provided that the Board of Trustees shall be the final authority responsible for any disciplinary action involving suspension, reduction in pay and/or rank, or termination.

In addition to violation of laws, resolutions, department rules, regulations, policies and procedures; or behavior which may result in immediate termination includes, but is not necessarily limited to:

1. Use of, or threat to use, physical violence including fisticuffs, or any weapon or firearm used in a fight or dispute with anyone. Intimidating, coercing or interfering with subordinates, other employees or citizens of Jackson Township.
2. Use, possession, sale, or purchase of illegal drugs, or being under the influence of alcoholic beverages, illegal drugs, or other intoxicants at any time on Township premises or vehicles, or while conducting official Township business.
3. Theft of property, whether from the Township or from fellow employees.
4. Sexual misconduct while on duty or while performing official business with, or for Jackson Township.

5. Engaging in malicious mischief, horseplay, verbal or physical harassment or other undesirable behavior including the use of profane, threatening or abusive language or conduct or extortion.
6. Insubordination or refusals to obey work instructions. Failure to follow directions/instructions of a supervisor. Failures to perform assigned work in a safe and satisfactory manner.
7. Failure to use reasonable care or willful neglect of Township equipment or property. Abuse or deliberate destruction of Township equipment or property, or the property of another employee. Misuse of Township property or records, or the removal of Township property or records without prior authorization.
8. Falsification of records, employment application, personnel records, and/or time sheets.
9. Repeated tardiness; failing to report to work on time and failing to be ready for work at the appointed start time, or, alternatively, leaving work early without an approved excuse.
10. Absence from work without permission or excessive pattern abuse of sick leave
11. Failure to cooperate with other employees as required by job duties.
12. Failure to undertake required training necessary to perform assigned job responsibilities.
13. Failure to obtain and/or maintain the qualifications, training and certifications required for the employee's assigned position and job duties including driver's licensing and CDL licenses.
14. Disrespect or other improper treatment toward employees or members of the public.
15. Refusing to complete all documentation required by Jackson Township immediately upon request, including, but not limited to, I-9 Forms, tax forms, injury forms, background check release and/or authorization forms, biographical forms, performance appraisals, written warnings, etc.
16. Engaging in unacceptable off-duty behavior that Jackson Township believes will reflect in a negative manner against the Township.
17. Bribery, misconduct in office, gross neglect of duty, gross immorality, any actions or inactions which may constitute misfeasance, malfeasance, nonfeasance, or any other failure of good behavior.
18. Incurring costs or obligations in the name of the Township without the authority or prior approval of the Township.
19. Engaging in conduct unbecoming an employee of Jackson Township.
20. Gambling while on-duty or on Township property.



# SECTION 3

## DISPUTE RESOLUTION PROGRAM

The Jackson Township Board of Trustees is committed to building a strong relationship between the Board and all Township employees. Jackson Township is an equal opportunity employer and strives to maintain an atmosphere of mutual trust, respect and open, honest communication. By working together, we can reach any goal we set for ourselves. We do not discriminate on the basis of race, age, color, religion, sex, marital status, veteran status, national origin, physical or mental disability in our recruiting, hiring, training, on-the-job treatment and promotion opportunity. We do not, and will not, tolerate harassment or discrimination by any employee, regardless of his or her status with the Township, and no employee will be retaliated against for using this Program.

We understand, however, that problems and disagreements are unavoidable when people with different viewpoints spend a lot of time together. We cannot entirely eliminate disagreements; however we can provide a process for resolving them, when they do occur, by taking prompt constructive action.

Based on these beliefs and values, we have adopted and created this DISPUTE RESOLUTION PROGRAM. The Program provides step-by-step directions for attempting to resolve workplace problems quickly and fairly.

**This Dispute Resolution Program applies equally to all Township employees.**

When you have a work-related problem, follow the steps listed below in this policy.

### **Step 1 Informal Resolution - Communication**

In any relationship, when a disagreement occurs, keeping emotions bottled up inside only causes the problem to get bigger. At Jackson Township we want to encourage open communication so we can solve a problem quickly and with the least amount of disruption. To do this, we start with the Communication Step, an open-door policy that encourages you to talk with your supervisor to get your concern addressed quickly.

As the initial step in the process for dispute resolution of any workplace problem or issue, you must **first speak informally with your immediate supervisor** in an attempt to resolve the issue at the earliest possible opportunity. If informal discussion with your immediate supervisor does not resolve the problem, you may then request an informal discussion with your next level supervisor. If still necessary, you may thereafter address your issue within, and as high up the chain of command as desired to achieve an informal resolution to the issue.

If the issue is not resolved through this Step 1 informal communication process, then you may present a formal written complaint pursuant to Step 2.

## **Step 2: Formal Workplace Complaint - Department Head**

If the workplace problem or issue is not satisfactorily resolved through Step 1, then you may present a formal written complaint to your Department Head. This complaint must be submitted in writing, using the approved **Workplace Complaint Form**, to your supervisor within seven (7) calendar days after the final outcome of the informal communications of Step.1. Your supervisor shall respond to your complaint within seven calendar days on receipt of the Workplace Complaint Form.

Your Department Head is granted broad discretion with regard to resolving the issue at this Step 2. Your Department Head shall review your Complaint Form and your supervisor's response, along with any other pertinent information available, in crafting decision or solution. Your Department Head shall deliver a decision on behalf of the Township, in writing, within seven (7) calendar days of receipt of you Workplace Complaint Form.

## **Step 3: Formal Appeal - Executive Review or Mediation**

If the workplace problem or issue is not satisfactorily resolved through Step 2, then you may appeal the decision of your Department Head by requesting an Executive Review pursuant to Step 3(A); unless however, the issue involves (i) loss of pay, (ii) suspension, (iii) demotion, or (iv) termination, in which case you may elect to appeal such decision by requesting Mediation pursuant to Step 3(B), in lieu of an Executive Review.

### **Step 3 (A) - Executive Review**

If not satisfactorily resolved under Step 2, you may appeal the decision of your Department Head by requesting an Executive Review. Your appeal must be submitted in writing to the Township Administrator using the approved **Executive Review Appeal Form**, within seven (7) calendar days of receipt of the Step 2 decision. Upon receipt of the Appeal Form, the Township Administrator along with your Department Head, and if possible, the Trustee who is the Department Liaison or designee, will meet with you to review your appeal and attempt to resolve the issue to the satisfaction of both you and the Township. Within seven (7) calendar days of that conference meeting, the Township will provide an answer in writing to all parties involved in the appeal.

### **Step 3 (B) - Mediation**

If not satisfactorily resolved under Step 2, and the issue involves (i) loss of pay, (ii) suspension, (iii) demotion, or (iv) termination, then you may appeal the decision of your Department Head by requesting Mediation by an independent third part as provided hereinafter.

You must request mediation by filing the **Request for Mediation Form** with the Township Administrator within seven (7) calendar days of receipt of the Step 2 decision.

The date for mediation will be scheduled as quickly as possible, normally within approximately fourteen (14) days, from the date of receipt of the Request for Mediation Form.

After you have requested mediation, the Township will contact the Ohio Commission on Dispute Resolution and Conflict Management (OCDRCM) or the American Arbitration Association (AAA) or a similar organization specializing in dispute resolution. The agency will then assign a professional mediator to mediate the dispute. The mediator

will be independent and will not have a relationship with the Township, with you or with any of the parties involved in the dispute.

The mediator will schedule a meeting between you and the Township's representative. The mediator will listen, work to open communication lines, and offer creative solutions. **BUT THE MEDIATOR DOES NOT MAKE A FINAL OR BINDING DECISION.** It is up to you and the Township to reach an agreeable solution. The goal of mediation is to develop a solution that satisfies all the parties involved in a way that strengthens, rather than weakens, the working relationship. If appropriate, after you and the Township have agreed upon a solution, a written agreement will be signed by you and the Township representative and the matter will be considered to be resolved.

Except as otherwise provided herein, any expenses or costs for mediation will be the responsibility of the employee requesting Mediation. The expenses of witnesses for either side shall be paid by the party producing such witnesses.

#### **Step 4: Final Resolution - Township Board of Trustees**

If the issue is not satisfactorily resolved under Step 3 (either 3(A)-Review or 3(B) – Mediation), then you may submit your issue in writing, to the Township Board of Trustees using the approved **Board Appeal Form**, within seven (7) calendar days after receipt of the Step 3 decision.

The Township Board of Trustees will thereafter schedule a date to meet with all parties involved in an attempt to finally resolve the appeal. At the meeting of the Board of Trustees, all parties shall have the opportunity to provide any facts, reports, decisions, statements, testimony, documents or other relevant evidence for the Board's consideration.

Under this process, the Board of Trustees shall meet, consider the matters submitted, take the matter under advisement, and/or make and announce a decision in accordance with the public meeting laws of the state of Ohio. The Trustees will provide you with a written copy of their final decision within seven (7) calendar days from the date the decision is made and finalized in writing, by the Trustees. The decision of the Trustees shall be final unless otherwise provided by law.

#### **Dispute Resolution Program Rules**

Each of the four steps provided in this Dispute Resolution Program has specific conditional time limitations, which are of the essence for meeting and responses. All parties understand and agree that those specified time limitations may only be waived, shortened or extended, by mutual written agreement, signed by all parties involved at that respective Step in the process.

During Step 2, Step 3 and/or Step 4 of the Dispute Resolution Program, an employee may be accompanied by one (1) designated representative (being legal counsel or otherwise), who may assist the employee in the Dispute Resolution Program. The employee shall designate his or her designated representative on the respective Complaint or Appeal Form submitted, or if not known at that time, then submitted in supplemental writing no later than 24 hours in advance of the scheduled review, mediation or meeting. The employee may not be represented by both legal counsel and non-legal advisor(s) at such meeting. If notice of the representative is not submitted in a timely manner, then the employee shall be deemed to have waived their

opportunity to be so accompanied and assisted by a representative at that particular Step in the Dispute Resolution Program.

Approved Forms to submit an issue under any of the steps of this Dispute Resolution Program can be obtained from your department head or from the Township's Administration Office.

The issues subject to this Dispute Resolution Program include all workplace issues as well as legal claims employees now have or may have in the future against the Township or against its officers, directors, trustees or agents, including claims related to any Township employee benefit program.

The decisions of the Jackson Township Board of Trustees, with respect to workplace claims, are final and binding on the employee. However, the employee may appeal any decision of the Board of Trustees which may involve a legal claim of the employee to the Court of Common Pleas in accordance with Ohio law.

# SECTION 4

## General Rules and Policies

### **Attendance and Punctuality**

Attendance and punctuality are important factors for your success at Jackson Township. We work as a team and this requires each person be in the right place at the right time. If you are going to be late for work or absent, you must notify your supervisor as soon as possible. An absence of three consecutive scheduled workdays without notifying your supervisor is assumed that you have voluntarily abandoned your position with the Township and you will be removed from the payroll.

### **Residence Requirements**

Jackson Township does not have a residency requirement, however all employees must provide evidence of the legal right to work in the United States as provided in the Immigration Reform and Control Act.

### **Computer and Data Systems Use** - (see also Appendix 5, Computer Policy)

Computer data systems and all the hardware and software necessary to operate the systems are the property of Jackson Township and are used in the course of business with the Township. Information regarding the proper use of the computer and data system, including email, electronic communications, social media and internet use are explained in detail in the **Computer and Acceptable Use Policy found in the Appendix** to this handbook Every employee is required to review, understand and comply with the Township's Computer & Data Systems Use Policies.

### **Driving Records** – (see also Appendix 11 Driver Safety Policy)

Applicants for employment who will be required to drive Township vehicles must consent to a review of their driving records for insurance purposes. Thereafter, applicants who become employees and all other employees required to drive Township vehicles may have their driving records reviewed annually. Employees with unsatisfactory driving records shall not be permitted to drive Township vehicles and may be subject to termination. A Commercial Drivers License (CDL) may be required for some positions as a condition of employment.

### **Drug Testing** - (see also Appendix 3, Drug Free Workplace Policy)

Jackson Township recognizes the adverse effects that the use of illegal drugs and abuse of alcohol can have on employees and the organization as a whole. It is Jackson Township's obligation and right, to maintain a safe, healthy and efficient work environment. Our Substance-Free Workplace Program is established to be a benefit for our employees and the public as well as to protect Township property, operations, productivity and public image. Under this program Jackson Township expects its employees to work free from the influence of illegal drugs and alcohol and has the right to random and reasonable suspicion testing of any employee. Jackson Township also expects its employees to refrain from other involvement with drugs or alcohol that might compromise the employee's or others safety or security. Refer to the complete **Substance-Free Workplace Program in the Appendix** to this handbook.

## **Equal Employment Opportunity**

Jackson Township is committed to the full utilization of all human resources and to a policy of equal employment opportunity. Jackson Township does not discriminate against employees or applicants for employment on any legally recognized basis including, but not limited to, race, age, color, religion, sex, marital status, veteran status, and national origin, physical or mental disability. You may discuss equal employment opportunity-related questions with your supervisor or Department Head.

## **Harassment and Discrimination** – (see also Appendix 7, Discrimination Policy)

Jackson Township is firmly committed to maintaining a work environment free of harassment and discrimination. The **Harassment and Discrimination Policy can be found in the Appendix** of this handbook. Every employee is required to review, understand and comply with the Township's Harassment and Discrimination Policy.

## **Ethics**

In light of the public service duties and important obligations of the Township, all Jackson Township employees must be sensitive to our ethical responsibilities and adhere to the high standards of honesty and integrity. Various Ohio statutes, including Ohio Revised Code (ORC) Chapter 102, address the Ethic Laws in Ohio and these laws apply to all public employees. Even beyond Ohio statutory obligations, all Township employees have a moral responsibility to avoid even the suggestion or appearance of undue influence or conflict of interest in carrying out their duties. If you have any questions at any time regarding your expected standards of behavior as a Township employee, you should contact your supervisor or Department Head to discuss them

## **Fraud** – (see also Appendix 10, Fraud Reporting)

Recent changes in Ohio Law requires all public employees to know how to use the Ohio Fraud Reporting System. Knowing that fraud can happen at any level of a government organization, it is important for all employees to know the signs and how to report cases of fraud. More information is available in Appendix 10 to the Handbook.

## **Hours of Work / Work Week**

Because the nature of our business, your work schedule may vary depending on your job and department. Check with your supervisor if you have questions on your hours of work.

## **Nepotism and Fraternization** (Res. #2020-098, effective October 27, 2020)

It is the responsibility of each Township employee to make known to their department head through the chain of command any relative or significant other employed by the Township. If co-employees marry or become relatives by marriage as a result of the union of others, either inside or outside the organization, the Township reserves the right to assign job duties that minimize conflicts of interest.

No Township Employee shall authorize or use the authority or influence of their position to secure employment of a person closely related by blood, marriage, or other significant relationship, including business association, to serve in any position.

No Township Board Member, appointed official, or employee shall participate in any decision or discussion specifically to appoint, hire, promote, discipline, or discharge a relative.

As a general rule, family members and those in a significant relationship should not serve as the direct supervisor of one another. If due to a special assignment, overtime shift, or trade time, it is determined that the assignment is in the best interest of the Township, or this

situation cannot be avoided, caution should be used to prevent a conflict of interest or the perception of a conflict of interest.

Personnel under the direct supervision of another family member or significant other will have their personnel issues delegated to the next highest level of authority in the chain of command.

Supervisors should avoid scheduling employees in a significant relationship for overnight shifts in the same station.

Should a supervisory conflict arise, the Department Head shall work to relocate or transfer one of the individuals to the extent permitted by law and the Employee Handbook. This relocation or transfer should be to a comparable position with minimal inconvenience for the transferring employee, if possible.

Department Heads reserve the right to alter schedules, transfer shifts, or change work assignments to minimize supervisory, safety, security, operational, and morale issues.

## **A. Definitions**

1. "Public Official or employee" means any person who is elected or appointed to an office, or is an employee of any public agency under the jurisdiction and control of the Board of Township Trustees. Public employee includes full-time, part-time, interns, temporary, intermittent, and seasonal employees.
2. "Closely related by blood or marriage" is defined to include, but not limited to a spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, in-laws, step-children, step-parents, step-grandparents, step-siblings, step-aunts, step-uncles, and other persons related by blood or marriage who reside in the same household.
3. "Significant relationship" means people' dating, involved in a relationship of a romantic nature, living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
4. "Business associates" are defined as parties who joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.
5. "Supervision" means the direct ability or power to effectively recommend the hire, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, discipline, distribute work, or determine a schedule.

### **No Smoking and Tobacco Products Workplace** (Res. #2015-83, effective Jan. 1, 2016)

Jackson Township is committed to providing healthy public workplaces because the good health and productivity of township employees is paramount. In recognition of medical evidence indicating detrimental effects of smoking including tobacco use and alongside Ohio law prohibiting smoking in public places, Jackson Township is a "tobacco-free workplace" and prohibits smoking or the use of all forms of tobacco products including cigarettes, cigars, chewing tobacco, or e-cigs in its buildings, vehicles and on its grounds by all employees and visitors. Furthermore, [Jackson Township will deny employment to smokers or tobacco users.](#)





## **Outside Employment**

Full-time employees of Jackson Township may not carry on, concurrently with their regular Township employment, any private business or undertaking, the attention to which negatively affects their regularly assigned working hours or the quality of their Township work. This policy is not intended to prohibit outside employment which occurs on days where the employee is not regularly scheduled to work but to prohibit outside employment activities concurrent with regular employment that negatively affects your Township job responsibilities.

## **Physicals**

Depending on your position, Jackson Township may require a physical evaluation to determine your ability to perform your responsibilities. Employees may be required to submit to Independent Medical Exams (IME) to determine physical or psychiatric fitness for duty. Uniformed members of the Township Fire Department may have mandatory physical fitness requirements that are covered in greater detail in an Appendix to this handbook.

## **Political Activity** – (see also Appendix 4, Political Activity Policy)

Jackson Township endeavors to provide a workplace free of political coercion for partisan political purposes and to prohibit employees from using their official authority or positions for the purpose of interfering with or affecting the result of an election or a nomination for office (see 42 USC 4701). The complete **Political Activity Policy can be found in an Appendix** to this handbook. Every employee is required to review, understand and comply with the Township's Political Activity Policy.

## **Professional Organizations**

When required in an employee's position description, or when membership in a professional or civic organization is of direct benefit to Jackson Township, the Township may pay all or part of the required membership fees.

## **Resignation**

Should you decide to leave your employment with us, we ask that you provide your supervisor with at least two weeks' advance notice. Your thoughtfulness will be appreciated and may be noted favorably should you ever wish to reapply for employment with the Township. Department Heads and officers should give a 30-day notice to prevent undue hardship on the operations of Jackson Township. All property, keys, uniforms and equipment belonging to the Township shall be returned at separation.

## **Safety**

Safety can only be achieved through teamwork at Jackson Township. Each employee, supervisor and manager must practice safety awareness by thinking defensively, anticipating unsafe situations and reporting unsafe conditions immediately.

Each Department may have detailed and specific Safety Policies and SOGs for equipment, functions or training. The following are general safety precautions applicable to all employees:

1. Notify your supervisor of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.

2. The use of alcoholic beverages or illegal drug substances, or the abuse of legal prescription drugs during working hours will not be tolerated. The possession of alcoholic beverages or illegal drug substances on the Township's property is forbidden.
3. Use, adjust and repair machines and equipment only if you are trained, qualified and authorized.
4. Get help when lifting or pushing heavy objects.
5. Understand your job fully and follow instructions. If you are not sure of the safe procedure, don't guess... ask your supervisor.
6. Know the locations, contents and use of first aid kits and fire extinguishers.
7. Certain safety equipment may be required for specific jobs.

A violation of a safety precaution is in itself an unsafe act. A violation may lead to disciplinary action up to and including termination.

### **Workplace Violence**

Jackson Township has a zero-tolerance policy for workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, or coercion, which involve, affect, or occur on Township property, will not be tolerated. Employees shall not possess dangerous or lethal weapons, firearms or explosives while on duty or when in uniform, or upon any township property or facility.

## **Section 5**

# **PAY AND BENEFITS**

### **Direct Deposit and Payroll Deductions**

The Township uses paperless payroll and requires all employees to have pay deposited directly into the checking and/or savings accounts of their choice. You must sign up for direct deposit and file your banking forms with the Payroll Office. The Township Payroll Office can accommodate multiple payroll deductions as needed by an employee, however the Township reserves the right to approve or disapprove any deductions. In the event of any payroll error, either an overpayment or underpayment, the Township shall endeavor to fix the problem with the employee within a reasonable timeframe (*not to exceed 3-months from the date of the error*) at the discretion of the Township.

### **Hours of Work**

The standard work week for most employees shall be 40 hours per week, eight hours per day, five days per week. Township offices shall be open to the public from 8 a.m. to 4:30 p.m. daily except Saturday, Sunday, and on recognized legal holidays. Each Department Head has the flexibility to adjust operating hours and employee schedules to serve the public and the operations of the Township. Meal periods shall be left to discretion of the Department Head and may be staggered where appropriate to ensure maximum operational flexibility.

## **Pension**

### **Ohio Public Employee Retirement System (OPERS)**

The Ohio Public Employee Retirement System (OPERS) was created by the Ohio General Assembly to provide retirement, disability retirement and survivor benefit programs for the public employees of Ohio who are not covered by another state or local retirement system. In most circumstances, employees do not pay social security tax. Starting in 2015 a three year phase out of the 10% pension pick-up benefit will be eliminated and the corresponding costs shifted to the employee for the June reporting periods of 2015 (4%), 2016 (7%), 2017 (10%).

Jackson Township, as a public employer, is required to make contributions to OPERS on the basis of a percentage of reportable payrolls. Employer contributions are used to supplement the funding of monthly benefits paid to retirees and survivors. Service credit is based on all service for which contributions to OPERS were taken from earnable salary and is calculated on a calendar year basis.

In addition to contributing service credit, you may obtain additional credit for other types of service including military service or for prior public service. Up to five years of additional credit may be purchased for years spent in military, federal, out-of-state or Ohio municipal retirement system service. These years cannot exceed actual OPERS contributing service. Complete details of the plan may be found in the plan description. A copy may be obtained from the Human Resources Department or go to the OPERS web site [www.opers.org](http://www.opers.org)

### **Ohio Police and Fire Pension Fund (OP&F)**

The Ohio General Assembly created the Ohio Police and Fire Pension Fund (OPFPF) in 1965 to provide retirement, disability retirement and survivor benefit programs for Police and Firefighters. OPFPF replaces social security tax.

Starting in 2015 a three year phase out of the 10% pension pick-up benefit will be eliminated and the corresponding costs shifted to the employee for the June reporting periods of 2015 (4%), 2016 (7%), 2017 (10%). Employer's contributions are determined by Ohio law and will provide the amount of money needed in addition to the employee's own contributions to finance the pensions promised by the Fund. Employer contributions are used to supplement the funding of monthly benefits paid to retiree and survivors. Complete details of the plan may be found in the OPFPF handbook. A copy may be obtained from the web site [www.op-f.org](http://www.op-f.org)

## **Social Security**

In accordance with federal and state law, those employees not eligible for enrollment in either the OPERS or OP&F pension systems shall have social security (FICA) deductions withheld from their earnings. This pension requirement specifically affects all fire technicians.

## **Probation**

Every newly hired employee shall be required to successfully complete a probationary period. Probationary periods shall be for a period of **(1) one year after being newly hired, promoted, or re-classified**. A newly hired probationary employee may be terminated at will and without just cause at any time during the probationary period without recourse to the dispute resolution program. At the conclusion of the probationary period, if the employee's services have been satisfactory, the probationary employee may be eligible for full-time status appointment. Until

so appointed, and prior to the end of this probationary period, the employee shall be considered a temporary appointee.

### **Promotions / Re-Classifications**

We believe that career advancement is rewarding for both the employee and our Township. Whenever possible, the Jackson Township Board of Trustees will promote qualified employees to new or vacated positions.

Whenever an employee is promoted or re-classified, they immediately begin a new probationary period of the same length as would be served by an employee in an original appointment to that position. However, if during the probationary period following promotion the employee's services are found unsatisfactory, they may be reduced to the position which they held prior to promotion. If an employee is demoted during his or her probationary period following promotion, this action will complete the probationary period.

Fire Department personnel have specific promotional policies which are more fully explained in the Fire Department Appendix of this handbook.

### **Reimbursements** *(Revised 5/13/2008)*

Employees required by the Township to travel or use their private vehicles for official business will be reimbursed at the current IRS rate/mile, plus actual parking fees. Reimbursement for lodging, meals and incidental expenses (M&IE) shall not exceed the Federal GSA per diem rates for the geographic location where training or travel occurs. Current GSA rates can be located at [www.gsa.gov](http://www.gsa.gov). As per the GSA schedules, the first and last day of travel is reimbursed at 75% of the M&IE rates. Expenses exceeding the per diem allowances shall not be reimbursed and are the responsibility of the employee incurring such expenses, unless otherwise pre-approved by the Township. Reimbursement for alcohol and tips is prohibited by Ohio law. Any Employee desiring to attend a training conference or seminar shall submit a written request to attend including the expenses for room, meals, mileage or airfare to their Department Head. Out-of-state travel requires *"PRIOR WRITTEN APPROVAL"* by the Jackson Township Board of Trustees; the final determination on all reimbursement amounts and out-of-state travel arrangements remains with the Board of Trustees.

### **Retirement** – *(see also Terminal Leave policy)*

Employees should file with their Department Head and/or the payroll office a notice of their intent to retire at least thirty (30) days prior the effective date. Although this notice should include the actual date of retirement, it may or may not be considered as a formal resignation. The purpose of this advance notice is to allow time for processing separation procedures such as retirement system notification, calculation of benefits, COBRA medical benefits, etc. An employee who separates from employment while in good standing shall be entitled to conversion of their accumulated, unused leave balances in accordance with the applicable provisions of this handbook or apply for Transitional/Terminal Leave run-out of their leave balances.

### **Early Retirement Incentives (OPERS "Buy-Out")**

At the discretion of the Board of Trustees, the Township may offer an early retirement option in accordance with the provisions of the Ohio Public Employees Retirement System (OPERS). Employees enrolled in the Ohio Police & Fire Pension System (OP&F) are not eligible to participate in an early retirement incentive program. The guidelines of an OPERS retirement incentive plan can be referenced in ORC 145.297 and are summarized as:

- Plan must be in writing and must provide the employer's purchase and payment of service credit.
- Maximum amount of service credit to be purchased is five years.
- Plan must remain in effect for one year, and only one plan may be in effect at any one time.
- Only employees meeting OPERS retirement eligibility requirements are eligible.

### **Seniority**

Seniority has specific implications for the uniformed members of the Jackson Township Fire Department; refer to the Appendix of this handbook for the applicable provisions of seniority.

### **Survivor Benefits**

If an employee dies while in the employment of the Township, benefits payable to the employee shall be paid to his spouse or estate in accordance with the applicable provisions of this handbook. Such benefits may be in addition to survivor benefits eligible from either the OPERS or OP&F pension systems.

### **Tuition**

Employees may be eligible for reimbursement of tuition for advanced education requirements on a case-by-case basis.

### **Uniforms**

The Township may require or provide uniforms, clothing and/or personal protective equipment to employees. Specific uniform policies shall be established in each Department.

### **Wages**

The payment of salaries inclusive of bonuses and other benefits shall be in accordance with the Wage and Compensation Policy adopted and reviewed at the discretion of the Board of Trustees. It is the policy of Jackson Township to reward good job performance by establishing an equitable system of providing pay increases consistent with the costs of living and any other factors determined by the Board to be fair and equitable. The timing and increase of any wage adjustments are done at the discretion of the Board of Trustees.

# EMPLOYEE CELL PHONE REIMBURSEMENT POLICY

Effective Date: July 2009

## PURPOSE

This policy allows the Township to comply with IRS regulations and State Auditor requirements by providing guidelines for the use of cell phones at Jackson Township.

## POLICY

The Township will not purchase, own or provide wireless phone contracts for the use by individual employees. Employees whose job duties include the frequent need for a cell phone may receive extra compensation, in the form of a "cell phone allowance," to cover business-related costs.

## PROCEDURES

### 1. Cell Phone Allowances

If a Township employee's duties include the need for a cell phone, then the employee may be eligible for an allowance to cover such expenses. Determination of the employee's eligibility for a cell phone allowance and the dollar amount of the allowance is determined by the Board of Trustees and/or Township Administrator. The allowance shall be a "*taxable fringe benefit*" to be provided on the employee's paycheck monthly and does **not** constitute an increase in base pay nor is such allowance a pensionable benefit. The determination of the allowance should cover projected business expenses for use and equipment. Upgrades and other features not determined to be related to the business necessity of the phone or the employee are excluded.

### 2. Cell Phone Usage

The employee must retain an active cell phone contract/plan as long as a cell phone allowance is in place. Because the cell phone is owned personally by the employee, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features, as desired. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance. If, prior to the end of the cell phone contract/plan, a personal decision by the employee, or employee misconduct, or misuse of the phone, results in the need to end or change the cell phone contract/plan, the employee will bear the cost of any fees associated with that change or cancellation.

### 3. Cell Phone Documentation

Employees receiving a cell phone allowance may be required to provide the Township with evidence of their contract/plan and/or current invoice and will also ensure their cell phone number is updated with Township records. The Township may annually review the business-related necessity of any cell phone to determine if the existing allowances should be changed, continued or discontinued, and to determine if any new allowances should be established.

# Section 6

## INSURANCE BENEFITS

### **Cafeteria Plan (Section 125 Plan)**

Jackson Township provides employees access to IRS Section 125 pre-tax programs through AFLAC and/or its group medical administrator for the voluntary purchase of additional insurance products (hospitalization, disability, life, etc.). Additionally, employees have the opportunity to participate in a pre-tax payroll deduction program for costs associated with unreimbursed medical and dependent care expenses. Participation in all 125 programs is voluntary and subject to IRS regulations. Contact the Township Administration Office or Payroll Office for additional information.

### **COBRA Insurance**

Depending upon the circumstances, the Township provides the ability for former employees to qualify under the federal Comprehensive Budget Reconciliation Act (COBRA) in regards to the continuance of group medical and dental insurance coverage. Employees who separate employment from Jackson Township may be entitled to COBRA insurance for themselves and/or their spouse and dependents for a period up to 18-months following separation. Employees qualified for COBRA are required to pay 100% of all premiums to keep their coverage active. Failing to pay premiums as required will result in cancellation of their COBRA benefits. The determination as to levels of benefits, terms of coverage and premiums is established in the Township's group medical insurance plan documents. For more information about COBRA benefits please contact the Township Administration Offices.

### **Disability Insurance**

Employees enrolled in either the OPERS or OP&F pension systems may be eligible for disability insurance benefits in accordance with the rules and regulations of each system.

### **Employee Assistance Program**

The Jackson Township Board of Trustees recognizes alcoholism and drug abuse as a treatable disease, and encourages employees who believe that they may have a drinking or drug problem to seek professional treatment and assistance. No employee who seeks treatment or assistance for drug or alcohol dependency will have their job security, promotional opportunities, or other conditions of employment jeopardized by a request for treatment.

The Jackson Township Board of Trustees provides, through its health insurance programs, an Employee Assistance Program (EAP) to assist employees to find suitable treatment for drug and alcohol abuse. Using EAP may be voluntary or mandatory in the event of supervisory referral for counseling.

### **Mandatory Referral**

When there is a noticeable deterioration in job performance, excessive absenteeism or any combination of factors causing the supervisor or Department Head to be concerned for the well-being of the employee, the supervisor or Department Head may refer the employee to the EAP. The failure of an employee to follow prescribed medical or psychological treatment and/or to improve work performance to an acceptable level will be justification for termination of employment on the same basis as any other employee whose work performance is unsatisfactory.

## **Insurance (includes Vision, Dental and Rx)**

***\*Please note that it is essential to promptly notify the Township's Administration Office of any change in family status that affects your insurance coverage (marriage, birth of a child, death, divorce or change of address)***

Employees eligible for group health insurance benefits may enroll in either a single or a family medical insurance program immediately upon hire. Coverage is effective "the first day of the month after hire." Information and enrollment forms may be obtained from the Township Administration Office. Additionally, the Township provides a "cash in-lieu" incentive for those employees who can demonstrate qualified medical insurance from another provider; such stipend if approved is considered taxable income.

Employee cost-sharing in the Group Health Insurance is required and may change from time to time depending on the rates of increase assessed to the Township.

### **Cost-sharing effective December 18, 2018 (Updated by Resolution 2018-113)**

Employee cost-sharing is 10% of the Township's Premium Cost

With respect to any insurance coverage provided to Employees, the Township retains the right to change insurance carriers or to self-insure any or all portions of the benefits.

## **Life Insurance**

Life insurance in the amount of \$100,000 is provided for all full-time eligible employees noting that the premium cost for all amounts over \$50,000 is considered an IRS taxable fringe benefit that must be reported by the Township. Such taxable benefit is reported annually on the employees' year ending W-2.

## **Medicare Insurance**

Medicare taxes are used to pay for hospital and insurance benefits for workers and families under the Federal Insurance Contributions Act (FICA). Only those employees hired after March 31, 1986 are required under federal law to pay a portion (1.45%) of their taxable wages to federal Medicare insurance program.

## **Unemployment Compensation**

Jackson Township is a self-funded employer under the Ohio Unemployment Compensation Laws and does not withhold a payroll tax for such benefits. The basic objective of such a program is to provide a partial level of replacement wages for its employees during short periods of involuntary unemployment. An employee who voluntarily quits employment without good cause may have difficulty collecting unemployment compensation. The Board of Trustees reserves the right to contest any claim filed for unemployment compensation.

## **Workers Compensation Insurance** (refer also to Appendix 9 – Job Related Injury)

Jackson Township complies with Worker's Compensation laws of the State of Ohio. Questions concerning these laws should be directed to your Department Head. If you are injured on the job, report the accident to your supervisor immediately. The most important thing with any injury is to insure appropriate medical treatment is obtained. The Township's Managed Care Organization (MCO) CareWorks has developed a packet of important information regarding workers' compensation claims. Your supervisor should give you this packet when you report an injury. Supervisors must insure a First Report of Injury (FROI) form is completed and forwarded to the BWC, Safety Officer and the Department Head as soon as possible. Prompt reporting of injuries helps insure medical treatments are properly approved, and related bills promptly paid.



# Section 7

## LEAVES of ABSENCE

### **FAMILY MEDICAL LEAVE (FMLA Leave)** – (refer also to Appendix 6)

As a public agency, Jackson Township is required to comply with the provisions of the Family and Medical Leave Act of 1993 (“FMLA”). FMLA leave operates in conjunction with the Sick Leave Policy for personal and family medical absences. The FMLA Policy is located in an Appendix to this handbook. *\*Note: FMLA is separate from Work-Related Injury Leave.*

### **HOLIDAY LEAVE**

The offices of Jackson Township shall be closed to the public during the following Holidays which will be the observed by all regular full-time, part-time and temporary employees of Jackson Township:

1.	New Year’s Day	7.	Columbus Day
2.	Martin Luther King Day	8.	Veterans’ Day
3.	Presidents’ Day	9.	Thanksgiving Day
4.	Memorial Day	10.	Day After Thanksgiving Day
5.	Independence Day	11.	Christmas Day
6.	Labor Day		

### **Holiday Procedures**

- When one of the above listed Holidays falls upon a Saturday, the preceding Friday is observed. When one of the above listed Holidays falls upon a Sunday, the following Monday is observed.
- Township offices are closed on the holidays as designated by the Board of Trustees. If the Holiday occurs while the employee is on approved leave, the absence will not be charged against such leave.
- Holiday pay will not be given to any employee who is on a leave of absence without pay or who is not regularly scheduled to work that day.
- Should an employee be required by the Board of Trustees for extraordinary circumstances to work on any of the above recognized Holidays of Jackson Township, he or she may be entitled to receive twice (2x times) their regular base hourly rate of pay. The payment of double-time shall only be for extraordinary circumstances approved in advance by the Board of Trustees or Department Head and not because an employee voluntarily or mistakenly chooses to work on a Holiday.

The Jackson Township Fire Department has specific policies regarding the use of Holiday leave in the operation of the Township Fire Department. The provisions for Holiday Leave in the Fire Department can be found in an Appendix to this handbook.

### **PERSONAL LEAVE**

All full-time non-uniformed employees will receive two days = 16 hours of Personal Leave to be used at the discretion of the employee in any increment. Personal Leave for new hires is pro-rated four hours per quarter each calendar year.

**OCCUPATIONAL INJURY LEAVE** (Updated May 10, 2011....refer also to Appendix 9 – Transitional Work Program)

Jackson Township in cooperation with its chosen MCO, CareWorks, maintains a BWC approved Transitional Work Program (TWP) used to help an employee with a work-related injury get back to full duty as quickly as possible. TWP allows for temporary modification of job duties and/or alternative positions of modified duty within the Township based upon restrictions established by the employee’s attending physician. TWP is a temporary period of modified job performance limitations designed to last no more than 90 calendar days.

An Employee absent as the result of a job-related illness or injury, and who is unable to participate in a TWP job assignment, may be eligible to file a BWC approved Wage Continuation arrangement (approved C-55 Form required) for a duration up to 11 weeks from the date of injury as illustrated by the injury leave process below:

1	2	3	4	5	6	7	8	9	10	11	Participate in TWP up to 90 days or Use of Sick Leave or TT
---	---	---	---	---	---	---	---	---	----	----	---

**Date of Injury – 11 weeks Wage Continuation Approved C-55 Form required every 45-days**

**Participate in TWP with physician approval, or use Sick Leave or File for TT for duration of absence**

If the injured employee is unable to participate in TWP and requires additional time off at the conclusion of the eleven (11) week Wage Continuation Agreement then the employee will use accumulated sick leave during the absence. The use of vacation, holiday or personal leave while in injury leave status is prohibited. If sick leave is unavailable, or the injured employee elects not to use sick leave, the injured employee will file for and receive Temporary Total Income Compensation from the BWC.

The Township reserves the right to review each work-related injury claim for a cost-benefit analysis and will only agree to a Wage Continuation Agreement on a case-by-case basis that benefits the financial interests of the Township and is in accordance with BWC rules and regulations.

At no time, may an injured employee simultaneously receive Temporary Total Income Compensation from the Bureau of Workers Compensation and Wage Continuation from Jackson Township.

## **SICK LEAVE**

Sick leave is time for which a full-time employee is compensated at their regular rate of pay when absent from work due to illness or another medically related reason, such as a doctor's appointment. Full-time employees accumulate sick leave at the rate of 4.6 hours per pay period, which amount equals 120 hours (or 15 days) per year. Part-time and temporary employees DO NOT accumulate paid leave benefits (sick leave, vacation leave, holiday leave) unless otherwise noted in this handbook.

### **Reasons for Sick Leave**

Sick leave may be used by employees and upon authorized administrative approval of their Department Head for absences due to the following (for purposes of definition, "immediate family member" is the same as that defined elsewhere in this Employee Handbook):

- Illness, injury or pregnancy-related medical conditions of the employee or immediate family member.
- Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
- Examination of the employee, including medical, psychological, dental or optical examination, by an appropriate practitioner.
- Illness, injury or pregnancy-related medical condition of an employee or the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected immediate family. (*Refer also to FMLA Leave Appendix 6*)
- Paternity leave or for the preparations and arrangements necessary in cases of adoption.
- Medical, dental or optical examinations or treatments of an employee or an employee's immediate family where the care and attendance of the employee is required.
- To attend funeral services of a relative not defined as an immediate family member.
- For additional time off to attend funeral services upon the death of an immediate family member (beyond the three calendar days of paid Bereavement Leave, i.e., for travel out of state, etc.).

### **Unauthorized Use of Sick Leave**

Nothing in this section shall be construed as to require the Department Head to approve the use of sick leave by an employee when the Department Head is reasonably certain that the employee was not ill or was not absent for the other reasons permitted by this section. Examples of when the Department Head may not approve sick leave are:

- (1) concerted use of sick leave by an employee singly or in concert with others as a means of withholding services
- (2) a chronic abuse of sick leave in an established pattern
- (3) other situations where past history and facts do not substantiate the legitimate use of sick leave.

The Department Head may investigate all usage of sick leave and may request to withhold any or all payment of said sick leave until the investigation is completed.

**UNAUTHORIZED USE / PATTERN ABUSE.** The Jackson Township Board of Trustees reserves the right to investigate all occasions where abuse and/or unauthorized use of Sick Leave may have occurred. Grounds for suspicion for the abuse of Sick Leave shall include, but not necessarily be limited to, the following activities during any day in which an Employee claimed Sick Leave:

- Information that the employee was engaging in other employment.
- Information that the employee was absent from home or place of confinement or convalescence when called or visited by a representative of the Township, except in cases where the employee can produce verification (such as a hospital or medical clinic admission or treatment slip) that the employee's absence was for reasons directly related to the treatment of such employee's illness or injury.
- Falsification of either a written, signed statement by the employee or a physician's certificate shall be grounds for termination.

**PATTERN ABUSE**, which is the inappropriate or unauthorized use of Sick Leave and includes the following.

- A repeated pattern of using Sick Leave either immediately before and/or after an employee's use of vacation and/or holiday leave time.
- A repeated pattern of using Sick Leave after paydays.
- A repeated pattern of using Sick Leave after working overtime.
- A repeated pattern of using Sick Leave on a specific day of the week.
- A repeated pattern of using Sick Leave either immediately before and/or after weekends or regular days off.
- A repeated pattern of maintaining a continued zero or near-zero Sick Leave balance.
- Excessive absenteeism, defined as using more Sick Leave than available or the excessive, repeated use of Sick Leave within a single pay period.

Should the Department Head or Board of Trustees determine that an employee has not used sick leave properly, payment may be denied and discipline imposed. Absent exceptional circumstances, employees who do not report for work due to sickness, and who have exhausted their sick leave and vacation leave (provided they have such leave available), are subject to disciplinary action for being absent without approved leave. The Board of Trustees reserves the right to approve a leave of absence without pay to employees in this situation where it is determined that such action is in the best interest of the Township.

New employees are eligible for sick leave only after successful completion of their six month orientation period of employment. Temporary employees earn no sick leave benefits. Sick leave does not accumulate while an employee is on suspension or any unpaid leave of absence in excess of one month.

#### **Sick Leave Documentation** (*refer also to Appendix 6 – Family Medical Leave*)

An employee absent on sick leave for more than three consecutive days or having more than three occasions of using sick leave within a single pay period may be required, upon the request of the Department Head to submit a Return to Work Form signed by their physician or other evidence indicating the employee is able to perform the functions of their employment. Failure to submit proper medical documentation and/or a physician's clearance as requested may result in discipline and may be recorded as leave without pay. FMLA leave will be tracked against any sick leave when in exceeding three regularly scheduled work days.

#### **Sick Leave Notice**

Employees seeking to use sick leave should notify their supervisor or Department Head as soon as possible (ideally within one hour) from their regular starting time. Absent exceptional circumstances, failure to provide timely notice may result in the employee being counted as missing — no sick leave benefits being paid, and possible disciplinary action.

#### **Treatment of Unused, Accumulated Sick Leave**

The Jackson Township Board of Trustees provides a cash-out or deferral of accumulated, but unused sick leave balances in accordance with the following provisions. Such policies are available annually and upon separation from retirement.

##### **Wellness Bonus (Annual Sick Leave Cash Bonus)**

At the end of each calendar year, non-uniformed employees may elect to cash-in up to a maximum of **80 hours** of accumulated, unused sick leave, provided they have such leave balance available. These hours will be converted at 50% of the employee's base earning rate. Such amounts can be paid at any time during the calendar year. In the alternative, the cash value of the sick leave may be deferred into the Ohio Deferred Compensation Program. Advance notice and coordination with the Ohio Deferred Compensation program and the Payroll Office is necessary if deferring such income.

## **Retirement Compensation for Accumulated Leave Balances**

Compensation for accrued but unused leave balances will be paid in the event of separation from employment. Vacation Leave balances are paid in full for all accumulated but unused vacation leave. Sick Leave balances are paid based on the conversion factor of 20% (one hour's pay for every five hours of accumulated sick leave).

**Conversion Example:** An employee making \$12/hour separates from employment with an unused, accumulated sick leave balance of 300 hours. Those hours would be converted at 20% ( $300 * 20\% = 60 \text{ hours} * \$12.00/\text{hour} = \$720$ ). The full value of the \$720 is subject to applicable taxes and the employee is paid the net value.

## **Sick Leave Transfer Donations**

In cases of catastrophic injury or illness to an employee of Jackson Township, the Board of Trustees has authorized the following policy allowing the transfer / donation of Sick Leave hours from one employee to another.

- All transfers / donations of Sick Leave require the approval of the Board of Trustees. Department Heads shall maintain accurate records of sick leave balances for employees, including accounting of hours transferred / donated.
- The transfer / donation of Sick Leave hours is completely voluntary; once donated, the hours CANNOT be returned.
- The employee receiving the Sick Leave must have used all other available leave balances, (i.e., Vacation, Holiday, Personal and Sick Leave balances must all be exhausted to zero (0) balance).
- Any employee regardless of rank, position or pay grade can transfer /donate portions of their Sick Leave to another employee and all Sick Leave hours are evenly exchanged at the rate of 1:1, (for example: 1 hour donated for 1 hour used.)
- There is no limit as to the number of hours or the number of times one employee can transfer / donate Sick Leave hours to another employee.
- This policy applies only to the ill or injured employee of Jackson Township and is not applicable to illnesses or injuries of immediate family members.

## **Functional Capacity Evaluation – Fitness for Duty Determination**

At the discretion of the Township, employees who are absent due to an off-duty injury/illness for an extended period of time that may prohibit normal work performance, may be required to report to the Township's physician for an Independent Medical Examination (IME) and/or a Functional Capacity Evaluation (FCE) to determine his/her ability to return to full duty and perform the physical demands of their job. Such examination to be scheduled and paid for by the Township and will be in addition to proof of prior medical treatment from the employee's own physician.

## **Employee's Second Opinion Examination**

If an employee has undergone an FCE / IME examination by the Township's physician and the employee is not satisfied with the report, or if the report may adversely affect the employee's employment, the employee may have a competent physician of his/her own selection conduct an independent examination at the employee's own expense, with a copy of the report to be furnished to the Township. The Township reserves the right to schedule an Independent Medical Examination (IME) for a third opinion to determine the employee's ability to return to full duty.

## **Administrative Leave for Examinations** (*\*Updated September 13, 2011 by Resolution 2011-112*)

Any employee scheduled for, or awaiting the results, of such initial or subsequent IME/FCE examinations will be provided up to a maximum of two weeks (i.e. 14 calendar days) of paid Administrative Leave pending the results of such examinations. If the employee is unable to obtain return to duty clearance following the Administrative Leave, then Sick Leave or other accumulated leave balances shall be used until cleared for return to full duty, or to accommodate the time while awaiting disability retirement from the respective pension boards.

## VACATION Leave

Annual vacation leave shall be earned on a per pay basis from the date of hire. Annual vacation leave shall be taken during the period of January 1 thru December 31. Payment for any unused vacation leave is payable upon separation from the Township, or may be cashed-in annually at any time at the discretion of the employee at the current base earning rate. The balance of any unused annual vacation leave is cumulative and carried forward into the next calendar year. ***The maximum accrual of unused annual vacation leave may not exceed 600 hours. Any hours earned over 600 hours must be converted to cash at the end of each calendar year at the current base earning rate. Employees may optionally elect to cash-in any unused vacation hours at the end of each year at the current base earning rate.*** Annual Vacation Leave is earned dependent upon length of service with the Township. The following is the earning rate for Vacation:

Years of Employment	Earned Vacation (Hours / Days)		Hours Earned Per Pay
Initial Hire thru 2 years	96 hours	12 Days	3.69 hours/pay
Start of 3 thru 9 years	136 hours	17 Days	5.23 hours/pay
Start of 10 thru 15 years	160 hours	20 Days	6.15 hours/pay
Start of 16 thru 25 years	200 hours	25 days	7.69 hours/pay
Over 25 years	240 hours	30 days	9.23 hours/pay

## VACATION Leave Credit for Prior Public Service

Under Ohio Law, prior public service with another township, will be used to calculate the “years of employment” for the basis of earning vacation hours. For example, someone with five (5) years of public service with another township will be credited such time and earn at the rate listed in the table above (i.e., 5.23 hours/80 hour pay period).

## Special Leaves of Absence

### FUNERAL Leave

Each Employee shall be entitled to use up to three calendar days (24 hours) of paid time off for a death of an immediate family member as defined in this Handbook. Any additional time off shall be approved by the Department Head and shall be taken from accumulated Vacation or Sick Leave at the discretion of the Employee. Funeral Leave shall be used to prepare, plan and attend the funeral related purposes only at the discretion of the Department Head.

### CIVIL Leave (i.e., Subpoenaed Witness or Jury Duty)

Any employee shall be given necessary time off without loss of pay when performing jury duty, or when appearing in court as a witness in answer to a subpoena in connection with legal actions by, for or against the township. An employee called for jury duty or as a subpoenaed witness must notify their supervisor at least five days prior to jury duty or service date.

If an employee is involved in any civil or criminal court proceedings of a personal case either as named plaintiff or as a named defendant in any suit NOT resulting from their official duties with Jackson Township, such employee may be granted leave without pay, unless the employee elects to utilize any available vacation, personal or earned comp time leave.

## **MILITARY Leave**

It is the policy of Jackson Township to recognize the unique contributions of military reservists and to provide wage continuation benefits to reservists in accordance with Ohio Law and to distinguish between a short term training absence vs. a long term deployment in support of the nation's war efforts. An employee of the Township shall be granted a leave of absence without pay to be inducted or otherwise enter military duty. If not accepted for such duty, he or she shall be reinstated in his or her position without loss of seniority or reduction in his or her pay rate.

### **Military Leave (a.k.a. "Reserve Training Leave" – short term)**

While engaged in on-going annual training requirements of military service, employee members of the Ohio National Guard, the Ohio Defense Corps., the Ohio Naval Militia, or members of other Reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties, without loss of pay, for such time as they are called upon to receive actual temporary military training or duties for time periods not to exceed 176 hours (22 days) in any one (1) calendar year. The benefits of "Reserve Training Leave" DO NOT overlap or otherwise precede or follow the benefits provided by the "Extended Military Leave" listed below and are to be used exclusively for training and operations while in a reserve status. Military leave is based on a January to December calendar year and does not accrue or carryover from year-to-year. In the event Reservists training duties exceed the 22 days of allowable military leave they may elect to use earned vacation, personal or comp time.

### **Recall to Active Duty (a.k.a. "Extended Military Leave" – long term)**

Jackson Township's policy addresses the situation that Reservists may be called to support the on-going global war on terrorism and other national defense causes. In the event a reservist is "recalled" to active duty in support of war efforts for an extended or indefinite duration, (i.e., by Executive Order of the President or an Act of Congress), Township employees shall be placed on "Extended Military Leave" from their first working day absence and continue until the reservist returns to employment. The benefits of this leave do not overlap or otherwise precede or follow the benefits provided by "Reserve Training" listed in the paragraph above. Extended Military Leave shall provide Jackson Township employees with the following:

1. The difference between their gross monthly wage or salary as an employee of the Township and the gross monthly wages of the uniformed services for a period of one year.
2. Any extension of this policy beyond the one-year time period requires approval of the Board of Trustees.
3. Reservists recalled to active duty shall be provided with group medical insurance in the same manner and at the same cost as if the person were not on military duty.
4. Reservists recalled to active duty shall receive seniority credits for the time spent in active duty. However, credit for retirement, vacation and sick leave DO NOT accumulate during periods of extended military leave.
5. Upon returning from active duty leave an employee shall be returned to his/her former position or equivalent position of employment and responsibility.
6. Upon the determination of the Board of Trustees, such employee may receive a wage adjustment that the employee might have earned had the employee not been on extended military leave.

**LEAVE OF ABSENCE Without Pay**

An employee may be granted a personal leave of absence without pay upon the written request to the Board of Trustees for a period up to six months. The Board of Trustees will review and decide whether to approve the requested leave of absence without pay.

**ADMINISTRATIVE LEAVE FOR MEDICAL EXAMINATIONS (refer to Sick Leave Policy)**

Any employee scheduled for, or awaiting the results, of such initial or subsequent Independent Medical Exam (IME) or Functional Capacity Exam (FCE) for a personal injury or illness will be provided up to a maximum of two weeks (i.e.14 calendar days) of paid Administrative Leave pending the results of such examinations. If the employee is unable to obtain return to duty clearance following the Administrative Leave, then Sick Leave or other accumulated leave balances shall be used until cleared for return to full duty, or to accommodate the time while awaiting disability retirement from the respective pension boards.

**TERMINAL LEAVE & TRANSITIONAL LEAVE POLICIES – under review**

**TERMINAL LEAVE** *(policy added June 3, 2014, Res. #2014-58)*

[Redacted]

[Redacted]



**TRANSITIONAL LEAVE** *(policy adopted September 8, 2015, Res. #2015-83)*

[REDACTED]

[REDACTED]

# Section 8

## DEFINITIONS

**Active Pay Status** - includes time on duty at work, holidays and away on earned leave.

**Anniversary Date of Hire** - the date an employee commences employment with Jackson Township.

**Appointing Authority** – the person or agency (in this case the Jackson Township Board of Trustees) that, based on the Ohio Revised Code, has the authority to employ persons to perform the required duties of the office or agency. Included is the companion authority to dismiss, promote, discipline and other normal managerial activities of the employer.

**Compensatory Time** - time off in lieu of overtime cash payments awarded only to certain eligible employees at a rate 1½ times their base hourly wage for hours worked in excess of eight hours during a normal 40 hours standard one week period. Earning and using compensatory time requires the prior approval of the Department Head.

**Department Head** - those employees of a managerial nature charged with the management and supervision of persons assigned to their department. In this handbook, the term Department Head applies equally to the positions of Fire Chief, Deputy Fire Chief and Township Administrator.

**Elected Official**– the members of the Township Board of Trustees (Trustees and Fiscal Officer) duly elected or appointed under state law to serve the citizens of Jackson Township for specific terms.

**Exempt Employee** - employees not covered by the Fair Labor Standards Act (FLSA) overtime provisions. Exempt employees are paid on an annual salary basis as compared to an hourly wage.

**Employer** - the Jackson Township Board of Trustees, or the designee of the Board of Trustees (Department Heads) specifically authorized to make policy decisions on their behalf.

**Fire Chief** – an employee appointed by the Board of Trustees with authority from Ohio Revised Code 505.38 to supervise and manage the operations of Fire Department; the term is extended to include similar appointed positions of Deputy Fire Chief and Battalion Fire Chief.

**Full Time (Regular) Employee** - an employee who has completed his or her probationary period after initial hire, and works a minimum of 40 hours in a standard one-week pay period on a continuing basis and receives full benefits.

**Full Time (Temporary) Employee** - an employee who works a minimum of 40 hours in a standard one-week pay period and whose employment is for a brief period of time or on a specified project that has a pre-determined termination date. Unless otherwise allowed by law, such temporary employees may not be eligible for the benefits described in this Employee Handbook or the Township's Personnel Policy Manual such as health insurance, sick leave, vacation leave, etc.

**Health Reimbursement Account (HRA) / Health Savings Account (HSA)** – additional group health insurance benefits that may be provided at the discretion of the Board of Trustees to help offset eligible medical care costs.

**Immediate Family** - the immediate family of an employee includes the following:

- employee's spouse
- child
- grandchild
- mother
- father
- grandparents
- brother or sister
- mother or father in-law
- son or daughter in-law
- stepson
- stepdaughter
- stepmother
- stepfather
- stepbrother
- stepsister
- half sister
- half brother
- aunt or uncle

**Non-Exempt Employee** — employees who are covered by the Fair Labor Standards Act (FLSA) overtime provisions.

**Part-Time Employee** — an employee who works less than 30 hours in a standard one-week pay period. Part-time employees are ineligible for paid leave and insurance benefits.

**Part Time (Firefighter)** – a certified firefighter and/or paramedic who works non-standard hours assigned to rotating shifts within the Jackson Township Fire Department, also called a Fire Technician.

**Public Official** — a term used in Ohio law to refer to all public employees regardless of classification. The term applies equally to elected or appointed employees; therefore, all employees of Jackson Township (full-time, part-time, temporary or seasonal) are considered to be “public officials”.

**Regular Employee** — an employee whose employment (either full-time or part-time) with Jackson Township is on a continuing or regular basis as compared to a temporary employee whose employment with Jackson Township is intermittent, or for a brief period of time or for a project with a pre-determined termination date.

**Seasonal Employee** — see Temporary Employee.

**Supervisor** — an individual who has been authorized by the Township Trustees to oversee and direct the work of subordinate employees on a daily basis.

**Smoking and Tobacco** — using tobacco products such as cigarettes, cigars and chewing tobacco are prohibited during working hours and upon the grounds, buildings or vehicles under control of the township. Smoking or any appearance of smoking such as e-cigs and vaping are likewise prohibited.

**Temporary Employee** — an employee working for a brief period of time (i.e. “seasonal) or on a specified project that has a pre-determined termination date. Such employees are not eligible for the benefits described in this Employee Handbook of the Township’s Personnel Policy Manual such as health insurance, sick leave, vacation leave, etc. Temporary employees may work either 40 hours full-time or less than 35 hours part-time in a standard one-week pay period.

[REDACTED]

**Township Administrator** — an employee appointed by the Board of Trustees, with duties as defined in Ohio Revised Code section 501.032 to supervise, manage and direct the day-to-day affairs and policies of the township.

**Township Assistant Administrator** — an employee appointed by the Board of Trustees, with duties as defined by the Board of Trustees and/or the Township Administrator and working under the direct supervision and authority of the Township Administrator.

[REDACTED]

**Uniformed Employee** — a term used to describe full-time and part-time firefighters and paramedics of the Fire Department.

**Unit Personnel** — for the purpose of this handbook, Unit Personnel are Fire Department employees working a rotating shift of 24 hours on duty and 48 hours off duty.

**Wages** — all remuneration paid to an employee for services performed either hourly, weekly, monthly inclusive of bonuses as defined by U.S.C. Title 26, Section 3401(a).

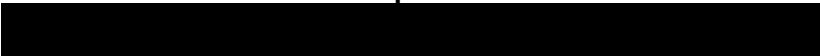
# Section 9

## FORMS

### **Dispute Resolution Program Forms**

- Workplace Complaint Form
- Executive Review Appeal Form
- Request for Mediation
- Request for Board Appeal

### **Payroll & Administration Forms**

- Payroll Action Form
  - Direct Deposit Form
  - Cash In-Lieu of Insurance Form
  - Annual Employee Information / New Hire Form
  - Acknowledgement & Receipt Form
  - FMLA Leave Request Form
- 

# Section 10

## APPENDIX SECTIONS

Appendix			
1	<b><u>Fire Department Personnel Policies</u></b>	Probationary Demotion Seniority Trade Time Leap Day Tuition Physicals Vacation Supplemental Pay Wages — Full-time firefighters Wages — Fire Techs and Part-Time	Promotion Layoff and Recall Hours of Work Overtime Out of Class Uniforms Holidays Sick Leave
			<b>Policies specific only for the uniformed employees of the Jackson Township Fire Department.</b>
2	<b>Pay and Compensation Policy</b>	<b>Wages &amp; Benefits for Civilian Employees.</b>	
3	Drug Free Workplace Policy – (Rev. 5/12/2009)	<p><b><u>Policies applicable to ALL employees of Jackson Township.</u></b></p> <p>These may be revised and updated from time to time to reflect the changing and progressive nature of the Township.</p>	
4	Political Activity Policy		
5	Computer Use Policy (Rev. 9/14/2010)		
6	FMLA Leave Policy w/Forms (Rev. 3/1/2017)		
7	Harassment and Discrimination Policy		
8	<i>Public Records Policy (New Policy 1/8/2008)</i>		
9	<i>Occupational Injury Leave and Transitional Work (TWP) – (Revised May 10, 2011)</i>		
10	<i>Fraud Reporting – (New Policy June 2012)</i>		
11	<i>Driver Safety Policy – (New Policy Dec. 2012)</i>		
12	<i>Tobacco Free Workplace Policy – (eff. Jan. 2016)</i>		
13	<i>ADA Reasonable Accommodations Policy – (eff. July. 2016)</i>		

# Section 11

## UPDATES AND REVISIONS HISTORY

Date	Resolution	Purpose	Handbook Section
1/8/2008	2008-05	Promotions Policy	Appendix 1, Sect. 2
1/8/2008	2008-05	Public Records Policy	Appendix 8 – ( <i>new policy</i> )
5/13/2008	2008-41	Travel Policy – GSA rate schedule	Section 5 – “Reimbursements”
12/22/2008	Board Motion	Vacation Leave Carryover – firefighters	Appendix 1, Sect. 15
3/3/2009	2009-31	FMLA Policy – CareWorks Services	Appendix 6
5/12/2009	2009-49	Substance Abuse Policy	Appendix 3
6/23/09	2009-72	Cell Phone Policy – (taxable allowance added)	Section 5 “Pay Benefits”
12/22/09	2009-150	Fire Dept. - Pension Pickup for new hires	Appendix 1, Sect. 19
12/22/09	2009-151	Fire Dept. – 4 year step pay scale for new hires	Appendix 1, Sect. 19
3/16/2010	2010-38	Social Media Policy updated	Appendix 5
9/14/2010	2010-115	2.5% pay increase retro-active to 6/1/2010	Appendix 1 and 2
9/14/2010	2010-114	Pension Pickup (OPERS & OP+FPF)	Section 5 – Pay Benefits and Appendix 1, Sect 19
9/14/2010	2010-115	Internet Access Policy updated	Appendix 5
4/26/2011	2011-54	Insurance Cost Sharing changed to 7.5%	Section 6 – pg. 18
5/10/2011	2011-33	Transitional Work Program – Injury Leave	Section 7 – pg. 20 and Appendix 9
8/16/2011	2011-104	1.7% pay increase, retroactive based on Midwest CPI-U Clarify Compensable Hours Leave Cash-In for JTFD during the year	Appendix 1 and 2 wage tables  Appx. 1, Sect. 8 Overtime Appx. 1, Sect 17 and 18
9/13/2011	2011-112	Administrative Leave provision added for IME testing	Sick Leave Sections
10/11/2011	2011-124	Promotions Policy, updated	Fire Appendix 1, Sect. 2
2/14/2012	2012-13	Fire Technicians – new positions created	Appendix 1, Sect. 20
3/13/2012	2012-31	Tuition Reimbursement Policy updated	Fire Appendix 1, Sect. 11
4/24/2012	2012-46	Battalion Chiefs – positions renamed	Fire Appendix 1
6/19/2012	2012-75	2.4% pay incr. retroactive CPI-U Fraud Reporting System	Appendix 1 & 2 wage tables Appendix 10 ( <i>new policy</i> )
8/14/2012	2012-89	Tuition 75% CSCC Semester Rate	Appx 1, Sect. 11, para 4
12/18/2012	2012-146	Fire Tech Leave carryover and Driver Safety Policy (Appendix 11)	Appendix 1 – Fire Tech and New Appendix 11( <i>new policy</i> )
12/24/2012	2012-153	Create new full-time civilian Network Administrator position	Appendix 2 – pay scale

<b>Date</b>	<b>Resolution</b>	<b>Purpose</b>	<b>Handbook Section</b>
4/9/2013	2013-45	Fire Tech – can work 12 hour shifts	Appendix 1, Sect. 20
5/21/2013	2013-64	1.7% CPI-U increase for all positions	Appendix 1 and 2 wage tables
12/12/2013	2013-155	Create new full-time civilian Asst. Twp. Administrator position	Appendix 2 – pay scale
4/8/2014	2014-35	Multiple Sections Updated – see Resolution Jury Duty, Promotions, Out of Rank Pay and Supplemental Pay	Civil Leave Appendix 1, Section 2, Section 10 and Section 17
5/20/2014	2014-50	1.6% CPI-U increase for all positions	Wage Tables -Appendix 1 and 2
6/3/2014	2014-58	Terminal Leave Policy	Special Leaves of Absence
8/26/2014	2014-88	BWC Workplace Wellness Program	Appendix 12
12/23/2014	2014-143	Personnel Actions – update classifications	Appendix 2
4/21/15	2015-41	Revise the OPERS and OP&F Pension pickup plans to begin 3-year phase-out of benefit	Section 5 Appendix 1, Sect. 19 Wage Tables civilian and fire
5/5/15	2015-49	2.75% CPI increase for all positions plus 4% first phase of 3 year pension shift 25% increase in uniform allowances (FT+ PT)	Wage Tables – Appendix 1 FFs and Appendix 2 civilians
6/30/15	2015-62	Battalion Chief – Administrative Chief	Wage Tables -Appendix 1
7/14/15	2015-67	Promotions eligibility	Appendix 1, Section 2
9/8/15	2015-83	Transitional Leave Policy & Tobacco Free Workplace Policy (eff. 1/1/2016)	Special Leaves of Absence Appendix 12
4/5/2016	2016-39	Special Assignment Pay Promotions Policy	Appendix 1, Sect. 17 & Wages Appendix 1, Sect. 2
5/17/16	2016-53	2.5% CPI increase select positions plus 3% pension shift	Wage Tables – Appendix 1 FFs and Appendix 2 civilians
7/26/16	2016-75	ADA Reasonable Accommodations Policy	Appendix 13 adopted
10/18/16	2016-110	Medical Marijuana – prohibited use	Appendix 3 updated
2/7/2017	2017-013	FMLA Policy, administered in-house	Appendix 6
3/21/2017	2017-022	Part-time Firefighters	Appendix 1, Section 20
5/15/2017	2017-043	2% CPI pay increase plus final 3% pension shifts	Wage Tables – Appendix 1 FFs and Appendix 2 civilians
6/26/18	2018-050	1.7 percent CPI-U pay increase for all positions	Wage Tables — Appendix 1 FFs and Appendix 2 civilians
12/22/2020	2020-131	3 percent CPI increase	Wage Tables – Appendix 1 FFs and Appendix 2 civilians



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# APPENDIX — 1

## JACKSON TOWNSHIP FIRE DEPARTMENT PERSONNEL POLICIES FOR UNIFORMED EMPLOYEES



This section of the Township handbook contains personnel policies that are specific to the uniformed employees of the Jackson Township Fire Department. The Fire Department also maintains [Standard Operating Guides \(SOGs\)](#) and other directives, procedures and protocols developed by the Fire Chief that govern the daily affairs of the Jackson Township Fire Department.

The officers of the Jackson Township Fire Department are required to perform supervisory and managerial duties, and as such are considered a part of the management team of the Fire Department. All officers should recognize this fact, and make every effort to follow, support, and promulgate the rules, regulations, policies and guidelines, and to strive to motivate their subordinates toward comparable levels of acceptance and compliance.

Members of the Jackson Township Fire Department have chosen a most honorable calling, which demands a professional philosophy. Personal pride and honor, dedication to professional ideas, and a devotion to service above self-interest, should motivate each member to discharge his responsibilities beyond the call of duty.

The acts of all members, at all times, will be subject to the observations and possible criticisms from members of the public. The welfare of the community, the reputation of the Fire Department, and the success of each member, will depend in large measure upon member's personal philosophy, the manner in which each approach his/her assignment, and the course of personal conduct each elect to pursue, both on duty and off. It should be recognized that no arbitrary rule or procedure could be established in the fire service, which will embrace all circumstances that may arise in response to calls for service or performance of duty. Some things must necessarily be left to the intelligent judgment and discretion of the individual member. However, if that discretion is used wantonly or inconsistently, he/she is accountable to a higher authority.

## **NATURE OF EMPLOYMENT**

This handbook provides general standards and personnel policies to assist employees of the Fire Department; it is not intended to constitute an employment contract between Jackson Township and its uniformed employees. The Ohio Revised Code §505.38 governs employment as a firefighter in the State of Ohio. Members are free to resign from the Fire Department whenever they wish. Likewise, the Fire Department is not restricted from discharging an employee, subject to applicable local, state and federal laws and the due process guidelines in this handbook and of the Jackson Township Board of Trustees.

By accepting employment or by continuing in the employ of the Jackson Township Fire Department, including the receipt of compensation and applicable fringe benefits provided by the Fire Department, after reviewing a copy of this document which can be found on the township's network server, you acknowledge that you are employed by the Jackson Township Fire Department, and understand that your employment is at will and will continue to be governed by applicable State and local rules.

## **FIREFIGHTER'S CODE OF ETHICS**

As a professional firefighter and a member of the Jackson Township Fire Department, my fundamental duty is that of service to mankind. I accept the responsibility of striving to safeguard and preserve life and property, and of maintaining proficiency in my chosen profession. I will uphold the standards of my profession, constantly search for new and improved methods, and disseminate and share my knowledge and skills with my contemporaries and descendants.

I will never allow personal feelings nor danger to myself deter me from the faithful performance of my duties as a Jackson Township Firefighter. I will, at all times, respect the property and rights of all people, the laws of my community and my country, and the chosen way of life of my fellow citizens.

I recognize the badge of my office to be a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the fire service.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession and to the pursuit of the noble goals it projects.

## **MISSION STATEMENT**

Provide for the protection and preservation of life and property, mindful of acceptable levels of risk, by maintaining the highest standards of emergency medical services, fire suppression, fire prevention, education and safety programs.

## **OATH OF OFFICE**

*“I, \_\_\_\_\_, do hereby solemnly swear to uphold the Constitution of the United States, the laws of the State of Ohio, and the rules and regulations of the Jackson Township Fire Department to the best of my ability, so help me God. As a firefighter / paramedic I am committed to serve the public with professionalism, integrity, teamwork and a never ending quest to improve services.”*

## **AUTHORITY OF THE FIRE DEPARTMENT**

The Jackson Township Board of Trustees shall be the Executive Head of the Jackson Township Fire Department. They shall have all powers and duties connected with, and incident to, the appointment, regulation, and government of the Fire Department, including revisions of this handbook, except as otherwise provided by resolution.

Under the direction of the Jackson Township Board of Trustees, the Fire Department will be composed of a Fire Chief and Deputy Fire Chief for overall management control and Battalion Chiefs to manage each unit and any officers, firefighters and other employees as may be provided by resolution of the Jackson Township Board of Trustees.

The Fire Chief, Deputy Fire Chief, and Battalion Chiefs (collectively “the Chiefs”) shall have general care and supervision of the Department. The Chiefs shall devote their entire time to the interest of the department. The Chiefs shall see that all of the local, state and federal laws and other ordinances and resolutions for the government thereof are strictly enforced and obeyed, and that all employees of the Fire Department are properly regulated and disciplined. Under the direction of the Jackson Township Board of Trustees, the Chiefs shall have control of stationing and transfer of all firefighters and other officers and employees constituting the Fire Department.

In the absence of the Fire Chief, for whatever reason, the Deputy Fire Chief or the next highest-ranking Battalion Chief or subordinate officer shall have the powers of the Fire Chief, and shall act in such capacity.

# Section 1

## PROBATIONARY PERIOD

### NEWLY HIRED PROBATION

Every newly hired employee will be required to successfully complete a **one-year probationary period**. The probationary period for new employees will begin on the first day for which the employee receives compensation from the Township. A newly hired probationary employee may be terminated at will and without just cause at any time during his probationary period.

### NEWLY PROMOTED PROBATION

Any employee promoted to a higher rank (Lieutenant, Captain or Battalion Chief) will be required to successfully complete a **one-year probationary period** in the newly appointed or promoted position.

The probationary period for a newly promoted employee shall begin on the effective date of the promotion. Newly promoted employees will be evaluated during the probationary period. A newly promoted employee who evidences unsatisfactory performance may be returned to his former classification at will at any time during the probationary period.

Any period of continuous absence by a probationary employee exceeding ten (10) working days, shall result in such employee's probationary period being extended by such absence.

# Section 2

## PROMOTIONS (Lieutenant and Captain Promotional Process)

**VACANCY DETERMINED** \*policy revised, See Res#2018-101, November 27, 2018

The Fire Chief shall not be required to fill any position, unless and until the Board of Trustees first determines that a permanent vacancy exists in that position. Positions of responsibility for Lieutenant and Captain shall be considered "promoted ranks". Positions for Battalion Chief, Deputy Fire Chief and Fire Chief shall be considered "appointed positions" at the discretion of the Board of Trustees. In the absence of any appointed position, the Board may fill such vacancy by an "acting appointment." Vacancies in the promoted ranks shall be filled by an assessment or examination and any other job-related considerations such as: work history, qualifications (including past disciplinary records), experience, performance evaluations, interviews, seniority, etc. Appointed positions are at the sole discretion of the Township Board of Trustees.

### PROMOTION NOTICE –APPLICATION PERIOD

The Township will post a Notice of Promotional Testing for a reasonable period of time to collect letters of intent from applicants.

## **PROMOTIONAL ELIGIBILITY – TIME IN RANK** \*policy revised, See Res#2018-101, November 27, 2018

To be eligible for promotion to the rank of Lieutenant, an employee shall have served a minimum of five (5) years of continuous full-time employment with Jackson Township in the rank of firefighter as of the posting date. To be eligible for promotion to the position of Captain, an employee shall have served a minimum of one (1) year of continuous full-time employment with Jackson Township in the rank of Lieutenant as of the posting date. A certification as an Ohio paramedic is preferred, though not required, for being eligible for promotion.

## **PROMOTION PROCESS**

The promotional process will consist of four steps as listed below:

### **1. Performance Indicator Assessment**

The performance indicator assessment will consist of an independent third party evaluation administered by PD Services to evaluate the candidates in critical areas of judgment and aptitude determined necessary for a promoted rank.

### **2. Work History** \*policy revised, See Res#2018-101, November 27, 2018

The candidates work history will be evaluated based on personnel files, training records and evaluations. At the conclusion of Steps 1 & 2, the top 12 candidates will move forward with the Chief's interview.

### **3. Chief's Interview**

The Fire Chief will convene a panel interview with persons appointed by the Fire Chief. The interview will assess the candidates' ability to make decisions and judgments pertaining to emergency operations, personnel issues, customer service and knowledge of Department SOGs and Township policies.

### **4. Trustee Interview** \*policy revised, See Res#2018-101, November 27, 2018

When the Board of Trustees determines a vacancy exists in the rank of Lieutenant or Captain, the top three candidates recommend by the Fire Chief will participate in an interview with the Trustees.

## **ELIGIBILITY POOL or LIST (replaces former procedure known as "Rule of 3")** \*policy revised, See Res#2018-101, November 27, 2018

After successfully completing the three steps in the promotional process, candidates will be placed into an unranked, alphabetical listing known as the "eligibility pool" for use as "Acting Officers" until such time as a promotion vacancy is determined. The Township Board of Trustees reserves the right to promote any employee from the eligibility pool. There shall be no presumption, right, or entitlement to priority of hire from the eligible candidates as the selection is entirely the sole discretion of the Board of Trustees, based upon the Board of Trustees' independent review and the recommendations of the Fire Chief. In the event that no candidate in the eligibility pool is recommended for promotion, a new promotion list may be prepared by the Board of Trustees.

## **TWO-YEAR ELIGIBILITY LIST**

The Township shall make a reasonable effort to maintain a current promotional eligibility list, for the ranks of Lieutenant and Captain. The eligibility lists will be valid for as long as determined practical by the Fire Chiefs, generally for a period not to exceed two years from the date the pools is initially established. In the absence of a current eligibility pool, the Township may continue to refer to the previously expired list for the use of acting officers on a rotation basis. For a long-term or permanent vacancy of an officer's position, the Township may elect to assign

an acting officer on a semi-permanent basis (foregoing rotation) in order to achieve a more consistent environment for that position.

## Section 3

# DEMOTIONS

### **VOLUNTARY DEMOTIONS**

When deemed beneficial and in the best interest of the Township by the Board of Trustees, the Board may grant a voluntary request for demotion. Whenever an employee with permanent status requests and is granted a voluntary demotion, the employee's rate of pay shall be at the top step in the next lower classification to which the employee was demoted. (For example: a Captain demotion would be to top Lieutenant, a Lieutenant demotion would be to top Firefighter, etc.)

### **DISCIPLINARY DEMOTION**

Whenever an employee is demoted for disciplinary reasons, the employee will be paid at the top step in the next lower classification to which such employee was demoted. (For example: a Captain demotion would be to top Lieutenant, a Lieutenant demotion would be to top Firefighter, etc.)

### **RE-APPOINTMENT**

Whenever an employee is reappointed to a position in a class where the employee previously held permanent status, the employee's rate of pay shall be the step in the range at which the employee was paid at the time of separation.

### **OFFICER ABOLISHMENT**

Whenever an officer is demoted due to an abolished position, the demoted officer will be given the option of taking the next position of promotion of previous rank for a period of two (2) years from the date of demotion.

## Section 4

# LAYOFF & RECALL

### **REVERSE SENIORITY**

In the event a layoff or job abolishment in the firefighter classification is necessary, part-time employees shall be laid off before any full-time firefighters. Layoff among full-time firefighters shall occur in the order of reverse seniority.

### **RECALL LIST**

Employees laid off shall be placed on a recall list for a period of two (2) years. Employees who are on the recall list shall be recalled in the inverse order of their layoff. No new employees will be hired either full-time or part-time until all of the employees on the recall list have had an opportunity to return to full-time employment with the Township, or the two (2) year period for the recall list expires.

## **LAYOFF NOTICE**

The Township shall provide an employee who is laid off with Notice of said action. This Notice is to be sent by certified mail, return receipt requested, to the employee's home address on record or hand delivered to the employee such that the Notice is received on or before the fourteenth (14) day prior to the layoff or displacement action. If the Notice is hand delivered, the recipient shall sign a receipt for the same. The Notice shall contain the following information:

- A. The reason or reasons for the layoff;
- B. The effective date of the layoff;
- C. A listing detailing the employee's seniority in relation to other employees;
- D. A statement advising the employee of reinstatement rights;
- E. A statement advising the employee to maintain current mailing address with the Fire Department.

## **WAGES & LEAVE BALANCES PAID**

At the time of the layoff, affected employees shall be paid their unpaid wages due in the pay period in which the layoff occurs, plus the monies due them for all unpaid leave balances per the terms of this Handbook at the option of the employee.

# Section 5

## **SENIORITY**

### **SENIORITY DEFINED**

Seniority shall be defined and computed on the basis of uninterrupted length of continuous full-time service as a firefighter in the Jackson Township Fire Department. Ties in seniority with other employees are reconciled by the recommendations of the Fire Chief and acceptance by the Board of Trustees. Seniority is based on the employee's initial date of full-time hiring as a firefighter with the Jackson Township Fire Department.

### **CONTINUOUS SERVICE**

Continuous service shall be deemed broken when an employee resigns, is discharged, retires or fails to timely return to work after an approved leave of absence. Approved regular and/or special leaves of absence, vacations, medical leaves, etc. will not negatively affect the term of an employee's seniority and shall not be deemed a break in continuous services provided the employee follows proper procedures for such leave and returns to active service following the expiration of the approved leave.

### **SENIORITY LIST**

The Township will maintain a [Seniority List, and shall make such List available on the department's network server.](#)

### **SENIORITY APPLICABILITY**

The definition and use of Seniority is applicable to the following traditional practices and policies of the Jackson Township Fire Department: Promotion, Probation, Demotion, Layoff & Recall, Mandatory Overtime, Wages, Longevity, Vacation, Holiday and Special Leaves of Absence.



# Section 6

## HOURS OF WORK

### **NORMAL WORK HOURS**

#### **56-HOUR/WEEK UNIT ROTATION SCHEDULE**

Work schedules for employees assigned to the Fire Department Units will be arranged such that the average work week is a fifty-three (53) hours per week, consisting of twenty-four (24) consecutive on-duty hours followed by forty-eight (48) consecutive off-duty hours.

#### **40- HOUR/WEEK DAY SCHEDULE**

Work schedules for employees assigned to the Fire Department day schedule will be arranged to consist of a forty (40) hour work week consisting of either Five (5) Eight (8) hour work days, or Four (4) Ten (10) hour work days at the discretion and approval of the Fire Chief.

### **TRAINING ACTIVITIES**

If an employee undergoes training during the work week that would otherwise conflict with his normal work schedule, the employee may be placed on a schedule that accommodates such training. If, as a result of such training, the employee is entitled to overtime compensation in accordance with the Fair Labor Standards Act, such employee will receive that overtime pay.

### **NORMAL WORKDAY EXPECTED**

The workday for all employees assigned to a normal fifty-three (53) hour work schedule will begin at 0800 hours. Forty (40) hour employees' workday, unless otherwise agreed upon by the employee and the Fire Chief, will begin at 0800 hours. The Fire Chief reserves the right to change duty cycles as deemed operationally necessary for the function of the Fire Department.

### **PERSONAL TIME**

Hours after 1600 Monday thru Friday and after 1200 hours on Saturday, Sunday and Holidays are considered "personal time" for firefighter employees. Personal time will not interfere with or interrupt normal Fire Department operations, including the answering of emergency calls or performing the necessary duties required of the job.

### **MEAL BREAKS PROVIDED**

No employee shall be charged with loss of time due to meals; personnel assigned to the 40-hour Day schedule are required to have a minimum of ½ hour lunch break.

### **INTER-DEPARTMENTAL TRANSFER NOTICE**

When the Fire Department deems it necessary to involuntarily transfer an employee from one unit to another, the affected employee will receive at least fourteen (14) days advance notice. When an employee is transferred from one unit to another, the employee will be given a minimum of forty-eight (48) consecutive hours off duty before being required to begin working his new assignment.

# Section 7

## TRADE TIME

### **TRADE PRIVILEGES PERMITTED**

The trading of time between members of the Fire Department working different duty shifts may be permitted. The trading of time is a privilege – Not a Right – and may be granted at the discretion of the Fire Chief. No employee will, except at the discretion of the Fire Chief for emergency circumstances, be allowed to work more than forty-eight (48) duty hours in a seventy-two (72) hour period. All requests for trades shall be submitted through the chain of command to the Battalion Chief, on the approved [Trade Form](#). Any disapproval of a trade will be accompanied by a written explanation.

### **EXCHANGE OF MONEY PROHIBITED**

Trades will be repaid on an hour for hour basis. The exchange of money or any other form of compensation to re-pay a trade (other than actual hours worked) is prohibited.

### **MAXIMUM TRADE TIME BALANCE**

The maximum balance an employee may owe for accumulated trade time is 216 hours. Trades that would cause an employee's accumulated trade time balance to exceed 216 hours will not be permitted. The maximum balance for accumulated trade time may be waived by the Fire Chief in exceptional circumstances, such as a career threatening injury or illness, in which employees choose to donate an extra work shift for an affected co-worker and receive no compensation of any kind.

### **BALANCES MAINTAINED BY TOWNSHIP**

Employees will report any discrepancies in their trade time balances through the chain of command to the Fire Chief. The Division of Fire will maintain accumulated trade balances.

# Section 8

## OVERTIME

### **FAIR LABOR STANDARDS ACT (FLSA)**

ORC 4111.03 Overtime.

(A) An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's wage rate for hours worked in excess of forty hours in one workweek, in the manner and methods provided in and subject to the exemptions of section 7 and section 13 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended.

(B) If a county employee or township employee elects to take compensatory time off in lieu of overtime pay, for any overtime worked, compensatory time may be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior within one hundred eighty days after the overtime is worked.

(C) A township appointing authority or a county appointing authority with the exception of the county department of job and family services may, by rule or resolution as is appropriate, indicate the authority's intention not to be bound by division (B) of this section, and to adopt a different policy for the calculation and payment of overtime than that established by that division. Upon adoption, the alternative overtime policy prevails. Prior to the adoption of an alternative overtime policy, a township appointing authority or a county appointing authority with the exception of the county department of job and family services shall give a written notice of the alternative policy to each employee at least ten days prior to its effective date.

#### Compensatory Time (Draft)

The Federal Fair Labor Standards Act (FLSA) requires that most employees be paid overtime at the rate of one-and-one-half times their regular hourly rate for all hours worked over 40 per week. These employees are non-exempt for FLSA purposes.

Some executive, professional, and administrative employees are exempted from that FLSA requirement.

#### **Non-Exempt Employees (Overtime Eligible)**

- 1) FLSA non-exempt employees having a regularly scheduled work week of less than 40 hours shall be compensated at their regular rate of pay (straight-time) for required work in excess of their regularly scheduled workweek through 40 hours of work and at one-and-one-half (1-1/2) times their regular rate for overtime worked in excess of 40 hours.
- 2) Are paid overtime for hours actually worked in excess of forty (40) hours per work week.
  - a. Paid holidays are the only paid time off that does count toward the hours accumulation for overtime calculations.
- 3) Require prior approval by the agency director or designee to work more than 40 hours per work week; unless circumstances prevent obtaining approval.
  - a. Unapproved overtime will be paid; however, you may be disciplined for putting that obligation on the Board of Trustees without prior approval.
- 4) May elect compensatory time in lieu of overtime.
  - a. 1 ½ hours of comp time is given for every hour worked in excess of 40 hours per work week.
  - b. Time must be used within 180 days after being earned or it will be converted to overtime and paid to you.
- 5) Non-safety force employees may not exceed the maximum accrual cap of eighty(80) hours. Safety forces employees may not exceed the maximum accrual cap of one hundred (100) hours.
- 6) The appointing authority may, at its sole discretion, require an employee to use his compensatory time prior to the employee reaching the one hundred eighty (180) day accrual limit.
- 7) The Appointing Authority may choose to pay out an employee's compensatory time. If an employee's compensatory time is paid out, the employee shall receive payment at the employee's regular rate of pay at the time of payment.
- 8) Will be paid for any compensatory time balance when they leave Township employment.

### **Exempt Employees (Overtime Ineligible)**

- 1) Receive 1 hour of administrative leave for each hour worked over eighty (80) hours in a pay period.
- 2) May accumulate and use up to 80 hours per calendar (accumulation) year.
- 3) May take administrative leave
  - a . Only taken with approval from your supervisor (as evidenced by an approved Request for Leave form).
- 4) Can carry forward unused, accumulated administrative leave to the next calendar year
  - a. Any balance carried forward reduce the amount you can accumulate in the current calendar year to achieve your 80 hour maximum.
- 5) Will not be paid for hours which are not utilized.
  - a. No payment is made when the overtime-ineligible employee leave the employment of the Township.
- 6) Will start a balance of zero (0) if re-employed with the Township after having separated with an unused balance of administrative leave.
- 7) May take their administrative leave balance with them to another exempt position in a Township agency.

### **REGULAR RATE**

The term "Regular Rate" of pay shall be defined by the Fair Labor Standards Act as the base salary plus the amount of payment for all non-discretionary bonuses (ie, longevity, professional certifications, education degree bonus, etc.) to which an employee is entitled. This term shall not be confused, nor is it the same as the "Base Hourly Rate" as shown on the Wage Chart in Section 19

### **BASE HOURLY RATE**

Refer to the Wage Chart in Section 19, this is an hourly rate of pay figure determined from the Base Pay / 2,756 hours. Base Hourly Rate is used to calculate the base pay as well as for the payout of annual leave cash-in values.

### **COMPENSABLE HOURS** (Revised Aug. 16, 2011, Res. #2011-104)

For the purpose of calculating FLSA overtime compensation, such compensation shall be based upon all hours for which an employee is paid in a given work period, notwithstanding the fact that the employee may not have actually worked all such hours due to being in a paid Leave status. For this purpose, hours in paid Leave status shall include hours spent in the following approved Leaves: Military Leave, Funeral Leave, Jury/ Witness Leave, Holiday Leave, Injury Leave, Sick Leave and Vacation Leave. In other words, only those approved Leaves of absence listed herein shall be considered as hours worked when computing an employee's entitlement to overtime compensation. An employee also shall be entitled to overtime compensation for all hours he or she is required to work beyond his or her normal regularly scheduled work hours.

### **MINIMUM CALL-IN HOURS**

When an employee is called back to work by the Fire Chief or his designee at a time not abutting his or her regularly scheduled shift hours, he or she shall be paid a minimum of Two (2) hours at his or her appropriate regular rate of pay. Such minimum call-in guarantee shall be paid at the employee's overtime rate when the employee is thereby placed in the overtime status.

### **HOLIDAY OVERTIME ("DOUBLE TIME")**

When an employee works overtime on any of the days recognized as Holidays, the employee shall be paid at a rate of Two (2x) times their regular hourly rate. For the purpose of calculating overtime, Holidays shall begin at 0800 hours on the officially recognized date of the Holiday, and end at 0800 hours the following day.

### **PAYMENT FOR STAND-BY STATUS**

When an employee is placed in an "on call or standby status" for any purpose including, but not limited to, representing the Township as a subpoenaed witness, the employee shall be compensated at the rate of \$2.00 per hour for all hours spent in such status.

### **OVERTIME GUARANTEE**

When an employee is called in for a specified number of hours in overtime status, the employee is guaranteed to work those specified hours, unless the employee elects not to work the full number of called overtime hours and adequate manning is available, in which case the employee will be paid only for the overtime hours he or she works.

### **COMPENSATORY TIME ALLOWED**

When deemed in the best interest of the Township, the Fire Chief may allow employees assigned to the 40-hour day shift to accrue Compensatory Time at the rate of 1 ½ times the hours worked. Compensatory Time must be used within (1) one year from the date it was earned else such time is forfeited. Compensatory Time can not to be returned to a cash equivalency.

# Section 9

## LEAP DAY

### LEAP DAY SCHEDULING

Leap day will be divided into 3 platoon shifts of eight (8) hours each.

The following illustration is provided as an example:

February 28	One Unit	0800-0800 hours
February 29	One Unit	0800-1600 hours
February 29	Two Unit	1600-2400 hours
February 29	Three Unit	2400-0800 hours
March 1	Three Unit	0800-0800 hours

### OVERTIME RATE PAID FOR LEAP DAY

All employees working leap day will be compensated for eight (8) hours at time and one half pay. Employees who are off on approved paid Leave (sick leave, vacation, personal time, holiday time, injury Leave, etc.) on the day designated as leap day will not be charged for the time that is being taken, nor will they be entitled to any overtime compensation for the day.

# Section 10

## WORKING OUT OF CLASS

### PAYMENT FOR HIGHER RANK (Updated 4/8/14, Res. #2014-35, 8/26/14, Res. #2014-88)

Any employee who is assigned by the Fire Chief or Battalion Chief to the duties of a higher rank (Lt., Capt. or Battalion Chief) above that which he presently holds, will be paid at the entry-level hourly base rate of pay for the higher rank for the number of hours required or assigned. An employee so acting will be paid hour for hour in any single assignment in such rank. Any employee who is eligible via the promotional list will be obligated to work out of class. However, the Fire Chief, for cause, may restrict the employee's obligation to work out of class. Out of class pay is intended to be used only for unit personnel.

# Section 11

## TUITION REIMBURSEMENT

Revised March 13, 2012, Res. 2012-31

The Jackson Township Board of Trustees recognizes the value of education that makes employees more productive to the Department and the Community. Accordingly, the Board may provide reimbursement on a case-by-case basis for advanced degrees under the following guidelines.

1. An employee who wishes to pursue an advanced degree must receive a written recommendation from the Fire Chief and written approval by the Board of Trustees.
2. Approval will only be for programs directly related to Fire Science, Fire Engineering or EMS, and determined by the Board to be of benefit to the Township and the Community.

3. Reimbursement is only provided after course completion earning a grade of C or better, and will be required to submit documentation consisting of course completion transcripts and paid receipts.
4. Reimbursement will be limited to 75% of the current credit hour cost at Columbus State Community College (i.e., as of May 2016 the CSCC rate is \$135.93/semester credit hour = \$101.95/semester hour at 75% reimbursement). This rate is for illustration purposes only and subject to change by Columbus State Community College. (Sect. updated Aug. 14, 2012, Res. #2012-89)
5. An employee receiving approval for an advanced degree will commit to employment with Jackson Township for at least five (5) years after graduation otherwise reimbursements previously paid will be paid back to the Township or subtracted from severance pay.
6. Once approved, an employee will continue their education at a steady pace, and if terminating their employment while enrolled in higher education, the employee will reimburse the Township for any tuition costs previously paid at the discretion of the board.
7. An employee who stops attending courses for more than six (6) months will be required to re-apply for Board approval before receiving any further reimbursements.
8. Under the provisions of this benefit, an employee is limited to one (1) advanced degree and tuition reimbursement is capped at \$4,000/lifetime.

### **EDUCATION DEGREE BONUS**

Only those full-time employees hired fulltime prior to January 1, 2012, are eligible for an education degree bonus for earning an advanced degree. Such employees earning at least, but not limited to, an Associate Degree in Fire Science Technology and/or Emergency Medical Services Technology (and/or any other program approved by the Township for this pay supplement) from an accredited institution will receive a maximum education degree bonus in the amount of \$1,300.00 paid in March of each year by direct deposit for the prior 12-months; may be pro-rated by the Fire Chief depending on graduation date.

## **Section 12**

### **UNIFORMS** \*increased allowance amounts in 2015

#### **UNIFORMS PROVIDED UPON HIRE**

All newly hired firefighters will receive a full complement of required uniforms at the time of hire at no cost. Required uniforms and reimbursement or purchase procedures are described more fully in [Departmental SOGs](#), and include station wear and bunker gear. The Fire Chief has the authority to limit uniform reimbursements to twice per year, absent emergencies, as described in [Department SOGs](#). Starting in 2015, the maximum annual reimbursements for uniforms is \$750.00 for Full-time Firefighters, and \$375.00 for Fire Techs.

#### **RETURN AT SEPARATION**

Upon separation from employment, employees shall return to the Division of Fire all turnout gear, equipment and other required or issued items.

#### **REIMBURSEMENT AT SEPARATION**

Any employee (full-time or part-time) who leaves the employment of Jackson Township within one (1) year from the date of hire will provide the Township with pro-rated reimbursement for

uniforms initially provided. For example, if an Employee separates from the Township after 9 months of employment, such Employee shall reimburse the Township 3/12ths (25%) of the total costs of uniforms initially provided.

## Section 13

# EMPLOYEE PHYSICALS

### **MEDICAL TESTING REQUIRED**

The Township has the right to maintain a systematic medical testing program for its employees to determine their physical fitness and to evaluate whether the employee is suffering an illness or injury. The program shall, to the extent possible, be carried out during normal working hours without cost to the employee.

- Employees up to age twenty-five (25) shall receive a comprehensive medical evaluation and a hearing test once every three (3) years.
- Employees over age twenty-six (26) shall have a comprehensive medical evaluation that includes: an EKG w/ interpretation, a non-physician stress test, comprehensive blood work including testing for Hepatitis B, PSA (as required), Metabolic w/ lipid profile and CBC, a pulmonary function test, and a hearing test once every two (2) years.

If, in the opinion of the attending physician, a *“physician administered”* cardiac stress test is necessary, then one shall be provided to the affected employee, regardless of age. The Township will also provide Tuberculosis Mantoux 2-step inoculations as well as flu vaccines annually without cost to employees. Employees maintaining a Hazardous Materials Technician Certification and actively involved with Hazardous Materials response will be tested annually for levels of Lead, Mercury and Arsenic within the blood. All employees shall submit to a respirator fit testing annually as well as an annual TB skin test.

### **EMPLOYEE’S SECOND OPINION EXAMINATION**

If an employee has undergone a physical examination by a Township appointed physician pursuant to a medical surveillance program and the employee is not satisfied with the report, or if the report may adversely affect the employee’s employment, the employee may, within thirty (30) calendar days, have a competent physician of his own selection conduct an independent examination at the employee’s own expense, with a copy of the report to be furnished to the Township. The Township reserves the right to schedule an Independent Medical Examination (IME), for a third opinion.

### **MEDICAL RECORDS CONFIDENTIALITY**

Unless otherwise provided by law, an employee’s medical records shall remain confidential between the employee and the attending physician except where the medical information is relevant to disability or injury leave, Worker’s Compensation or insurance benefits, or is relevant to a dispute between the Township and the employee in which case, the Township has full access to all such records. Employee’s medical records are confidential and will be maintained in a file, which is separate from the Employee’s personnel file.



# Section 14

## HOLIDAYS

Fulltime uniformed employees shall be entitled to the number of hours of holiday credit hereinafter stated for each of the following legal holidays:

1	New Year's Day	6	Labor Day
2	Martin Luther King Day	7	Columbus Day
3	Presidents' Day	8	Veterans' Day
4	Memorial Day	9	Thanksgiving Day
5	Independence Day	10	Christmas Day

Additionally, full-time firefighters will be credited with "Floating Holiday Time" as follows:

Upon initial employment	8 hours
After 1 year	16 hours
After 2 years	24 hours

### HOLIDAY CREDIT STARTS ON JANUARY 1<sup>st</sup>

An employee qualifying for holiday time on January 1<sup>st</sup> shall be credited with the applicable number of holiday credit hours for the holidays listed in which time shall accrue on a calendar year basis and be credited on each January 1<sup>st</sup>. Notwithstanding the foregoing, an employee who first qualifies for holiday time other than on a January 1<sup>st</sup> shall only be credited for those holidays remaining in that calendar year during which such employee first qualifies for holiday time, with this time to be credited on the first day following the day on which employee qualifies for holiday time. The number of holiday hours to be credited to qualified employees will be based upon the work week to which the employee is assigned and shall be as follows: for a fifty-three (53) hour work week, twelve (12) hours per holiday; and for a forty (40) hour work week, eight (8) hours per holiday.

### LEAVE SCHEDULED IN ADVANCE

Holiday time shall be scheduled in advance with the approval of the Fire Chief or his designee and shall be taken initially in a two (2) hour increment with succeeding increments of one (1) hour. When holiday time is used, it shall be deducted from the employee's credit on the basis of one (1) hour for every one (1) hour of absence from previously scheduled work.

### HOLIDAY LEAVE CASH-In and CARRYOVER BALANCE (Revised Aug. 16, 2011)

Employees shall have the option of cashing-in all hours of unused holiday time accrued during the calendar year. Such payment shall be made by the last payday in February of the following calendar year calculated at the value of the employee's base hourly rate at the close of each calendar year and is considered pensionable by OP&F. **Alternatively, unused or unneeded holiday time can be cashed-in as needed at the discretion of the employee between March and December at the base hourly rate in effect at such time.** **Uniformed employees may elect to carryover a maximum of 150 hours of combined leave (vacation and/or holiday) in-lieu of cashing-out such time.** A uniformed employee shall demonstrate use at least 120 hours of leave if scheduled to the 53-hour work week or a minimum of 80 hours if on a 40-hour work week to be eligible to cash-in or carryover unused time.

If an employee is credited with holiday time and subsequently leaves the employ of the Township, then all holiday time representing those hours for holidays occurring after such break in service shall be forfeited without compensation or payment thereof. In the event the employee has used all or any portion of such time prior to his break in service, then the time so used shall be deducted from any other monies owed the employee, and each employee hereby authorizes this deduction and shall sign a proper authorization in favor of the Township reflecting this authorization.

### **FLOATING HOLIDAY LEAVE IS PRO-RATED**

A newly hired employee shall only be entitled to a pro-rated portion of the applicable number of floating holiday hours based on which such employee is hired. The employee shall be credited with the applicable amount on the first day of the first full calendar month following such employee's employment. For example, if an employee is hired on March 15 of any given year, then on April 1, the employee would be credited with nine-twelfths (9/12ths) of the applicable number of floating holiday hours. In this example the employee would be entitled to be credited with six (6) of floating holiday time on April 1 of his year of hire ( $9/12 \times 8 = 6$  hours).

### **HOLIDAY LEAVE BALANCE AT SEPARATION**

Upon separation from employment for any reason, the employee or his estate shall be paid at his current base hourly rate for all earned unused Holiday Leave that is due. Unlike vacation or sick leave, all Holiday Leave is considered pensionable by the Ohio Police & Fire Pension Fund.

## **Section 15**

# **VACATION LEAVE**

### **VACATION ACCRUAL & USE**

Annual vacation leave is earned on a per-pay period basis as illustrated in the tables below. No newly hired firefighter shall be entitled to annual vacation leave until the completion of the first calendar year of service.

### **VACATION LEAVE REQUIRED**

All uniformed employees are required to use a portion of their Annual Vacation Leave each year. Unit employees shall use a total amount of paid time off (to be combined from among Vacation, Holiday and Personal Leave) for a minimum of (120) hours; Prevention Bureau or other 40-hour work week employees shall use a minimum of 80 hours paid time off each year (combined from among Vacation, Holiday and Personal Leave).

### **VACATION CASH-IN / CARRYOVER BALANCE** (Revised Aug. 16, 2011)

Any unused vacation time can be converted to pay at the end of the year at the base hourly rate that was in effect on December 31<sup>st</sup> of the preceding year. Annual cash-out of vacation leave is payable by the last pay day in February. **Alternatively, unused or unneeded vacation leave can be cashed-in as needed at the discretion of the employee between March and December at the base hourly rate in effect at such time.** Uniformed employees may elect to carryover a maximum of 150 hours of combined leave (vacation and/or holiday) in-lieu of cashing-out such time. A uniformed employee shall demonstrate use of at least 120 hours of leave if scheduled to the 53-hour work week or a minimum of 80 hours if on a 40-hour work week to be eligible to cash-in or carryover unused time. Vacation leave cash-in is **NOT pensionable** by the Ohio Police & Fire Pension Fund.

**ACCRUAL RATES**

Annual Vacation Leave is earned dependent upon length of service as shown in the Table below:

53 Hour UNIT Schedule			40 Hour Week Schedule		
From 0-1 year	120 hrs	4.62 hrs/pay	From 0-1 year	80 hrs	3.08 hrs/pay
After 1 year	120 hrs	4.62 hrs/pay	After 1 year	80 hrs	3.08 hrs/pay
After 8 years	192 hrs	7.38 hrs/pay	After 8 years	120 hrs	4.62 hrs/pay
After 15 years	264 hrs	10.15 hrs/pay	After 15 years	160 hrs	6.15 hrs/pay
After 20 years	312 hrs	12 hrs/pay	After 20 years	200 hrs	7.69 hrs/pay
After 25 years	360 hrs	13.85 hrs/pay	After 25 years	240 hrs	9.23 hrs/pay
<i>53 Hr Shift, 1 Day = 24 Hours</i>			<i>40 Hr Schedule, 1 day = 8 hours</i>		

**VACATION CONVERSIONS**

In the event an employee is reassigned from a Unit to a forty (40) hour week schedule, or vice-versa, then remaining vacation time shall be converted and credited to the employee as appropriate.

# Section 16

## SICK LEAVE

**SICK LEAVE ACCRUAL RATES**

Employees assigned and working the 53 hour unit rotation schedule shall accrue paid Sick Leave at the rate of eighteen (18) hours per month for each completed month of service which rate amounts to (216) hours per year or (8.31) hours for each of the Township’s 26 pay periods. Employees assigned and working the 40 hour day schedule shall accrue paid Sick Leave at the rate of ten (10) hours per month for each completed month of service which rate amounts to (120) hours per year or (4.6) hours for each of the Township’s 26 pay periods.

**RETURN TO DUTY CLEARANCE REQUIRED**

For employees assigned to the 53 hour Unit rotation schedule, an illness or injury requiring more than (1) one “duty day” of Sick Leave shall require a medical certificate from a licensed physician to verify the use of Sick Leave and to clear the employee’s return to duty. Employees assigned to the 40 hour day schedule shall be required to provide a medical certificate from a licensed physician to verify the use of Sick Leave and to clear the employee’s return to duty for any use of Sick Leave over three (3) consecutive work days.

**Short-Term Sick Leave**

For employees assigned to the 53-hour unit schedule, an illness/injury requiring more than one (1) duty day of sick leave but less than three (3) duty days shall be required to get a medical excuse from their physician in order to return to full duty. If assigned to the 40-hour day schedule, an illness/injury of the employee lasting more than three (3) duty days but less than five (5) duty days shall be required to get a medical excuse from their physician in order to return to full duty. This excuse can be on a form from the physician’s office. Note: a “[Return to Duty Clearance Form](#)” is not required to document short-term sick leave use.

## **Long-Term Sick Leave**

Proof of medical treatment, which includes the department's [Long Term Sick Leave Form](#) and [Minimum Job Requirement Form](#), shall be filled out for any illness/injury requiring more than 72 consecutive hours (3 duty days for 53-hour unit personnel) or more than 40 hours (5 work days for 40-hour day personnel). Such proof shall indicate type of illness/injury and days of leave and medical treatment by the employee's physician at the employee's expense using the [Long Term Sick Leave Form](#) and the [Minimum Job Requirement Form](#) located on the department's network server.

## **FUNCTIONAL CAPACITY EVALUATION – FITNESS FOR DUTY DETERMINATION**

At the discretion of the Township, employees who are absent due to an off-duty injury/illness for an extended period of time that may prohibit normal work performance, may be required to report to the Township's physician for a Functional Capacity Evaluation (FCE) / Independent Medical Examination (IME) to determine his/her ability to return to full duty and perform the physical demands of their job. Such examination to be scheduled and paid for by the Township and will be in addition to proof of prior medical treatment from the employee's own physician.

## **EMPLOYEE'S SECOND OPINION EXAMINATION**

If an employee has undergone an FCE / IME examination by the Township's physician and the employee is not satisfied with the report, or if the report may adversely affect the employee's employment, the employee may have a competent physician of his/her own selection conduct an independent examination at the employee's own expense, with a copy of the report to be furnished to the Township. The Township reserves the right to schedule an Independent Medical Examination (IME) for a third opinion to determine the employee's ability to return to full duty.

## **ADMINISTRATIVE LEAVE FOR EXAMINATIONS** (Revised Sept. 13, 2011 Res. #2011-112)

Any employee scheduled for, or awaiting the results, of such initial or subsequent IME/FCE examinations will be provided up to a maximum of two(2) weeks (i.e. fourteen(14) calendar days) of paid Administrative Leave pending the results of such examinations. If the employee is unable to obtain return to duty clearance following the Administrative Leave, then Sick Leave or other accumulated leave balances shall be used until cleared for return to full duty, or to accommodate the time while awaiting disability retirement from the respective pension boards.

## **ANNUAL CASH-IN BONUS**

Employees may elect to either "cash-in" or defer to the Ohio Deferred Compensation Program the monetary value of accumulated but unused Sick Leave up to a maximum of (240) hours of such accumulated, unused Sick Leave, provided they have unused Sick Leave in excess of a (500) hour minimum balance. For those unused, accumulated hours over the (500) hour minimum balance, the hours may be converted to a cash equivalent at the rate of 33% (one hour's base pay for every 3 hours Sick Leave). The maximum annual cash out of Sick Leave will not exceed 80 hours of base pay (240 hrs / 3 = 80 hrs). The Sick Leave bonus is payable at the end of each calendar year at the base hourly rate of pay then in effect. The deferral of the cash equivalence of these hours would be subject to the rules and provisions of the Ohio Deferred Compensation Program. Cash-in of Sick Leave is **NOT pensionable** by the Ohio Police & Fire Pension Fund.

## CONVERSION AT SEPARATION OR RETIREMENT

Compensation for accrued but unused Sick Leave balances will be paid in the event of separation or retirement from employment. Payment for accrued, unused Sick Leave is dependent upon when such time was earned and payment shall be based upon the employee's base hourly rate of pay at the date of separation.

### OLD SICK TIME (Sick Leave earned and on-account prior to 5/1/1999)

Sick Leave earned and accumulated in the Employee's Sick Leave account prior to May 1, 1999 shall be treated as "Old Sick time" with a conversion formula as follows: First 250 hours (6:1), Hours from 251 to 1,500 (4:1), Hours from 1,501 to 3,000 (3:1) and any hours in excess of 3,000 would be converted at (2:1). However, in no case, will the number of these converted hours that were on-balance prior to May 1, 1999 exceed 1,650. (4,800 total Sick Leave hours).

### NEW SICK TIME (Sick Leave earned since 5/1/1999)

Sick Leave earned and accumulated since May 1, 1999 will be paid based at a conversion factor of 20% (one hour's pay for every five hours of accumulated Sick Leave)

**Conversion Example:** A firefighter making \$20.00/hour separates from employment with accumulated and unused Sick Leave balances of 500 hours "New Sick Leave" and 3,500 hours "Old Sick Leave".

Conversion Steps	Hours	Conversion Ratios	Converted Hours	Dollar Value
New Leave	500	(5:1) 20%	100	\$2,000.00
Old Leave 1 <sup>st</sup> Step	250	(6:1) 16.7%	41.67	\$833.40
Old Leave 2 <sup>nd</sup> Step	1,250	(4:1) 25%	312.5	\$6,250.00
Old Leave 3 <sup>rd</sup> Step	1,500	(3:1) 33%	500	\$10,000.00
Old Leave 4 <sup>th</sup> Step	500	(2:1) 50%	250	\$5,000.00
<b>TOTALS</b>	500 New 3,500 Old		100 New 1,104.17 Old	<b>\$24,083.40</b>

## SURVIVOR'S BENEFIT

If an employee dies while in the employment of the Township, Sick Leave conversions shall be paid to his surviving spouse or if none, to his estate. This shall be paid no later than thirty (30) days following the employees' death. However, if an employee dies in the line of duty while responding to and performing emergency operations such as fire fighting, EMS, or rescue duties, the employee's estate shall receive payment for all accrued but unused Sick Leave hours at 100% payment.

# Section 17

## SUPPLEMENTAL PAY

The Township, recognizing the additional demands placed upon the positions of Paramedic and Fire Investigator establishes a wage supplement for Employees who maintain their certifications as paramedics or investigators. The amount of the wage supplement is dependent upon years of experience in these positions as listed below:

### Amount of Pay Supplements

Qualifying Event	Amounts Paid	
	Paramedic	Investigator
Upon Completion of initial training & certification, the employee shall receive a pro-rated amount as of June 1 <sup>st</sup>	\$900	\$900
After one (1) year of continuous service	\$1,300	\$1,300
After two (2) years of continuous service Calculated as 4.5% of top firefighter pay	See Wage Chart	\$1,750

### PRIOR EXPERIENCE CREDIT

Newly hired employees holding paramedic certifications may be provided service credit for the number of years experience they have obtained working within the emergency medical field prior to employment at Jackson Township Fire. Such credit for paramedic experience may afford an employee a higher level of paramedic pay supplement (upon initial hire) based upon a review and recommendation of the Fire Chief.

### LIMITATION ON PAY SUPPLEMENTS (Updated 4/8/14, Res. #2014-35)

No employee shall be eligible to receive more than one (1) pay supplement at any given time unless determined by the Fire Chief that the employee is actually fulfilling the duties of more than one position. The Fire Chief will annually certify a list of all employees eligible to receive paramedic and investigator pay supplements. Paramedics assigned to the Prevention Bureau shall be entitled to receive the medic bonus pay just as all other certified paramedics, and such amounts may be pro-rated per the table above.

### SUPPLEMENTS PAID ANNUALLY

Pay supplements will be paid annually in June of each year in a check separate from the employee's regular paycheck, and may be pro-rated by the Fire Chief depending on date of paramedic certification.

### SPECIAL ASSIGNMENT PAY (\*see Res. #2016-29, April 5, 2016)

Firefighters assigned to the day shift to perform special duties or assignments at the discretion of the Fire Chief, (and upon approval by the Township Administrator), may receive additional compensation depending on the length of term, duties, expectations and difficulties particular to such assignment. Special Assignment Pay may vary as follows:

Type	Illustrative Explanation	Assignment Pay Bonus
Level 1	Short Term, up to 1 year may include supervisory duties	+8% as shown in wage chart
Level 2	Long Term, with supervisory duties	+16% as shown in wage chart

# Section 18

## LONGEVITY PAY

### EMPLOYEE'S ANNIVERSARY DATE

On an Employee's anniversary date of continuous service with Jackson Township, each employee will receive a lump sum payment based on the following schedule:

After 5 years	\$ 500
After 10 years	\$ 600
After 15 years	\$ 700
After 20 years	\$1,000
After 25 years	\$1,500

The Township will ensure the lump sum payments are made on the payday falling closest to the employee's anniversary date and may be in a check separate from the employee's regular paycheck.

# Section 19

## WAGES

### CALCULATION OF BASE HOURLY RATE OF PAY

All full-time firefighter employees will have their base hourly rate of pay calculated upon 2,756 hours per year if assigned to a 53-hour unit rotation schedule and 2,080 if assigned to a 40-hour day schedule. Base hourly rates are as shown in the pay tables below and are to be used for the calculation of annual cash-in time (vacation, holiday or personal leave).

### STEP PROGRESSION

All full-time firefighter employees shall progress through the pay schedule at annual increments only upon the recommendation of the Fire Chief.

### PENSION FUND PICK-UP (See Resolution #2015-41, passed 4/21/15)

Starting in 2015, pick-up of the employee's 10% contribution will be phased-out as follows: June 2015, 4% benefit reduction shifted to employee, 6% paid by Township. June 2016, another 3% benefit reduction added, resulting in a 7% shift to employee, 3% paid by Township. June 2017, final 3% benefit reduction added, resulting in a full 10% shift to employee, 0% paid by Township. The shifted amounts will be included in base pay values corresponding to the Police & Fire Pension Fund reporting periods for the respective months of June for 2015, 2016 and 2017.

### PERFORMANCE BONUS

The Jackson Township Board of Trustees may provide any employee with a discretionary, merit-based performance bonus, with such amounts and at such times at the sole discretion of the Board of Trustees.

**PAY SCHEDULE** *(Revised December 26, 2020)*

The fire department pay schedule is hereby adjusted annually for the June reporting period based on the consumer price index (\*CPI-U) as a measure of the inflationary cost-of-living as published by Bureau of Labor Statistics – Midwest Region 5 for the previous 12-months. Depending on economic conditions, the Board of Trustees reserves the right to review the CPI index at any time and to make adjustments accordingly. (\*CPI-U excludes food and energy indexes.)

**2021 Pay Schedule** *(effective December 26, 2020)*

Unit Personnel		Base Hourly Rate (2,756 hours)	Base Annual Salary	*FLSA Overtime Annually	Total Annual Pay (Base + FLSA) FF Annual Pay	Bi-Weekly Pay – min. before OT	Maximum Medic Bonus
	FIREFIGHTER - starting pay	\$17.96	\$49,510.98	\$4,203.76	\$53,714.74	\$2,065.95	\$3,770.21
	FIREFIGHTER – 1-year Step	\$20.48	\$56,439.63	\$4,792.04	\$61,231.68	\$2,355.06	\$3,770.21
	FIREFIGHTER – 2-year Step	\$22.99	\$63,368.28	\$5,380.33	\$68,748.60	\$2,644.18	\$3,770.21
	FIREFIGHTER – 3-year Step	\$25.51	\$70,325.79	\$5,971.06	\$76,296.85	\$2,934.49	\$3,770.21
	FIREFIGHTER - Top Pay	\$28.02	\$77,225.58	\$6,556.89	\$83,782.47	\$3,222.40	\$3,770.21
+ 8% FF	LIEUTENANT - start	\$30.28	\$83,403.62	\$7,081.44	\$90,485.06	\$3,480.19	\$3,770.21
+16% FF	LIEUTENANT - 1 year	\$32.52	\$89,581.67	\$7,605.99	\$97,187.66	\$3,737.99	\$3,770.21
+24% FF	LADDER CAPTAIN	\$34.75	\$95,759.72	\$8,130.54	\$103,890.26	\$3,995.78	\$3,770.21
+32% FF	BATTALION CHIEF	\$37.00	\$101,937.76	\$8,655.09	\$110,592.86	\$4,253.57	\$3,770.21

\*Note: FLSA rate shown is minimum, actual amounts vary per individual.

**40- Hour Day Shift Personnel**  
*(wages effective 12/26/2020)*

	Base Hourly Rate (2,080 hours) 40-Hour Day Schedule	Annual Salary	Overtime Hourly Rate*	Bi-Weekly Pay	Maximum Medic Bonus
FIRE INSPECTOR – Prevention	\$41.49	\$86,295.94	\$62.23	\$3,319.07	\$3,770.21
SPECIAL ASSIGNMENT – Short term (+8%)	\$44.81	\$93,199.62	\$67.21	\$3,584.60	\$3,770.21
SPECIAL ASSIGNMENT – Long term (+16%)	\$48.13	\$100,103.29	\$72.19	\$3,850.13	\$3,770.21
CAPTAIN - EMS Training and Prevention	\$51.45	\$107,006.97	\$77.17	\$4,115.65	\$3,770.21
DEPUTY FIRE CHIEF	\$60.99	\$126,855.03	N/A	\$4,879.04	N/A
FIRE CHIEF	\$65.14	\$134,484.63	N/A	\$5,210.95	N/A

\*Note: Employees on the 40-hour, non-exempt schedule may elect to accrue compensatory hours in lieu of paid overtime.



# Section 20 (updated June 26, 2018 Resolution 2018-050)

## **FIRE TECHNICIANS and PART-TIME FIREFIGHTERS**

### **INTRODUCTION**

Firefighters who work less than the full-time unit schedule are classified as either Fire Technicians or Part-time Firefighters. All Fire Technicians must have current paramedic certification. Part-time firefighters must have paramedic certifications and/or fire inspector certifications if assigned to complement the Prevention Bureau staffing needs.

### **WORK SCHEDULE**

**Fire Technicians** are required to work every 6<sup>th</sup> duty day for a 24-hour shift (or alternatively a 12-hour duty or “split-shift” assignment upon the approval of the Fire Chief) approximately 5 duty days per month or 61 duty days per year. Fire Technicians can work a maximum of 1,500 hours per calendar year not to exceed an average of 28 hours each work week. A split-shift is defined as (2) two Fire Technicians splitting a 24- hour shift (i.e., 14 hours for one person, 10 hours for the other, etc.) or those same Fire Technicians altering back and forth their assigned 24-hour shift. In any case, Fire Technicians working a split-shift have the same responsibility to ensure their shift is covered.

**Part-Time Firefighters** work shifts varying between 8 to 24 hours as needed during the month to supplement the staffing needs of the Fire Department, and must work a minimum of 24 hours each month. Part-time Firefighters can work a maximum of 1,500 hours per calendar year, not to exceed an average of 28 hours each work week. A Part-time firefighter assigned as a Fire Inspector may work all or part of a standard 8 hour work-day but shall not exceed an average of 28 hours each work week.

### **BENEFITS**

Whenever a full-time vacancy becomes available, the Township may give preference to Fire Technicians for first consideration in hiring to full-time status. A Part-time firefighter may be converted to Fire Tech status upon recommendation and decision of the Fire Chief.

### **UNIFORMS** (refer to Res. #2015-49, passed 5/5/15)

Fire Technicians and Part-time Firefighters will receive an initial issue of uniforms upon hire. After hire, they are eligible to submit for required uniform maintenance and replacement items per the approval of the Fire Chief. Maximum annual uniform reimbursement allowances shall not exceed \$375.00 per year. The Township shall withhold and pro-rate the cost of any uniform allowances from a final paycheck if the employee separates prior to completion of one year of service.

### **INSURANCE**

All Part-time Firefighters and Fire Technicians are automatically enrolled in the Accidental Death & Dismemberment (AD&D) insurance program provided to part-time firefighters under the Volunteer Firefighter Insurance Program (VFIS) with premiums paid by the Township. However, enrollment in the Township’s group medical, dental, vision and life policies is NOT available to employees working less than 1,500 hours per year.

**WAGES** (effective September 3, 2019)

<b>Position</b>	<b>Hourly Rate</b>
Fire Technician - Paramedic	<b>\$16.00</b>
Fire Technician (EMT-Basic)	<b>\$15.00</b>
Part-Time Paramedic	<b>\$16.00</b>
Part-Time EMT- Basic	<b>\$15.00</b>
Part-Time Inspector	<b>\$16.50</b>

**STEP PROGRESSION**

Positions will not be a step progression moving forward but may be subject to cost of living increases on a yearly evaluation upon board approval.

**FIRE TECHNICIAN SCHEDULING & BENEFITS**

Upon initial hire, the Fire Technician will be considered as “Fire Tech In-Training FTIT” until approved for unit staffing by the Fire Chief. The duration of FTIT will be approximately 10 shift days (or 240 hours) or as otherwise determined necessary by the Fire Chief. Once certified, the Fire Technician will be assigned each duty day to supplement the staffing roster of the Fire Department. Fire Technicians will work every 6<sup>th</sup> duty day or 61 duty days per year assigned to a particular unit. Fire Technicians unable to complete their certification in a timely manner may be removed from employment with the Township upon recommendation of the Fire Chief.

Fire Technicians will commit to either complete their assigned tour of duty (24-hour, or split-shifted) every 6<sup>th</sup> duty day, except as otherwise provided below. Fire Technicians are required to sign an Employment Agreement committing to their unit schedule. In return for their commitment, Jackson Township will provide the following benefits to those employed as Fire Technicians:

1. **Trade Time:** if unable to work as scheduled, the Fire Technician is required to seek a trade amongst the other Fire Technicians or Part-time Firefighters.
2. **Personal Leave:** Fire Technicians on the 24-hour shift will earn paid time-off (PTO) credited four (4) hours of PTO for each month of work completed (pro-rated if working less than a full 24-hour shift); with such PTO to be used at their discretion for illness or personal matters. PTO must be approved by the Battalion Chief. Fire Technicians may elect to cash-in unused PTO or carryover a maximum of (24) twenty-four hours of PTO each year. (Section updated Dec. 18, 2012 in Res. #2012- 146).
3. **Sick Call-Off:** A Fire Technician having more than (2) two occasions of sick call-off in a calendar year will be required to provide a physician’s excuse for each subsequent call-off.
4. **Holiday Bonus:** A Fire Technician whose duty rotation requires working on one of the ten recognized Holidays will receive a \$100.00 bonus for working that particular holiday – (prorated if working less than a full 24-hour shift).

## **PART-TIME FIREFIGHTER SCHEDULING and BENEFITS**

Upon initial hire, the Part-time Firefighter will be reviewed and placed in an “orientation status” until such time as certified by the Fire Chief for unit staffing which may vary from 1 to no more than 5 work shifts. Once certified, the Part-time Firefighter can supplement fire rosters as needed by the Fire Department and may work on duty shifts or day shifts as needed. Part-time Firefighters unable to complete their certification in a timely manner may be removed from employment with the Township upon recommendation of the Fire Chief. Part-time Firefighters accrue no paid-time off benefits and are employed “at will” and at the discretion of the Fire Chief. Part-time Firefighters failing to meet the scheduling needs, certifications, or training requirements of the Fire Department may be removed from employment.

## **SOCIAL SECURITY RETIREMENT BENEFITS**

Under Ohio Law, all Fire Technicians and Part-time Firefighters must be enrolled in Federal FICA and have deductions for Social Security instead of OPERS or OP&F pension systems.

## **OHIO DEFERRED COMPENSATION**

Under Ohio Law, since Fire Technicians and Part-time Firefighters are NOT enrolled with OPERS or OP&F, they are ineligible to participate in the Ohio Deferred Compensation 457 investment plan.

## **FIRE TECHNICIAN - EMPLOYMENT AGREEMENT**

Name: \_\_\_\_\_ Badge#: \_\_\_\_\_

Start Date: \_\_\_\_\_

### **Employment Agreement**

I, the undersigned, hereby commit to be a Fire Technician at Jackson Township with duties as proscribed by Department SOG's and the Township Handbook. I understand that as a Fire Technician my employment is still classified as an "at-will" and part-time employee without benefits except as otherwise provided in the Township Handbook. I understand that I will be assigned to a specific unit and be required to work every sixth duty day with that unit, a total of 61 unit days per calendar year not to exceed 1,500 hours per calendar year. Additionally, I understand that the first 90 days of my appointment will be considered as "in-training" time and that I may or may not continue my employment if failing to demonstrate satisfactory performance during my first 90 days. In consideration, therefore, Jackson Township will provide me with benefits as specified in the Township Handbook.

I understand that the Fire Technician classification may be continually re-evaluated and that it may be discontinued, at the sole determination and discretion of the Board of Trustees.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### **Accepted on behalf of the Township**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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# UPDATES AND REVISIONS HISTORY

<b>Date</b>	<b>Resolution</b>	<b>Purpose</b>	<b>Handbook Section</b>
1/8/2008	#2008-05	Promotions Policy	Appendix 1, Sect. 2
1/8/2008	#2008-05	Public Records Policy	Appendix 8 – ( <i>new policy</i> )
5/13/2008	#2008-41	Travel Policy – GSA rate schedule	Section 5 – “Reimbursements”
12/22/2008	Board Motion	Vacation Leave Carryover – firefighters	Appendix 1, Sect. 15
3/3/2009	#2009-31	FMLA Policy – CareWorks Services	Appendix 6
5/12/2009	#2009-49	Substance Abuse Policy updated	Appendix 3
6/23/09	#2009-72	Cell Phone Policy – (taxable allowance added)	Section 5 “Pay Benefits”
12/22/09	#2009-150	Fire Dept. - Pension Pickup for new hires	Appendix 1, Sect. 19
12/22/09	#2009-151	Fire Dept. – 4 year step pay scale for new hires	Appendix 1, Sect. 19
3/16/2010	#2010-38	Social Media Policy updated	Appendix 5
9/14/2010	#2010-115	2.5% pay increase retro-active to 6/1/2010	Appendix 1 & 2
9/14/2010	#2010-114	Pension Pickup (OPERS & OP&FPF)	Section 5 – Pay Benefits & Appendix 1, Sect 19
9/14/2010	#2010-115	Internet Access Policy updated	Appendix 5
4/26/2011	#2011-54	Insurance Cost Sharing changed to 7.5%	Section 6 – pg. 18
5/10/2011	#2011-33	Transitional Work Program – Injury Leave Policy updated	Section 7 – pg. 20 & Appendix 9
8/16/2011	#2011-104	1.7% pay increase, retroactive based on Midwest CPI-U Clarify Compensable Hours Leave Cash-In	Appendix 1 & 2 wage tables Apx. 1, Sect. 8 Overtime Apx. 1, Sect 17 & 18
9/13/2011	#2011-112	Administrative Leave provision added for IME testing	Sick Leave Sections
10/11/2011	#2011-124	Promotions Policy updated	Fire Appendix 1, Sect. 2
2/14/2012	#2012-13	Fire Technicians – position created	Appendix 1, Sect. 20
3/13/2012	#2012-31	Tuition Reimbursement Policy updated	Fire Appendix 1, Sect. 11
4/24/2012	#2012-46	Battalion Chiefs – position renamed	Fire Appendix 1
6/19/2012	#2012-75	2.4% pay incr. retroactive CPI-U Fraud Reporting System	Appendix 1 & 2 wage tables Appendix 10 ( <i>new policy</i> )
8/14/2012	#2012-89	75% of CSCC Semester Rate	Appx. 1 Sect 11, para. 4
12/18/2012	#2012-146	Fire Tech – leave carryover	Appx. 1, Sect. 20
12/18/2012	#2012-146	New Driver Safety Policy	Appendix 11 ( <i>new policy</i> )
4/9/2013	#2013-45	Fire Tech – can work 12 hour shift	Appx. 1, Sect. 20
5/21/2013	#2013-64	1.7% CPI-U increase all positions	Appendix 1 & 2 wage tables

<b>Date</b>	<b>Resolution</b>	<b>Purpose</b>	<b>Handbook Section</b>
4/8/14	#2014-35	Promotion Process – eliminate assessment center	Appendix 1, Section 2
4/8/14	#2014-35	Out of Class Pay – clarify purpose	Appendix 1, Section 10
4/8/14	#2014-35	Medic Bonus – clarify eligibility	Appendix 1, Section 17
4/8/14	#2014-35	Jury Duty – provisions	See Intro. Section – Special Leaves of Absence
5/20/14	#2014-50	1.6% CPI-U increase all positions	Appendix 1 & 2 wage tables
6/3/2014	#2014-58	Terminal Leave Policy	Special Leaves of Absence
8/26/14	#2014-88	Promotions – clarify scoring Out of Class – clarify all ranks Workplace Wellness, Tobacco Free	Appendix 1, Sect. 2 Appendix 1, Sect. 10 Appendix 12
4/21/15	#2015-41	Pension Changes – shifted to employee over three-year period	Appendix 1, Sect. 19
5/5/15	#2015-49	2.75% CPI increase all positions plus 4% OPF pension shift	Appendix 1 & 2 wage tables
6/30/15	#2015-62	Promoted Admin. Battalion Chief	Appendix 1, wage table
7/14/15	#2015-67	Eligibility requirements for promotion	Appendix 1, Section 2
9/8/2015	#2015-083	Adopt Transitional Leave Policy, reiterate Tobacco Free Workplace effective January 1, 2016	See Introductory Sections, Special Leaves of Absence
4/5/2016	#2016-39	Special Assignment Pay Promotions Policy	Sect. 17 & Wage Chart Sect. 2, Promotions
5/17/16	#2016-53	2.5% CPI increase select positions plus 3% OPF pension shift	Wage Tables
7/26/2016	#2016-75	ADA Reasonable Accommodations Policy added	Appendix 13 new policy
10/18/2016	#2016-110	Medical Marijuana – use prohibited	Appendix 3 updated
2/7/2017	#2017-013	FMLA Policy performed in-house	Appendix 6
3/21/2017	#2017-022	Part-time Firefighters	Section 20 – PT Wages
5/15/17	#2017-043	2% CPI plus 3% final OPF pension shift	Wage Tables
6/26/18	2018-050	1.7% CPI-U increase all positions	Wage Tables
12/26/2020	2020-131	3% CPI increase all positions	Wage Tables

## ADMINISTRATION OF PAYROLL and PAYMENT OF WAGES

Employees will be paid biweekly (26 pay periods annually). Payroll will be prepared by the Township Payroll Clerk and certified by the Township Fiscal Officer. The payroll check is based upon an 80-hour period, consisting of 10 eight-hour days, unless the employee is part-time, seasonal or salaried in which case hours of work may vary. The pay period starts every other Saturday and runs for 14 calendar days. An hourly employee's pay shall be computed by multiplying the base hourly rate of pay by the hours in the standard work week (normally 40 hours for all full-time employees). The pay for a salaried, FLSA exempt employee shall be computed annually and made payable on the basis of a 26 week pay period for each year. Pay will be disbursed to employees at intervals not to exceed every two weeks on days determined by the Chairman of the Board of Trustees.

Hourly wages and annual salaries (excluding bonus provisions) for appointed employees are illustrated in the table below:

<b>Service Dept. Positions HOURLY RATES of PAY</b>	<b>Starting Pay Step A</b>	<b>+1 Year Step B</b>	<b>+2 Years Step C</b>	<b>+3 Years Step D</b>	<b>+4 Years Step E Top Pay</b>
Service Technician I	\$14.78	\$15.50	\$16.76	\$17.52	\$18.04
Service Technician II	\$20.70	\$22.75	\$24.35	\$26.58	\$29.36
Service Technician III	\$29.67	\$30.86	\$32.72	\$33.71	\$34.71
Road Superintendent	\$30.79	\$31.83	\$32.52	\$34.22	\$35.66
Seasonal or Temporary Labor	\$11.45	\$12.01	\$12.58	\$13.16	\$13.78
<b>Administrative Positions HOURLY RATES of PAY</b>	<b>Starting Pay Step A</b>	<b>+1 Year Step B</b>	<b>+2 Years Step C</b>	<b>+3 Years Step D</b>	<b>+4 Years Step E Top Pay</b>
Administrative Secretary	\$20.19	\$21.63	\$22.27	\$22.55	\$24.83
Executive Assistant	\$20.70	\$22.17	\$22.81	\$23.50	\$24.83
HR Director / Public Info. Officer	\$29.36	\$30.82	\$32.37	\$35.00	\$36.75
Payroll Specialist	\$20.10	\$20.69	\$21.30	\$21.94	\$22.52
Temporary Clerical (PT)	\$11.17	\$11.72	\$12.28	\$12.84	\$13.45
<b>Management Positions</b>					
Township Administrator	Discretionary Range - set by Board of Trustees				
Service Director	Discretionary Range - set by Board of Trustees				
Fire Chief	Refer to Appendix 1 - indexed to Fire Dept. pay scale				
Deputy Fire Chief	Refer to Appendix 1 - indexed to Fire Dept. pay scale				

Rates in effect December 26, 2020 and reflect a 3% increase based on Midwest CPI (December 2020)



## **OVERTIME / COMPENSATORY TIME**

Overtime is wage payment at the rate of 1½ hour for each hour worked by non-exempt employees beyond their regularly scheduled hours except double time on holidays. When paid, overtime not compensated for by compensatory time shall be paid (or “cashed out”) based on the employee’s hourly wage rate at the time it was earned. Whenever a snow or weather-related emergency overtime call is made for a road department employee, employee shall be given at least two hours of overtime for the event.

Compensatory time may be granted to employees in lieu of overtime based on the following procedures:

- Compensatory time shall be earned at the rate of (1½) one-and-one-half hour for each hour worked beyond the regularly scheduled hours.
- Compensatory time off shall be arranged between the employee and supervisor in a manner that does not cause undue hardship to the Township.
- Employees shall attempt to use compensatory time within the calendar year it is earned unless otherwise granted permission to carry-over time to the next year.
- Compensatory time taken shall be counted as time worked for the purposes of overtime calculations.
- Federal law has established 240 hours as the maximum accrual for compensatory time. Overtime must be paid to employees when compensatory time reaches that level.

## **LONGEVITY BONUS**

Depending upon length of service with Jackson Township, employees may be eligible for a Longevity Bonus based on the following schedule. The Longevity Bonus is paid as a lump sum following the employee’s anniversary date of employment:

After 5 Years of Service	\$500
After 10 Years of Service	\$600
After 15 Years of Service	\$700
After 20 Years of Service	\$1,000
After 25 Years of Service	\$1,500

The Township will ensure the lump sum payments are made on the payday following each employee’s anniversary date in a check separate from the regular paycheck.

## **PERFORMANCE BONUS**

The Jackson Township Board of Trustees may provide any employee with a discretionary, merit-based performance bonus, with such amounts and at such times at the sole discretion of the Board of Trustees.

## **ACCUMULATED LEAVE BALANCE CASH-IN**

The Jackson Township Board of Trustees provides for the cash out of accumulated but unused vacation and sick leave in accordance with the policies described in this employee handbook. Such amounts done annually, or on separation from employment, may increase the total annual taxable and pensionable wages of an employee.

## **INTRODUCTION**

The Jackson Township Board of Trustees recognizes that substance abuse by employees would be a threat to the public welfare and to the safety of other employees and the operations of the Township. The Board of Trustees desires to eliminate substance abuse by establishing a comprehensive drug and alcohol testing program for all employees and by education, rehabilitation and corrective action of affected persons.

“Abuse” means: (1) any use of an illegal drug; (2) intentional misuse of any over-the-counter drug in cases where such misuse impairs job performance; (3) use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where use is not permitted; (4) use of alcohol where such use impairs job performance; and (5) intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.

The possession, sale, transfer, use or being under the influence of alcoholic beverages or drugs at or above specified levels shall not be permitted at the Township work sites and/or while an employee is in a duty status.

## **ANNUAL TRAINING AND INFORMATION**

The Township shall endeavor to ensure employees receive regular training on the Township’s drug and alcohol testing policy, including information concerning the impact of the use of alcohol and drugs on job performance. In addition, the Township shall inform employees on how tests are conducted, what the test can determine, and the consequences of testing positive for drugs.

## **AUTHORIZATION FOR DRUG TESTING**

No drug testing may be conducted without authorization of the Department Head. In the case of “reasonable suspicion” testing, if the Department Head is satisfied that there is “reasonable suspicion” that the employee may be intoxicated or impaired, then the employee may be ordered to submit to a toxicology test (urine and/or breath alcohol).

## **MEDICAL MARIJUANA USE PROHIBITED**

Marijuana remains a drug listed as a Schedule 1 narcotic in the Federal Controlled Substances Act. It remains unacceptable for employees to use, possess or distribute marijuana even with the recommendation from a physician for medical use under Ohio law. A positive test for marijuana is a violation of this policy and is grounds for disciplinary action which may include termination.

## **TOWNSHIP EMPLOYEES REQUIRING D.O.T. LICENSES**

All employees working in positions that require a D.O.T. license (Commercial Driver License) will fall under the D.O.T. requirements and testing guidelines established by the D.O.T.; typically referred to as a 5-Panel DOT Screen.

### **DRUG TESTING LEVELS – (9-Panel Non-DOT Screen)**

The laboratory shall test for only the substances and within the limits for the initial and confirmation tests as follows:

<b>SUBSTANCE (Panel List)</b>	<b>INITIAL TEST</b>	<b>CONFIRMATORY TEST</b>
1. Amphetamines	500 ng/ml	250 ng/ml
2. Barbiturates	300 ng/ml	300 ng/ml
3. Benzodiazepine	300 ng/ml	300 ng/ml
4. Cocaine	150 ng/ml	100 ng/ml
5. 6-AM (Heroin)	10 ng/ml	10 ng/ml
6. Marijuana	50 ng/ml	15 ng/ml
7. Methadone	300 ng/ml	300 ng/ml
8. Opiates		
Codeine and Morphine	2000 ng/ml	2000 ng/ml
Hydrocodone Hydromorphone	2000 ng/ml	2000 ng/ml
Oxycodone Oxymorphone	100 ng/ml	100 ng/ml
9. Phencyclidine	25 ng/ml	25 ng/ml
10. Propoxyphene	300 ng/ml	300 ng/ml

*The Township reserves the right to modify these substances and limits from time to time.*

The collection and testing of samples shall be performed only by a laboratory and by a physician or health care professional selected by the Township who is qualified and authorized to administer and determine the meaning of any test results. The collection site shall follow appropriate and accepted chain of custody procedures and protocols to ensure the security, control, accountability, and transportation of urine specimens to a SAMHSA certified drug-testing laboratory for analysis. Failure of the collection site to ensure the integrity of the sample shall result in the drug test being considered invalid.

### **TESTING PROCEDURES**

A urine sample shall be split into two vials; a primary vial and a secondary vial. The laboratory shall perform a screening test on the primary vial, and if negative, it shall be reported to the Employer as negative. If the screening test is positive, the laboratory will conduct a confirmatory test using the GC/MS method. If the confirmatory test is also positive, the test result will be reported to a Medical Review Officer (MRO). However, before the MRO reports a positive result to the Employer, he/she shall make reasonable attempts to first contact the employee to discuss the result and determine if the employee has a legitimate medical reason for the positive test. It is the employee's responsibility to leave a current phone number and address with the collection site. If the MRO is satisfied that the employee has a satisfactory medical explanation, the test result will be reported to the Employer as negative.

An employee testing positive may request the MRO to have the second vial tested by a different SAMHSA certified laboratory. Such costs shall be borne by the employee. The request for testing of a second specimen must be made within 72 hours of being notified of a positive test result. All samples must be stored in a scientifically acceptable preserved manner reasonably similar to that described in U.S.D.O.T. regulations.

### **REASONABLE SUSPICION TESTING**

Drug or alcohol testing may be conducted in accordance with the Guidelines listed below if the Township has reasonable suspicion. Such “reasonable suspicion testing” is based on a belief that an employee is using or has used drugs or alcohol in violation of the Township’s policy drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, and may be based on, among other things:

1. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness, or deterioration in work performance;
2. Direct observation of drug or alcohol use violating the Township’s policy, or of the physical symptoms or manifestations of substance abuse;
3. A report of drug use provided by reliable and credible sources and which has been independently corroborated;
4. Evidence that an employee has tampered with a drug test during his/her employment with the Township;
5. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of alcohol and/or other drugs while working, or while on the employer’s premises or operating the employer’s vehicle, machinery, or equipment;
6. The occurrence of an incident involving an employee’s on the job actions which has resulted in injury to person or property that requires outside medical care and/or property damage exceeding \$4,000 dollars; or
7. Where the Township has been notified that any employee has abused a substance at a time preceding his shift such that the employee could reasonably still be adversely affected. Generalized allegations shall not be sufficient for testing under this provision.

### **ALCOHOL TESTING (Reasonable Suspicion Only)**

Alcohol tests will be performed by a trained technician, using an evidential breath-testing device. Tests indicating a blood alcohol concentration of .02 or greater shall be considered a positive test. Employees who are to be tested for alcohol will first be required to complete a screening test. If the screening test indicates a reading of less than .02, the test is recorded as negative and no additional testing for alcohol will be performed. If the screening test indicates an alcohol concentration of .02 or greater, a confirmation test will be performed. Only the results of a confirmation test may be used to establish a positive test result.

### **RANDOM TESTING (Urinalysis Only)**

A scientifically valid method shall be used to randomly select employees for random drug testing. Each employee in the pool shall have an equal chance of selection and shall remain in the pool, even after the employee has been tested. This means that some employees may be selected more than once in a calendar year. Random drug testing shall be reasonably spread throughout the year on an approximately quarterly basis. An employee selected for random drug testing will be escorted by a Supervisor and must proceed to the

test site immediately upon notification of their selection. Employees may only be randomly tested on their regularly scheduled day of work. No employee shall be randomly tested during non-working hours.

If no employees test positive as a result of the random testing provision of this Agreement, the percentage of employees subject to random testing shall be reduced from 50% to 25% per year. If any employee has a verified positive random drug test, such percentage shall remain at or be increased to a maximum of 50%. The cost of random testing shall be paid by the Township.

### **RETURN TO DUTY & FOLLOW-UP TESTING**

Prior to returning to duty, an employee must provide evidence that he has taken and passed a return to duty drug test. An employee who has tested positive or who admits to a problem and seeks assistance for such problem shall be subject to unannounced follow-up testing. Such employee shall be subject to a minimum of four unannounced follow-up tests over the following 12 months to a maximum of 36 months if recommended by the Substance Abuse Professional. The employee shall be responsible for the cost of the return to duty and follow-up testing.

### **DUTY ASSIGNMENT**

An employee who tests positive or voluntarily seeks assistance for a drug or alcohol problem shall be returned to his duty assignment upon providing appropriate documentation from the Substance Abuse Professional and compliance with the other requirements of this Article.

### **VOLUNTARY ADMISSION**

An employee who voluntarily admits to and seeks assistance for a drug or alcohol problem prior to being notified of their selection for random testing, being involved in an accident, or being suspected of being under the influence of alcohol or a controlled substance, shall be permitted to enter a rehabilitation program. If the employee successfully completes a rehabilitation program, the Township will give due consideration to this fact in deciding whether or not to discipline or discharge the employee. Before returning to duty, such employee must comply with any recommended rehabilitation and have a negative result on return to duty and follow-up tests.

### **REFUSAL TO TEST**

No employee will be tested against his/her will. An employee who refuses to submit to a drug test shall be subject to disciplinary charges for insubordination and shall automatically be suspended for 30 calendar days. A refusal on a second occasion shall result in discharge. An employee who refuses for the first time shall also be required to be evaluated by a Substance Abuse Professional, complete rehabilitation if recommended, and successfully pass a return to duty drug and alcohol test. An employee found to have adulterated the test shall be treated as a positive test.

### **CONSEQUENCES OF A POSITIVE TEST**

#### **First Time**

Updated December 26, 2020

1. The employee shall be referred for counseling and rehabilitation unless circumstances warrant the employee's discharge.
2. If the employee tests positive as a result of reasonable suspicion testing and is not discharged, the employee shall be suspended for two weeks. An employee may also be disciplined for other rule violations in addition to the rule prohibiting intoxication on the job. An employee who tests positive as a result of a random drug test shall not be disciplined, but shall be required to comply with subsection 3 below.
3. An employee who tests positive shall be evaluated by a Substance Abuse Professional, must enter and comply with any recommended rehabilitation program, must successfully pass a return to duty test, and must provide a release to work from the Substance Abuse Professional.
4. An employee's failure to participate in, make satisfactory progress or complete the rehabilitation program, or failing a return to duty or follow-up test, shall result in the employee's discharge.
5. An employee who is not discharged must enter into a last chance agreement with the Township.

### **Second Time**

The employee will be discharged if the second positive test occurs within five years of the date of the last chance agreement. If it occurs after five years, then the Township may take disciplinary action appropriate to the circumstances, up to and including termination.

### **CONFIDENTIALITY**

Information regarding testing and treatment received by employees shall remain confidential as with other medical information.

### **PRESCRIBED MEDICATIONS**

It shall be the obligation of the employee to advise their Department Head of any prescribed medication which the employee is aware could affect or impair the ability of the employee to effectively perform the duties of his/her position prior to commencing work.

### **DEFINITIONS**

For the purpose of this policy, a "Medical Review Officer" shall be defined as a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has a knowledge of substance abuse disorders and has appropriate medical training to impact and evaluate an individual's confirmed positive test results together with his or her medical history and any other relevant biomedical information.

For purposes of this policy, a “Substance Abuse Professional” shall be defined as a licensed physician (Medical Doctor or Doctor of Osteopathy); a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium Alcohol and Other Drug Abuse). All must have knowledge of and clinical expertise in the diagnosis and treatment of alcohol and controlled substances-related disorders.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 4

### POLITICAL ACTIVITY POLICY

PAGE 1 OF 1

#### A. POLICY

1. Jackson Township endeavors to provide a workplace free of political coercion for partisan political purposes and to prohibit employees from using their official authority or positions for the purpose of interfering with or affecting the result of an election or a nomination for office (see 42 USC 4701).
2. Therefore, it is the policy of Jackson Township that all employees (uniformed firefighters, civilian employees, department heads, supervisors, part-time and temporary employees shall fully comply with the federal requirements regarding the political activity of employees as outlined in the Federal Merit System Standard, 42 USC 4701, and the Hatch Act, 5 USC 1501, et. seq.
3. **Activities PROHIBITED for Employees (see 42 USC 4701):**
  - a. Use official authority, position, or influence for the purpose of interfering with an election or nomination to office, or affecting the results thereof; or
  - b. Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary or compensation or anything of value to any party or committee, organization, agency, or person for political purposes; or
  - c. Circulate official nominating petitions for any candidate while on Township time or property; or
  - d. Campaign by writing publications, by distributing political material, by making speeches on behalf of (or against) a candidate for elective office while on Township time or property; or
  - e. Soliciting the sale of or selling political party tickets (e.g., raffles or special functions) while on Township time or property.
4. **Activities PERMITTED for Employees:** Employees may join or affiliate with civic organizations of a partisan or political nature, give financial contributions to political candidates and organizations, circulate petitions on legislation relating to their employment, attend political meetings, and advocate or support the principles of civic or political organizations while on their own time or property.
5. **PROCEDURE** Any employee desiring to seek or accept any public position or office should inform the Employer, who may request an opinion from the Franklin County Prosecutor.



# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 5

### COMPUTER & INTERNET ACCEPTABLE USE POLICY ELECTRONIC COMMUNICATIONS SYSTEMS (ECS) POLICY PAGE 1 OF 5

**SCOPE:** This policy applies to all employees of Jackson Township, including, but not limited to, all uniformed firefighters, civilian employees, department heads, supervisors, part-time and temporary employees. As public employees, every employee of Jackson Township is reminded that public service requires the highest standards of personal conduct, honesty, integrity and courtesy.

**STATEMENT OF POLICY:** This policy has been formulated with the following goals in mind, and applies to all ECS systems, including, but not limited to, wireless equipment from the premises of Jackson Township and applies to all Jackson Township employees:

- Ensure security, reliability, and integrity of the Township's electronic communication systems and computer network including, but not limited to, any access on or from the premises of Jackson Township, including, but not limited to, wireless services, either on-duty or off-duty.
- Avoid situations that may cause the Township, its employees, or the Board of Trustees to incur civil and/or criminal liability for improper or illegal electronic communication activities. Maintain the professional image and reputation of Jackson Township.
- Encourage the responsible use of Internet resources, discouraging practices which degrade the usability of network resources and thus the value of Internet services.
- Access to the Township's ECS is a privilege, not a right, granted subject to Township policies and prevailing laws; the Township reserves the right to limit, restrict or extend ECS privileges and access. Computer, internet, and electronic mail usage is to be used for the business-related activities of the Township.
- Use of the Township's ECS is subject to monitoring at all times; each user is strictly liable for all activity on their account.

The **Acceptable Use Policy** below defines the actions which shall be considered to be abusive, and thus, strictly prohibited. The examples named in this list are nonexclusive, and are provided solely for guidance. If you are unsure whether any contemplated use or action is permitted, please contact the ECS Technician or your Department Head.

1. Employees are prohibited from transmitting on or through any of the Township's ECS equipment, any material that is unlawful, pornographic, obscene, threatening, abusive, harassing, libelous, hateful, offensive, or encourages conduct that would constitute a criminal offense, gives rise to civil liability, or otherwise violate any local, state, national, or international law. All transmissions must comply with federal and state laws barring discrimination because of age, race, sex, religion, national origin, disability, etc. Harassment of any kind is prohibited. The Township has a **Zero-Tolerance Policy** against using its ECS for pornography and obscenity meaning that an employee can be terminated upon the first offense.
2. The Township's ECS equipment may only be used for the lawful business-related activities of the Township during working hours (refer to SOG 13 for working hours applicable to the Jackson Township Fire Department.) Transmission, distribution, or storage of any information, data or material in violation of United States or state regulation or law, or by the common law, is prohibited. This includes, but is not limited to, material protected by copyright, trademark, trade secret, or any other statute. Jackson Township reserves the right to remove any illegal or improper material from its servers.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 5

### COMPUTER & INTERNET ACCEPTABLE USE POLICY ELECTRONIC COMMUNICATIONS SYSTEMS (ECS) POLICY PAGE 2 OF 5

3. Use of the Township's ECS equipment for political, commercial, or for profit purposes is prohibited. This also includes defamatory, false or injurious comments and slurs and buying, selling, bartering, promoting, advertising, and using on-line auctions for personal use with personal credit cards is prohibited.
4. Users of electronic services are to protect themselves and others by not issuing or releasing confidential or protected information such as addresses, passwords, or telephone numbers, remembering that on-line computer services are not private.
5. Employees who bring their personal equipment to the workplace such as internet enabled smartphones, PDAs and any other such personal wireless internet devices shall follow the guidelines and restrictions as set forth in this policy during working hours and shall be held strictly accountable for their actions in violation of this policy.
6. **Definitions:** The terms obscenity and pornography used in this policy have specific legal definitions. Obscenity is defined in the Ohio Revised Code 2907; Pornography is defined by the Ohio Supreme Court and the U.S. Supreme Court by reference to previous case law decisions (i.e., see Miller v. California, 1973).

#### Specific E-mail Policies

1. Any person using the Township's ECS should not assume privacy or that electronic messages, documents, or other materials are confidential. Monitoring of computer activities can and will occur. The Township utilizes a sophisticated filtering and monitoring packaged that detects and logs all internet activity. A Township employee shall have no expectation of privacy with the use of the Township's electronic communications systems and computer network.
2. All e-mail and internet files can and will be monitored, logged and stored on the Township's ECS equipment. E-mail files and internet activity logs will be routinely audited.
3. Harassment, including defamatory, hateful, or injurious comments or slurs whether through language, frequency, or size of messages, is prohibited.
4. Employees may not send e-mail to any person who does not wish to receive it.
5. To help prevent the contamination of Township's computer files from virus attacks, employees shall not open any e-mail files containing attachments received from persons unknown to them or is not business-related. When in doubt about an e-mail file, attachment, or sender, contact the ECS Technician for assistance.
6. Employees are explicitly prohibited from sending unsolicited bulk mail messages ("junk mail" or "spam"). This includes, but is not limited to, bulk-mailing of commercial advertising, informational announcements, and political tracts.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 5

### COMPUTER & INTERNET ACCEPTABLE USE POLICY ELECTRONIC COMMUNICATIONS SYSTEMS (ECS) POLICY PAGE 3 OF 5

7. Employees are explicitly prohibited from sending e-mail messages with or without attached files that may be unlawful, pornographic, obscene, threatening, abusive, harassing, libelous, hateful, offensive, or encourages conduct that would constitute a criminal offense (i.e., the deliberate transmission or retransmission of known or suspected computer viruses).
8. Malicious e-mail, including but not limited to “mail-bombing” (flooding a user or site with very large or numerous pieces of e-mail), is prohibited.
9. Forging of header information, attempting to send anonymous e-mail, attempting to circumvent firewalls or “hacking” system security or any other deceitful actions are prohibited.
10. Employees must be careful what they write. E-mail is not the same as conversation. It is a written record, can be duplicated at will, and may constitute a public record.
11. E-mail may not be sent which hides the identity of the sender or represents the sender as someone else.

**Use of the Internet:** The Internet is a powerful and useful tool for research and other functions. In certain positions, employees are encouraged to develop computer and Internet skills to improve their job knowledge, efficiently perform their job duties, and to promote the interests of the Township. Employees should treat the Internet as a formal communications tool similar to the telephone, radio, video, and written communications. All employees are responsible for their actions and communications using computers and the Internet. An employee’s improper use of Township-provided Internet services can waste time and resources and create legal liability and embarrassment for both Jackson Township and the employee. ***Fire Department Personnel: Refer to SOG Section 13 updated 9/14/2010 for rules and regulations regarding use of the internet within the fire stations.***

#### **Specific Computer Account Policies**

1. Login ID and security passwords are the sole responsibility of the employee user and each employee will be held strictly liable for all activity on their user account.
2. Employees are prohibited from tampering or breaching security of the computer network and shall not attempt to use the Login ID or password of another employee.
3. Passwords may be routinely changed by contacting the ECS Technician.
4. No person shall knowingly use the ECS to gain access to confidential information without the prior express consent of their Department Head or designee.
5. Each employee is strictly liable and responsible for his or her actions. When in doubt about the ECS technology, Internet usage, computer hardware and software, or any policy of the Township, contact your Department Head or the ECS Technician for assistance.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 5

### COMPUTER & INTERNET ACCEPTABLE USE POLICY ELECTRONIC COMMUNICATIONS SYSTEMS (ECS) POLICY PAGE 4 OF 5

6. Disruption of electronic services, supporting equipment, or information available on it is prohibited, including, but not limited to, tampering with hardware or software, vandalizing or destroying data, introducing or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws, or installing non-Township-owned software or hardware of any kind is prohibited.

#### **Social Media Policy** (adopted March 16, 2010 Res. #2010-38)

This section is designed to give direction to Jackson Township employees, elected officials, volunteers and others who access Social Media web sites using Jackson Township-provided computers/devices.

In this case, Social Media shall be defined as any form of online discussion or information sharing, including but not limited to social networks, chat rooms, blogs, video/photo uploads, podcasts, wikis, forums and message boards. Examples of these Social Media applications include but are not limited to Facebook, MySpace, LinkedIn, Twitter, YouTube, Wikipedia and Google/Yahoo forums or groups. One or more of these applications may be used only when such use is deemed beneficial to the Jackson Township by the Board of Trustees.

#### **I. Responsibility**

The Board of Trustees delegates responsibility to the Township Administrator to act as Jackson Township's official spokesperson and maintain Jackson Township's official online presence via Jackson Township's web site and any Social Media outlets. For persons granted administrative privileges, it is their responsibility to coordinate their Social Media activity in an official capacity and to stay up-to-date on Jackson Township policies regarding their activity.

#### **II. Procedures**

Jackson Township employees posting news and updates to a Jackson Township Social Media account should use that account ONLY for official Jackson Township business and activities. Unauthorized use will result in loss of access and/or other appropriate disciplinary action. Jackson Township employees making personal use of Social Media sites such as Facebook, Twitter, MySpace, etc. (with a personal account rather than a Township account) may not attribute personal statements, beliefs or opinions to Jackson Township. Disclosing confidential, protected or private Jackson Township information through a personal blog or post is prohibited. Employees may not post any material that would be construed as harassment, libel, slander or hate speech, or anything that would be considered harmful to Jackson Township or other Jackson Township employees. Any posted material that may be deemed disruptive to the day-to-day operations of Jackson Township is subject to immediate removal, and the user is subject to disciplinary action. Use of any Social Media sites for official Jackson Township business must be coordinated with the Department Head or Jackson Township Administrator. Users of any Social Media

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 5

### COMPUTER & INTERNET ACCEPTABLE USE POLICY ELECTRONIC COMMUNICATIONS SYSTEMS (ECS) POLICY PAGE 5 OF 5

site must be aware that their posts and communications are public record, and, as such, should not be edited or deleted.

**Any employee who violates these policies or uses electronic communication services for improper purposes shall be subject to disciplinary measures, up to and including discharge.**

**PROCEDURE:** Each employee shall be advised of the existence of this policy and receive a copy of this policy. Employees, after having received a copy of this policy shall sign an acknowledgement form attesting to the fact that they have been provided a copy. Such acknowledgement form shall be placed in the employee's personnel file.

#### Internet and Acceptable Use Acknowledgement

Each employee accessing the Township's ECS through personal wireless or township provided equipment, including e-mail systems, Internet access, Social Media, and other shared files and/or resources shall read and sign their acknowledgement of this Handbook Policies and Appendix 5 – Computer & Internet Acceptable Use Policy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

Dist: Original to Personnel File, Copy to Employee

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 6

### FAMILY AND MEDICAL LEAVE POLICY

PAGE 1 OF 6

*\*Revised March 1, 2017 — Res. 2017-013*

1. **Introduction:** Family and Medical Leave Act leave is a leave of absence, taken for specified reasons, during which the Township shall maintain the employee's health insurance in the same manner as if the employee remained in active pay status. During FMLA leave, however, employees must continue to pay their share of insurance premiums.
2. **Eligible Employees:** Employees who have been employed by the Township for a total of at least 12 months and have physically completed at least 1,250 hours of actual work with the Township during the previous 12-month period will be eligible for FMLA leave.
3. **Entitlement to Leave:** Each eligible employee will be entitled to a total of 12 workweeks of FMLA leave during a 12-month period measured forward from the date the employee's first FMLA leave begins. Employees may take the leave for any of the following reasons:
  - a. birth of a child of the employee and to care for the newborn child;
  - b. placement of a child with the employee by way of adoption or foster care;
  - c. to care for the spouse, child, parent, or one who stood in place of a parent of the employee, if that person has a serious health condition; or
  - d. because of a serious health condition involving more than a three (3) consecutive workday absence because of incapacity plus two (2) visits to a healthcare provider within seven (7) days of the first day of incapacity.
4. **Family and Medical Leave Definitions:**
  - a. **Spouse:** husband or wife as defined by state law for purposes of marriage, including individuals married under common law marriages where/when recognized.
  - b. **Parent:** the biological parent or person who stands or stood in place of a parent to the employee when the employee was a child. "In-laws" are not included.
  - c. **Child:** a biological, adopted, foster or stepchild; a legal ward; or a child of an employee who is standing in the place of a parent for that child.
  - d. **Serious Health Condition:** an illness, injury, impairment, or physical or mental condition which involves inpatient care or "continuing treatment" by a healthcare provider.
  - e. **Continuing Treatment:** continuing treatment by a healthcare provider which includes at least one (1) of the following:
    - (1) a period of incapacity for more than three (3) consecutive workdays which requires subsequent treatment relating to that condition on two (2) or more occasions or on one (1) occasion which results in a regimen of continuing treatment;
    - (2) incapacity because of pregnancy;
    - (3) a period of incapacity or treatment because of a chronic, serious health condition, which may be episodic but includes periodic visits to a healthcare provider and continues during an extended period of time;
    - (4) any period of incapacity which is permanent or long-term, because of a condition for which treatment may not be effective;
    - (5) absence because of a series of treatments, e.g., after surgery, accident, or for a condition which would result in an absence for at least three (3) consecutive workdays if left untreated.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 6

### FAMILY AND MEDICAL LEAVE POLICY

\*Revised March 1, 2017 — Res. 2017-013

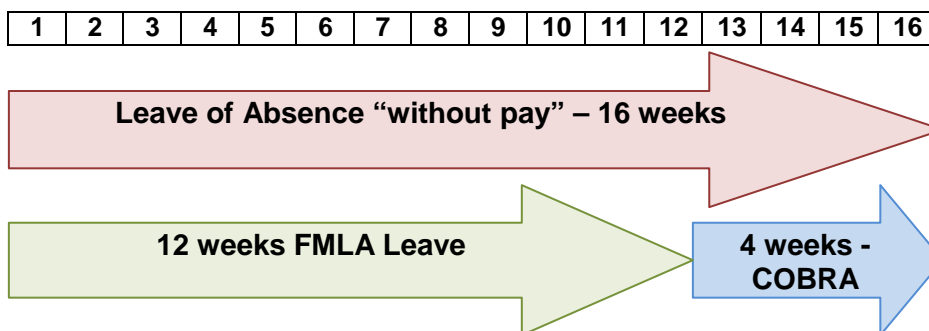
PAGE 2 OF 6

#### **Family and Medical Leave Definitions (continued):**

- f. **Healthcare Provider:** either: (1) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or (2) any other person determined by the Secretary of Labor to be capable of providing healthcare services as further defined in the law.
- g. **Intermittent Leave:** leave taken in separate blocks of time due to a single qualifying reason.
- h. **Reduced Leave Schedule:** leave that reduces an employee's usual number of working hours per workweek or workday.
- i. **FMLA:** federal law that provides certain employees with up to 12 weeks of unpaid, job-protected leave per year while protecting group health benefits. ([www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla))

5. **Utilization of Accumulated Paid Leave:** Employees are required to utilize accumulated paid leave for all or part of the FMLA 12-week leave period. Accrued sick leave shall be utilized for conditions that are eligible under both sick leave and FMLA leave. Unpaid FMLA leave shall be authorized for the balance of the 12-week period when all eligible accrued paid leaves have been exhausted (e.g., sick leave, vacation, etc). In other words, FMLA leave and paid leave for conditions that qualify under FMLA run concurrently. Compensatory time can also be used for an FMLA reason, however, it does not run concurrently with FMLA leave. The entire 12-week FMLA leave is not tacked onto the end of the paid leave, just the remaining portion after the paid leave time is subtracted. Three (3) examples of the concurrent use of FMLA leave and applicable paid leave and leave of absence without pay are as follows:

**Example A:** An eligible employee suffers a serious health condition that lasts 16 weeks. The employee has no accrued paid leave (no sick leave, no vacation leave, etc.).



**In example A,** the Township will continue to pay the Township's share of the employee's health insurance premium for the first 12 weeks of the 16-week leave of absence without pay, so long as the employee pays the employee's share. Thereafter, the employee may purchase COBRA insurance to continue medical insurance benefits.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

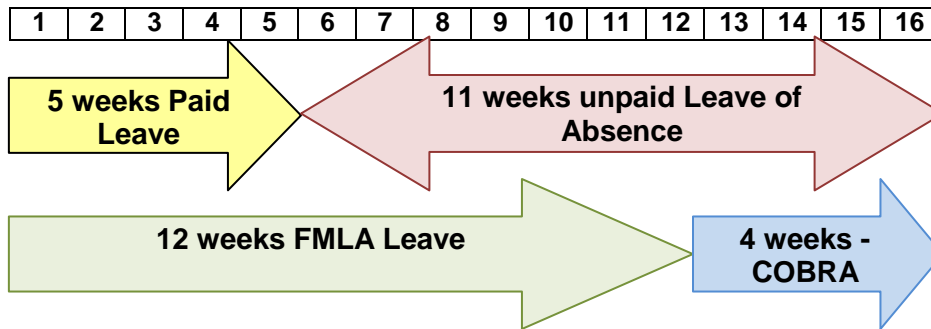
## APPENDIX 6

### FAMILY AND MEDICAL LEAVE POLICY

\*Revised March 1, 2017 — Res. 2017-013

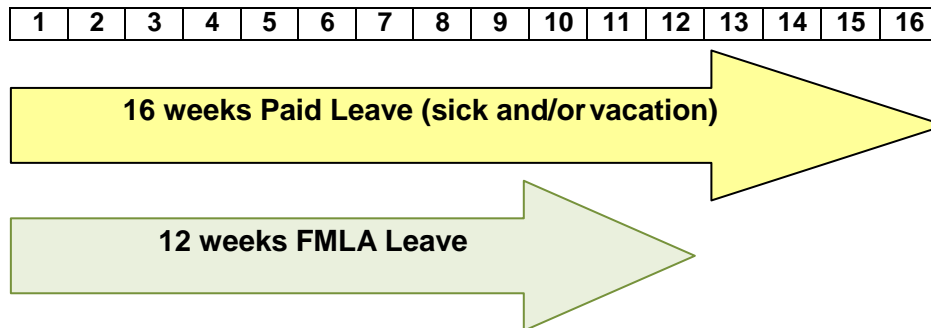
PAGE 3 OF 6

**Example B:** An eligible employee suffers a serious health condition that lasts 16 weeks. The employee has three (3) weeks of accrued sick leave and two (2) weeks of accrued vacation.



**In example B,** the Township will continue to pay the Township's share of the employee's health insurance premium for the first 12 weeks of the combination paid and unpaid leave. During the paid portion (first 5 weeks) the employee's share will be deducted from the paycheck. During the unpaid portion (the next 7 weeks) the employee must directly pay their share to the Township. After 12 total weeks, the employee may purchase COBRA insurance to continue medical insurance benefits.

**Example C:** An eligible employee suffers a serious health condition that lasts 16 weeks. The employee has 16 or more weeks of accrued paid leave balances (sick and/or vacation).



**In example C,** the Township will continue to pay the Township's share of the employee's health insurance premium for the entire duration of the 16 weeks, and shall deduct the employee's share from their paycheck. Note: COBRA is not applicable in this example.

- Husband and Wife:** When both spouses are employed by the Township, they are entitled to an aggregate total of 12 weeks of FMLA leave for childbirth, adoption placement or foster care. This limitation does not apply to FMLA leave taken by either spouse to care for the other spouse, a child or parent with a serious health condition.



# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 6

### FAMILY AND MEDICAL LEAVE POLICY

PAGE 4 OF 6

*\*Revised March 1, 2017 — Res. 2017-013*

7. **Benefit Accrual During Leave:** An employee granted FMLA leave shall continue to accrue seniority (if applicable) during any period of such leave provided the employee follows the proper procedure for requesting such leave and returns to work at the expiration of the leave. Vacation, sick leave, and other paid leave will not accrue during any unpaid portion of the FMLA leave period.
8. **Reinstatement:** When an employee returns from FMLA leave, the employee will be restored to the position held by the employee when the leave began or a similar position of equivalent pay and benefits. If the employee is returning from FMLA leave because of a serious health condition of the employee, the employee's physician must certify that the employee is able to resume work and perform the essential functions of the employee's position as a condition of return to employment. The Township may require a "fitness-for-duty" certification before an employee returns to work.
9. **Failure to Return:**
  - a. If the employee fails to return from leave, the employee shall reimburse the Township for the total insurance premium paid by the Township for the period of FMLA leave during which the employee was on unpaid leave, unless the failure to return is due to:
    - 1 continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to leave under FMLA; or
    - 2 other circumstances beyond the employee's control.In such a case, the Township may require medical certification and a fitness-for-duty certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid during the unpaid portion of the leave by the Township.
  - b. If an employee: (1) is not already on approved paid or unpaid leave in conjunction with Family and Medical Leave, (2) does not report to work or, (3) does not request and receive further approved leave after the applicable FMLA leave expires, the employee will be absent without leave and may be subject to disciplinary action.
10. **General Notice:** The Township shall post written notice of employees' rights and ability to file a complaint of violations of the FMLA with the Wage and Hour Division.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 6

### FAMILY AND MEDICAL LEAVE POLICY

PAGE 5 OF 6

*\*Revised March 1, 2017 — Res. 2017-013*

#### B. PROCEDURE

1. **Paid Leave:** If an employee requests paid leave that also qualifies as FMLA leave, the Township shall notify the employee that the paid leave will count toward and run concurrently with their FMLA leave. Such notice should be provided to the employee as soon as practicable after the Township acquires knowledge that the paid leave qualifies as FMLA leave.
2. **Employee Notification Requirements:**
  - a. Employees must provide 30-day notice to the Township Human Resources Director if the need for FMLA leave is foreseeable and such notice is practical.
  - b. Respective U.S. Department of Labor Wage and Hour Division certification forms to request FMLA leave may be obtained from the Township Human Resources Director.
3. **Intermittent Leave:**
  - a. Employees may use FMLA leave intermittently during the course of the work schedule, and under certain circumstances to reduce the workweek or workday, resulting in a reduced work schedule. In any event, the FMLA leave may not exceed a total of twelve (12) workweeks.
  - b. Employees taking intermittent FMLA leave will still be required to contact the Township Human Resources Director for each time period and/or day they will be absent from work for FMLA reasons to report such absence. Failure to do so may result in an unapproved leave of absence subject to the Township's disciplinary policies.
4. **Employee's Failure to Pay Insurance Premium:** Upon commencement of FMLA leave, the Township shall continue the employee's health insurance as if the employee was not on leave. During any unpaid portion of the leave, the Township's obligation shall cease if the employee is more than 30 days late in tendering the employee's share of the premium. In such a case, the Township shall provide the employee written notice of the discontinuance of coverage by mailing such notice at least 15 days before the date coverage will cease.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 6

### FAMILY AND MEDICAL LEAVE POLICY

*\*Revised March 1, 2017 — Res. 2017-013*

**PAGE 6 OF 6**

#### FMLA LEAVE REQUEST FORMS

Employees must select one of the following five U.S. Department of Labor Wage and Hour Division certification forms when requesting FMLA Leave. Most Jackson Township employees will use either Form 380-E(employee), or 380-F(family).

**Form 380-E is to be used when the FMLA leave is for the employee.**

- Certification of Health Care Provider for Employee's Serious Health Condition (WH-380-E)

**Form 380-F is to be used when the FMLA leave is for the employee's family members.**

- Certification of Health Care Provider for Family Member's Serious Health Condition (WH-380-F)

***The following 3 forms are to be used by and for military families and veterans when requesting FMLA Leave.***

- Certification of Qualifying Exigency for Military Family Leave (WH-384)
- Certification for Serious Injury or Illness of a Current Service Member for Military Family Leave (WH-385)
- Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (WH-385-V)

Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor

Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT

OMB Control Number: 1235-0003

Expires: 7/31/2018

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: \_\_\_\_\_

Employee's job title: \_\_\_\_\_ Regular work schedule: \_\_\_\_\_

Employee's essential job functions: \_\_\_\_\_

Check if job description is attached:

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: \_\_\_\_\_  
First Middle Last

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address: \_\_\_\_\_

Type of practice / Medical specialty: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

**PART A: MEDICAL FACTS**

1. Approximate date condition commenced: \_\_\_\_\_

Probable duration of condition: \_\_\_\_\_

**Mark below as applicable:**

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

No \_\_\_ Yes. If so, dates of admission:

\_\_\_\_\_

Date(s) you treated the patient for condition:

\_\_\_\_\_

Will the patient need to have treatment visits at least twice per year due to the condition? \_\_\_No \_\_\_ Yes.

Was medication, other than over-the-counter medication, prescribed? \_\_\_No \_\_\_ Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?  
\_\_\_No \_\_\_ Yes. If so, state the nature of such treatments and expected duration of treatment:

\_\_\_\_\_

2. Is the medical condition pregnancy? \_\_\_No \_\_\_ Yes. If so, expected delivery date: \_\_\_\_\_

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: \_\_\_ No \_\_\_ Yes.

If so, identify the job functions the employee is unable to perform:

\_\_\_\_\_

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PART B: AMOUNT OF LEAVE NEEDED**

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery?  No  Yes.

If so, estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition?  No  Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?  
 No  Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

\_\_\_\_\_

Estimate the part-time or reduced work schedule the employee needs, if any:

\_\_\_\_\_ hour(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions?  No  Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?  
 No  Yes . If so, explain:

\_\_\_\_\_

\_\_\_\_\_

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

**ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Certification of Health Care Provider for  
Family Member's Serious Health Condition  
(Family and Medical Leave Act)

U.S. Department of Labor  
Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

OMB Control Number: 1235-0003  
Expires: 7/31/2018

**SECTION I: For Completion by the EMPLOYER**

**INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: \_\_\_\_\_

**SECTION II: For Completion by the EMPLOYEE**

**INSTRUCTIONS to the EMPLOYEE:** Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: \_\_\_\_\_  
First Middle Last

Name of family member for whom you will provide care: \_\_\_\_\_  
First Middle Last

Relationship of family member to you: \_\_\_\_\_

If family member is your son or daughter, date of birth: \_\_\_\_\_

Describe care you will provide to your family member and estimate leave needed to provide care:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee Signature Date

**SECTION III: For Completion by the HEALTH CARE PROVIDER**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), or genetic services, as defined in 29 C.F.R. § 1635.3(e). Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider’s name and business address: \_\_\_\_\_

Type of practice / Medical specialty: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ Fax:(\_\_\_\_\_) \_\_\_\_\_

**PART A: MEDICAL FACTS**

1. Approximate date condition commenced: \_\_\_\_\_

Probable duration of condition: \_\_\_\_\_

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?  
\_\_\_No \_\_\_Yes. If so, dates of admission: \_\_\_\_\_

Date(s) you treated the patient for condition: \_\_\_\_\_

Was medication, other than over-the-counter medication, prescribed? \_\_\_No \_\_\_Yes.

Will the patient need to have treatment visits at least twice per year due to the condition? \_\_\_No \_\_\_Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?  
\_\_\_ No \_\_\_Yes. If so, state the nature of such treatments and expected duration of treatment:

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

2. Is the medical condition pregnancy? \_\_\_No \_\_\_Yes. If so, expected delivery date: \_\_\_\_\_

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such as medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

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



**PART B: AMOUNT OF CARE NEEDED:** When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery?  No  Yes.

Estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

During this time, will the patient need care?  No  Yes.

Explain the care needed by the patient and why such care is medically necessary:

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5. Will the patient require follow-up treatments, including any time for recovery?  No  Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

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Explain the care needed by the patient, and why such care is medically necessary: \_\_\_\_\_

---

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?  No  Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

\_\_\_\_\_ hour(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

Explain the care needed by the patient, and why such care is medically necessary:

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Certification of Qualifying Exigency  
For Military Family Leave  
(Family and Medical Leave Act)

U.S. Department of Labor  
Wage and Hour Division



OMB Control Number: 1235-0003  
Expires: 7/31/2018

**SECTION I: For Completion by the EMPLOYER**

**INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. Please complete Section I before giving this form to your employee. Your response is voluntary, and while you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.309.

Employer name: \_\_\_\_\_

Contact Information: \_\_\_\_\_

**SECTION II: For Completion by the EMPLOYEE**

**INSTRUCTIONS to the EMPLOYEE:** Please complete Section II fully and completely. The FMLA permits an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Your response is required to obtain a benefit. 29 CFR 825.310. While you are not required to provide this information, failure to do so may result in a denial of your request for FMLA leave. Your employer must give you at least 15 calendar days to return this form to your employer.

Your Name: \_\_\_\_\_  
First Middle Last

Name of military member on covered active duty or call to covered active duty status:  
\_\_\_\_\_  
First Middle Last

Relationship of military member to you: \_\_\_\_\_

Period of military member’s covered active duty: \_\_\_\_\_

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a military member’s covered active duty or call to covered active duty status. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or call to covered active duty status.

A copy of the military member’s covered active duty orders is attached.

Other documentation from the military certifying that the military member is on covered active duty (or has been notified of an impending call to covered active duty) is attached.

I have previously provided my employer with sufficient written documentation confirming the military member’s covered active duty or call to covered active duty status.

**PART A: QUALIFYING REASON FOR LEAVE**

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

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2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military; a document confirming the military member's Rest and Recuperation leave; a document confirming an appointment with a third party, such as a counselor or school official, or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.

Yes       No       None Available

**PART B: AMOUNT OF LEAVE NEEDED**

1. Approximate date exigency commenced: \_\_\_\_\_

Probable duration of exigency: \_\_\_\_\_

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency?

Yes       No

If so, estimate the beginning and ending dates for the period of absence:

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3. Will you need to be absent from work periodically to address this qualifying exigency?    Yes     No

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

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Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: \_\_\_\_\_ times per week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours \_\_\_\_\_ day(s) per event.

**PART C:**

If leave is requested to meet with a third party (such as to arrange for childcare or parental care, to attend counseling, to attend meetings with school, childcare or parental care providers, to make financial or legal arrangements, to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

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

Telephone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

Describe nature of meeting: \_\_\_\_\_

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

**PART D:**

I certify that the information I provided above is true and correct.

Signature of Employee \_\_\_\_\_ Date \_\_\_\_\_

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYER.**

Certification for Serious Injury or  
Illness of a Current  
Servicemember - -for Military Family Leave  
(Family and Medical Leave Act)

U.S. Department of Labor

Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT

OMB Control Number: 1235-0003  
Expires: 7/31/2018

**Notice to the EMPLOYER**

**INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a current servicemember to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 CFR 1635.9, if the Genetic Information Nondiscrimination Act applies.

**SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave**

**INSTRUCTIONS to the EMPLOYEE or CURRENT SERVICEMEMBER:** Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

**SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE ("DOD") HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** The employee listed on Page 2 has requested leave under the FMLA to care for a family member who is a current member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a current servicemember's serious injury or illness includes written documentation confirming that the servicemember's injury or illness was incurred in the line of duty on active duty or if not, that the current servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that the current servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the servicemember's condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 CFR 1635.3(f), or genetic services, as defined in 29 CFR 1635.3(e).

**SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave:**

(This section must be completed first before any of the below sections can be completed by a health care provider.)

**Part A: EMPLOYEE INFORMATION**

Name and Address of Employer (this is the employer of the employee requesting leave to care for the current servicemember):

\_\_\_\_\_  
Name of Employee Requesting Leave to Care for the Current Servicemember:

\_\_\_\_\_  
First Middle Last

Name of the Current Servicemember (for whom employee is requesting leave to care):

\_\_\_\_\_  
First Middle Last

Relationship of Employee to the Current Servicemember:

Spouse  Parent  Son  Daughter  Next of Kin

**Part B: SERVICEMEMBER INFORMATION**

(1) Is the Servicemember a Current Member of the Regular Armed Forces, the National Guard or Reserves?  
Yes  No

If yes, please provide the servicemember's military branch, rank and unit currently assigned to:

\_\_\_\_\_

Is the servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)?

Yes  No

If yes, please provide the name of the medical treatment facility or unit:

\_\_\_\_\_

(2) Is the Servicemember on the Temporary Disability Retired List (TDRL)?  
Yes  No

**Part C: CARE TO BE PROVIDED TO THE SERVICEMEMBER**

Describe the Care to Be Provided to the Current Servicemember and an Estimate of the Leave Needed to Provide the Care:

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

**SECTION II: For Completion by a United States Department of Defense (“DOD”) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (“VA”) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125. If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator).**

(Please ensure that Section I above has been completed before completing this section. Please be sure to sign the form on the last page.)

**Part A: HEALTH CARE PROVIDER INFORMATION**

Health Care Provider’s Name and Business Address:

\_\_\_\_\_

Type of Practice/Medical Specialty: \_\_\_\_\_

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider, or (5) a health care provider as defined in 29 CFR 825.125:

\_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

**PART B: MEDICAL STATUS**

(1) The current Servicemember’s medical condition is classified as (Check One of the Appropriate Boxes):

**(VSI) Very Seriously Ill/Injured** – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

**(SI) Seriously Ill/Injured** – Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

**OTHER Ill/Injured** – a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.

**NONE OF THE ABOVE** (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a “serious health condition” under § 825.113 of the FMLA. If such leave is requested, you may be required to complete DOL FORM WH-380-F or an employer-provided form seeking the same information.)

(2) Is the current Servicemember being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes  No

(3) Approximate date condition commenced: \_\_\_\_\_

(4) Probable duration of condition and/or need for care: \_\_\_\_\_

(5) Is the servicemember undergoing medical treatment, recuperation, or therapy for this condition? Yes  No

If yes, please describe medical treatment, recuperation or therapy:

---

PAR

(1) Will the servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes  No

If yes, estimate the beginning and ending dates for this period of time: \_\_\_\_\_

(2) Will the servicemember require periodic follow-up treatment appointments? Yes  No

If yes, estimate the treatment schedule: \_\_\_\_\_

(3) Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointments? Yes  No

(4) Is there a medical necessity for the servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)?

Yes  No

If yes, please estimate the frequency and duration of the periodic care:

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Signature of Health Care Provider: \_\_\_\_\_ Date: \_\_\_\_\_

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE PATIENT.**



7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? \_\_\_ No \_\_\_ Yes.

Based upon the patient’s medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: \_\_\_ times per \_\_\_ week(s) \_\_\_ month(s)

Duration: \_\_\_ hours or \_\_\_ day(s) per episode

Does the patient need care during these flare-ups? \_\_\_ No \_\_\_ Yes.

Explain the care needed by the patient, and why such care is medically necessary: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.**

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

\_\_\_\_\_  
**Signature of Health Care Provider**

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

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

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**DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

Certification for Serious Injury  
or Illness of a Veteran for  
Military Caregiver Leave  
(Family and Medical Leave Act)

U.S. Department of Labor

Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE EMPLOYEE

OMB Control Number: 1235-0003

Expires: 7/31/2018

**Notice to the EMPLOYER**

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 CFR 1635.9, if the Genetic Information Nondiscrimination Act applies.

**SECTION I: For completion by the EMPLOYEE and/or the VETERAN for whom the employee is requesting leave**

**INSTRUCTIONS to the EMPLOYEE and/or VETERAN:** Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

(This section must be completed before Section II can be completed by a health care provider.)

**Part A: EMPLOYEE INFORMATION**

Name and address of employer (this is the employer of the employee requesting leave to care for a veteran):

\_\_\_\_\_

Name of employee requesting leave to care for a veteran:

\_\_\_\_\_

First

Middle

Last

Name of veteran (for whom employee is requesting leave):

\_\_\_\_\_

First

Middle

Last

Relationship of employee to veteran:

Spouse  Parent  Son  Daughter  Next of Kin  (please specify relationship):

**Part B: VETERAN INFORMATION**

(1) Date of the veteran's discharge:

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(2) Was the veteran **dishonorably** discharged or released from the Armed Forces (including the National Guard or Reserves)? Yes  No

(3) Please provide the veteran's military branch, rank and unit at the time of discharge:

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(4) Is the veteran receiving medical treatment, recuperation, or therapy for an injury or illness?  
Yes  No

**Part C: CARE TO BE PROVIDED TO THE VETERAN**

Describe the care to be provided to the veteran and an estimate of the leave needed to provide the care:

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**SECTION II: For completion by: (1) a United States Department of Defense (“DOD”) health care provider; (2) a United States Department of Veterans Affairs (“VA”) health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider; or (5) a health care provider as defined in 29 CFR 825.125.**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** The employee named in Section I has requested leave under the military caregiver leave provision of the FMLA to care for a family member who is a veteran. For purposes of FMLA military caregiver leave, a serious injury or illness means an injury or illness incurred by the servicemember in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the servicemember’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the servicemember became a veteran, and is:

- (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating; or
- (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- (iii) a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans’ Affairs Program of Comprehensive Assistance for Family Caregivers.

A complete and sufficient certification to support a request for FMLA military caregiver leave due to a covered veteran’s serious injury or illness includes written documentation confirming that the veteran’s injury or illness was incurred in the line of duty on active duty or existed before the beginning of the veteran’s active duty and was aggravated by service in the line of duty on active duty, and that the veteran is undergoing treatment, recuperation, or therapy for such injury or illness by a health care provider listed above. Answer fully and completely all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA military caregiver leave coverage. Limit your responses to the veteran’s condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 CFR 1635.3(f), or genetic services, as defined in 29 CFR 1635.3(e).

(Please ensure that Section I has been completed before completing this section. Please be sure to sign the form on the last page and return this form to the employee requesting leave (See Section I, Part A above). **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**)

**Part A: HEALTH CARE PROVIDER INFORMATION**

Health care provider’s name and business address:

\_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Type of Practice/Medical Specialty: \_\_\_\_\_

Please indicate if you are:

- a DOD health care provider
- a VA health care provider
- a DOD TRICARE network authorized private health care provider
- a DOD non-network TRICARE authorized private health care provider
- other health care provider

## PART B: MEDICAL STATUS

Note: If you are unable to make certain of the military-related determinations contained in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as, DOD Recovery Care Coordinator) or an authorized VA representative.

(1) The Veteran's medical condition is:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating.
- A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or higher, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave.
- A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment.
- An injury, including a psychological injury, on the basis of which the covered veteran is enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.
- None of the above.

(2) Is the veteran being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes  No

(3) Approximate date condition commenced: \_\_\_\_\_

(4) Probable duration of condition and/or need for care: \_\_\_\_\_

(5) Is the veteran undergoing medical treatment, recuperation, or therapy for this condition? Yes  No

If yes, please describe medical treatment, recuperation or therapy:

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## PART C: VETERAN'S NEED FOR CARE BY FAMILY MEMBER

"Need for care" encompasses both physical and psychological care. It includes situations where, for example, due to his or her serious injury or illness, the veteran is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport him or herself to the doctor. It also includes providing psychological comfort and reassurance which would be beneficial to the veteran who is receiving inpatient or home care.

(1) Will the veteran need care for a single continuous period of time, including any time for treatment and recovery? Yes  No

If yes, estimate the beginning and ending dates for this period of time: \_\_\_\_\_

(2) Will the veteran require periodic follow-up treatment appointments? Yes  No

If yes, estimate the treatment schedule: \_\_\_\_\_

- (3) Is there a medical necessity for the veteran to have periodic care for these follow-up treatment appointments?  
Yes  No
- (4) Is there a medical necessity for the veteran to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)? Yes  No

If yes, please estimate the frequency and duration of the periodic care:

---

---

Signature of Health Care Provider: \_\_\_\_\_ Date: \_\_\_\_\_

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

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# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 7

### HARASSMENT & DISCRIMINATION POLICY

PAGE 1 OF 3

#### **POLICY STATEMENT**

It is the policy of the Jackson Township Board of Trustees that discrimination and sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. All employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. Jackson Township is committed to a workplace environment free of harassment and discrimination based on a person's sex, race, color, religion, national origin, handicap, age, ancestry. Any employee, male or female, who sexually harasses or discriminates another employee violates Jackson Township's policies and engages in illegal conduct under state and federal laws. This policy applies to all employees and officers of Jackson Township, including all uniformed, part-time, full-time, seasonal and temporary employees. Anyone engaging in harassing conduct will be subject to discipline up to and including termination.

**WHAT IS SEXUAL HARASSMENT?** Sexual harassment is defined as any unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented conduct which is offensive or objectionable to the recipient, including, but not limited to: epithets, derogatory or suggestive comments, slurs or gestures and offensive posters, cartoons, pictures, or drawings.

**WHEN IS CONDUCT UNWELCOME OR HARASSING?** Unwelcome sexual advances (either verbal or physical), requests for favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is either an explicit or implicit term or condition of employment (e.g., promotion, training, timekeeping or overtime assignments)
- submission to or rejection of the conduct is used as a basis for making employment decisions (hiring, promotion, termination)
- the conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment

**WHAT IS NOT SEXUAL HARASSMENT?** Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness.

**WHAT SHOULD YOU DO IF YOU ARE SEXUALLY HARASSED?** Any employee who believes that she or he has been the target of sexual harassment is encouraged to directly inform the offending person that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser, or if direct communication has been ineffective, then the employee should **Report the situation in writing using the Workplace Complaint Form** as soon as possible to his or her

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 7

### HARASSMENT & DISCRIMINATION POLICY

PAGE 2 OF 3

supervisor or Department Head. Jackson Township understands that these matters can be extremely sensitive, and so far as possible, will keep all employee complaints and communications in confidence.

**RETALIATION PROHIBITED.** Jackson Township will not tolerate employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment. Throughout the course of the investigation and thereafter, the complaining employee will be protected against any form of retaliation by the person accused or by any other Township employee.

**WHAT HAPPENS AFTER A WRITTEN COMPLAINT IS MADE?** Within seven (7) days after a written complaint is made, your supervisor, or another person designated as the EEO Officer, will investigate the complaint.. If Jackson Township determines that harassment has occurred or a hostile environment created, it will stabilize the work environment of the employee bringing the complaint, and will bring appropriate disciplinary action against the harasser, whether manager or co-worker, up to and including termination.

Employees must also recognize that this complaint procedure is not to be used maliciously or frivolously, but is designed to fairly and completely investigate good faith claims of harassment and hostile environment. This does not mean that a claim which results in a finding of no harassment will be viewed as either malicious or frivolous, but it does mean that if a claim is found to be groundless – that is, untruthful and without any foundation – the complaining or reporting employee may be subject to disciplinary action, upto and including termination.

#### **TYPICAL INVESTIGATIVE PROCESS MAY PROCEED AS FOLLOWS:**

1. The investigator, (EEO Officer or designee), will meet with the reporting employee, provide assurances that the investigation will remain confidential insofar as possible, and will review the written Workplace Complaint. The reporting employee may be asked to provide additional written statements of the facts.
2. The reporting employee will be encouraged to reveal the names of any other employees who may be witnesses to the harassing conduct or hostile environment, and any witnesses named or otherwise revealed during the investigation will be questioned on a confidential basis.
3. The person accused of the harassment will be confidentially questioned and will be asked to make a written statement of his or her position regarding the specifics of the charge of harassment or hostile environment. The accused



# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 7

### HARASSMENT & DISCRIMINATION POLICY

PAGE 3 OF 3

persons will be specifically warned that any attempts at retaliation in any form against the complaining/reporting employee or other witnesses will result in disciplinary action, up to and including termination of employment.

4. The reporting employee may be interviewed additional times so that he or she has a full opportunity to comment on facts and circumstances found during the interviews of the accused and any material witnesses.
5. The investigator, (EEO Officer or designee), will make a confidential determination of the facts, determine whether or not harassment has occurred and/or a hostile environment exists, and what types of corrective action should be taken as well as any disciplinary recommendations.
6. Disciplinary recommendations will be forwarded to the Board of Trustees for their review and action.
7. The reporting employee, as well as the accused, will be informed of the corrective action and recommendations of any disciplinary measures.
8. All witnesses interviewed during the investigation will be admonished about the need to maintain absolute confidentiality surrounding all facets of the investigation and their knowledge of the facts or results.

**SUMMARY** It is anticipated that some complaints of harassment and hostile environment will result in clear findings of harassment and hostile environment and appropriate corrective action will be taken.

It is further recognized, however, that in some cases it will not be possible to determine whether or not harassment or any other wrongdoing has actually occurred. In these cases, it is not the intent of Jackson Township to form any conclusions about the truthfulness of the reporting employee, the victim, the accused or any of the witnesses.

In all cases, however, it is the intent of Jackson Township to be reasonably responsive to any employee who has an honest perception that he or she or any other employee has been the victim of unlawful or otherwise inappropriate harassment, which interferes with a good working environment.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 8

### PUBLIC RECORDS POLICY

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#### Introduction

It is the policy of Jackson Township in Franklin County that openness leads to a better-informed citizenry, which leads to more transparent government and sound public policy. It is the policy of Jackson Township to adhere to Ohio's Public Records Act as well as other to other applicable state and federal laws.

Ohio's Public Records Act imposes two primary obligations upon public offices:

1. To provide prompt inspection of public records (R.C. 149.43(B)(1)); and
2. To provide copies of public records within a reasonable period of time (R.C. 149.43(B)(2)).

The Public Records Act evolved from the principle that Ohio's citizens are entitled to access the records of their government. Jackson Township agrees that to advance that principle, the Public Records Act should be interpreted liberally in favor of disclosure.

#### Section 1. Public Records - Definition

Under Ohio law, a public office may create only such records that are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities. (R.C. 149.40).

In accordance with the Ohio Revised Code and court rulings, "records" are defined as those items that meet *all of the following*:

1. any document, device, or item, regardless of physical form or characteristic, including an electronic record (which includes but is not limited to e-mail or other record created, generated, sent, communicated, received, or stored by electronic means);
2. that is created or received by, or coming under the jurisdiction of a public office; and
3. that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. § 149.011(G)).

The determination of whether a specific item constitutes a "record" will depend on the facts and circumstances surrounding the particular item requested. The Ohio Supreme Court has imposed an actual use standard in defining a "record," which means that an item is not automatically a "record" simply because the public office could (but did not) use a document it received to carry out its duties and responsibilities.

Furthermore, a public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 8

### PUBLIC RECORDS POLICY

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#### Section 1.1 Public Records - Organization

It is the policy of Jackson Township in Franklin County that, as required by Ohio law, records will be organized and maintained so that they are made available for inspection to any person at all reasonable times during regular business hours. (R.C. 149.43(B)(1)). Jackson Township's regular business hours are defined as Monday – Friday, 8am to 4pm.

Copies will be made available upon request within a reasonable period of time. (R.C. 149.43(B)(1)).

A current record retention schedule will be readily available to the public upon request. (R.C. 149.43(B)(2))

#### Section 1.2 Public Records - Exemptions

Not all of Jackson Township's records are "public records." Certain records are exempt from the Public Records Act. Exempt records include records: (1) the release of which is *prohibited* by state or federal law, or 2) that are subject to an express exception set forth in Ohio's Public Records Act, which may be released only if Jackson Township Board of Trustees decides to waive the express exception.

Examples of records, the release of which is *prohibited* by state or federal law, include, but are not limited to, the following:

- Medical records;
- Attorney-client privileged information;
- Records of a Certified Public Accountant or public accountant in the performance of an audit of a public office (R.C. 4701.19(B));
- Federal tax returns (26 U.S.C. 6103(a));
- Peace officer, firefighter, or EMT residential and familial information;
- Records that have been sealed pursuant to a statutorily authorized court order (*i.e.* R.C. 2953.52);
- Information pertaining to the recreational activities of a person under the age of eighteen;
- Employees' and their family members' records that were created for purposes of the Family Medical Leave Act or the Americans with Disabilities Act (29 CFR 825.500(g) and 1630.14(c)(1)).

The Township may seek legal review prior to determining whether or not a record is exempt.

Examples of records that are subject to an express exception set forth in Ohio's Public Records Act, which may be released only if Jackson Township Board of Trustees decides to waive the express exception include, but are not limited to, the following:

- Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, residential and familial information (R.C. 149.43(A)(7));

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 8

### PUBLIC RECORDS POLICY

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- Records that pertain to a patient's medical history, diagnosis, prognosis, or medical condition and that were general and maintained in the process of medical treatment (R.C. 149.43(A)(1)(a));
- Records that contain information that was specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding (R.C. 149.43(A)(1)(g)); and
- Records that pertain to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature and that, if released, would create a high probability of disclosing any of the following (1) the identity of an uncharged suspect, (2) the identity of a confidential source, (3) specific confidential investigatory techniques or procedures; (4) specific investigative work product; or (5) information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential source (R.C. 149.43(A)(2)).

The exemptions to the Public Records Act will be narrowly construed by the Township in the favor of disclosure. The Township may seek a legal review prior to determining whether or not an exception applies.

#### **Section 2. Record Records - Requests**

Each request for public records should be evaluated for a response using the following guidelines:

##### **Section 2.1 Request Form**

Although no specific language is required to make a request, Jackson Township uses a "Public Records Request Form" that is intended to aid the requester to help identify the records requested with sufficient clarity to allow this office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that this office cannot reasonably identify what public records are being requested, then this office may deny the request. In such case, this office will provide the requester with an opportunity to revise the request by informing him/her of the manner in which records are maintained by the office and accessed in the ordinary course of this office's duties. (R.C. 149.43(B)(2)).

##### **Section 2.2 Requests in Writing**

The requester does not have to put a records request in writing, and does not have to provide his/her identity or the intended use of the requested public record. However, the records custodian may ask for a written request and may ask for the requestor's identity and/or intended use of the information requested if (1) it would benefit the requestor by helping the public office identify, locate or deliver the records being sought, and (2) the requestor is informed that a written request and the requestor's identity and intended use of the information requested are not required. (R.C. 149.43(B)(5)).

The offices of Jackson Township will permit a requester to choose to have the public record duplicated upon paper, upon the same medium which this office keeps it, or

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 8

### PUBLIC RECORDS POLICY

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upon any other medium which this office determines that it reasonably can be duplicated as an integral part of the normal operations of this office. The offices of Jackson Township are not required to allow the requester to make the copies of the public record. (R.C. 149.43(B)(6)).

#### **Section 2.3 Request Timeframe**

Public records should be available for inspection at all reasonable times during regular business hours (Monday – Friday, 8am to 4pm). Public records should be made available for inspection promptly. (R.C. 149.43(B)(1)). To the extent that an office may operate 24-hours-a-day, the records of that office will be made available for inspection during normal administrative hours.

Copies of public records should be made available within a reasonable period of time. (R.C. 149.43(B)(1)).

The determination of the terms “prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

#### **Section 2.4 Request for Routine Records**

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), resolutions, budgets, etc.

#### **Section 2.5 Request by Mail**

Upon request, this office will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this office deems reasonable. (R.C. 149.43(B)(7)).

This office will limit to ten (10) the number of copies of public records provided per month to a requester by United States Mail, unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. (The word “commercial” does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research). (R.C. 149.43(B)(7)).

#### **Section 2.6 Requests by Journalists or Media**

This office, in response to a written request made and signed by a journalist (which must include the journalist’s name and title and the name and address of the journalist’s employer and which states that the disclosure of the information sought would be in the public interest) will provide the address of the actual personal residence of anyone employed by this office as a peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children’s services worker, or corrections officer, and, if such employee’s

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 8

### PUBLIC RECORDS POLICY

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spouse, former spouse, or child is employed by a public office, the name and address of that public office. (R.C. 149.43(B)(9)).

#### **Section 2.7 Request Denials**

Any denial of public records requested, in part or in whole, should include an explanation, including legal authority, as to why the request was denied. If the initial request was provided in writing, the explanation for denial will be provided to the requester in writing. (R.C. 149.43(B)(3)).

If portions of a record are public and portions are exempt, the exempt portions should be redacted and the rest released. If there are redactions, the office will notify the requester of any redaction or make the redaction plainly visible. Each redaction should be accompanied by a supporting explanation, including legal authority, as to why the redaction was made. (R.C. 149.43(B)(1) and (2)).

#### **Section 2.8**

This office has no duty to provide records acquired after a request for records is complete.

#### **Section 3 Costs for Public Records**

Those seeking public records shall be charged only the actual cost of making copies, unless the cost is otherwise set by statute. (R.C. 149.43(B)(1)). Employee time should not be calculated into the charge for copying a public record. However, in the event that circumstances make it reasonable for this office to hire an outside contractor to make copies of requested records, the requester will be charged the actual cost paid to the outside contractor for the copying service. (R.C. 149.43(F)(2)(a)). These circumstances may include but not be limited to a lack of in-house photocopying resources or labor. Jackson Township has no duty to provide copies of public records free of charge to someone who indicates an inability or unwillingness to pay for them.

#### **Section 3.1 Costs – Determined by Board of Trustees**

Costs to copy records shall be determined by the Board of Trustees at the Board's annual organizational meeting each year. Annually thereafter, the Board shall review and adjust copying charges as necessary.

#### **Section 3.2 Costs – Payable in Advance**

This office may require a requester to pay in advance the cost involved in providing the copy of the requested public record(s). (R.C. 149.43(B)(6)).

#### **Section 3.3 Costs – Delivery by Mail**

Upon request, Jackson Township will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this office deems reasonable. This office may require such a requester to pay in advance the cost of

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 8

### PUBLIC RECORDS POLICY

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postage or costs incurred for other supplies used in the mailing, delivery, or transmission. (R.C. 149.43(B)(7)).

#### **Section 3.4 Costs – Timely Preparation & Outside Contractors**

There may be instances when Jackson Township may be able to provide copies made in-house without disrupting its normal functions, but only over an extended period of time. In that instance, this office may offer the requester the options of (1) having the documents produced through a faster method by employing temporary personnel and equipment, (2) using an external private contractor, or (3) having the documents produced in-house by this public office's normal staff and equipment in a less efficient and more time-consuming manner.

#### **Section 4 Public Records - Email**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content meets the definition of public records, as outlined in Section 1, as outlined above. Such e-mail records must be provided upon request and should follow the same retention schedules as records kept in other formats.

#### **Section 5 Failure to Respond to a Public Records Request**

The offices of Jackson Township recognize the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, this office's failure to comply with a request may result in the requester commencing a mandamus action against this office in either the court of common pleas, in the court of appeals, or in the Supreme Court of Ohio. The court may order this office to comply with the Public Records Act, as well as order this office to pay statutory damages of one hundred dollars for each business day (beginning with the day the requester files the mandamus action) during which this public office failed to comply (up to a maximum of one thousand dollars), as well as court costs and the requester's reasonable attorney fees.

#### **Section 6 Public Records Notices & Posting**

Every employee of Jackson Township shall receive a copy of the Township's Public Records Policy in the Township's Employee Handbook. Each office location of Jackson Township will post the Township's Public Records Policy in a conspicuous place. Jackson Township, like all political subdivisions of the state, will be routinely audited to ensure compliance with Ohio's Public Records Act.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 9

### TRANSITIONAL WORK PROGRAM

#### Work Related Injury Leave

PAGE 1 OF 3

\*Revised & Updated March 2011

#### INTRODUCTION

It is the policy of Jackson Township to effectively manage workers' compensation losses and use standard cost containment measures for workers' compensation claims while maintaining the working status of our employees. The goal of the Transitional Work Program (TWP) is to safely and gradually return an injured employee back to their original job. Any employee who sustains a work-related injury, occupational disease or illness that is likely to result in lost time from the job will automatically be considered for TWP.

#### WHAT IS TRANSITIONAL WORK?

Transitional work is a temporary modification of job duties to accommodate the medical restrictions of the injured employee. TWP is more than just "light duty" since the goal of TWP is to promote the physical conditioning and recovery of the injured employee. Every TWP assignment will be determined on a case-by-case basis depending on individual's needs as each injury, rehabilitation and physical restrictions determined by the employee's physician will differ from person to person. TWP may also include part-time work, on-site therapy, and/or work hardening rehabilitation techniques.

#### ELIGIBILITY

Any Jackson Township employee (uniformed or civilian) who sustains a work-related injury, occupational disease or illness that is likely to result in lost time from the job will be automatically considered for TWP. TWP is a temporary period of modified job performance limitations designed to last no more than ninety (90) calendar days.

Additionally, every employee considered for TWP must also meet **all of the following** criteria:

1. The employee must have a job-related injury, accident or illness;
2. The employee must be released by their personal physician of record / treating physician to participate in a TWP work modification program; and
3. The employee has the potential of returning to his/her original job within ninety (90) calendar days.

If unable to meet all the requirements to participate in TWP, the injured employee will be placed on injury leave as defined below.

#### ROLES & RESPONSIBILITIES

The successful TWP assignment will involve communication and cooperation between a number of people, these include:

- **Physician of Record (POR)**: The employee's personal physician who is treating the injured employee.
- **Managed Care Organization (MCO)**: CareWorks is the Township's MCO that is responsible for the medical management of a workers' compensation claim. As part of this medical management process, the MCO is responsible for securing return to work restrictions, full duty release to return to work, and ensuring that the injured employee is not having trouble with his/her return to work. Additionally, the MCO is responsible for the authorization of any medical



# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 9

### TRANSITIONAL WORK PROGRAM

#### Work Related Injury Leave

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\*Revised & Updated March 2011

treatment and payment of the subsequent bills, in workers' compensation claims. The Township may change its MCO as insurance rates, service and costs dictate.

- Third Party Administrator (TPA): The representative selected by the Township to manage BWC insurance claims and advocacy in the best interest of the Township, including representation at BWC hearings, advice on cost savings and rate verification. The Township may change its TPA as insurance rates, service and costs dictate.
- Return to Work (RTW) Coordinator: Customarily reserved to the Fire Chief, Administrator or their designee who is designated to facilitate all case management activity. The RTW coordinator is required to ensure that confidential medical information and/or documentation shall be protected in accordance with all laws governing the use of such information.
- Transitional Work Team (TWT): The full team of professionals monitoring the progress of the injured employee participating in the TWP with the goal of decreasing the restrictions and increasing work tasks in order to return the injured employee to full duty. The TWT is required to ensure that confidential medical information and/or documentation shall be protected in accordance with all laws governing the use of such information. The TWT is made up of the following:

Injured Employee	Physician of Record	MCO & MCO Case Manager
RTW Coordinator	Immediate Supervisor	On-site Therapist
Bureau of Works Compensation		

### PROCEDURES

Job modifications while in the TWP may involve the removal or alteration of physical barriers that may prohibit an injured worker from performing essential job functions. Job modifications are developed within the employee's limitations, functional capacity and physical capabilities as determined by the TWT and the employee's attending physician.

Following a work-related injury and the filing of the First Report of Injury (FROI), the Department Head will consult with the MCO and the injured employee to determine the severity of the injury and whether the injured employee can be enrolled in the TWP.

Enrollment in TWP can involve a gradual return to duty working part-time on-site with the balance of time paid through injury leave, worker's compensation or other available leave balances. Enrollment in TWP can also involve temporary and changing work assignments based on the limitations of the employee as documented by the TWT and the employee's attending physician. All TWP participants will comply with all personnel policies, procedures and safe work practices.

Continuation in TWP will require on-going documentation of medical necessity and participation in the TWP may be discontinued at any time. Participants in the TWP may be scheduled for an Independent Medical Exam at the cost of the Township.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 9

### TRANSITIONAL WORK PROGRAM

#### Work Related Injury Leave

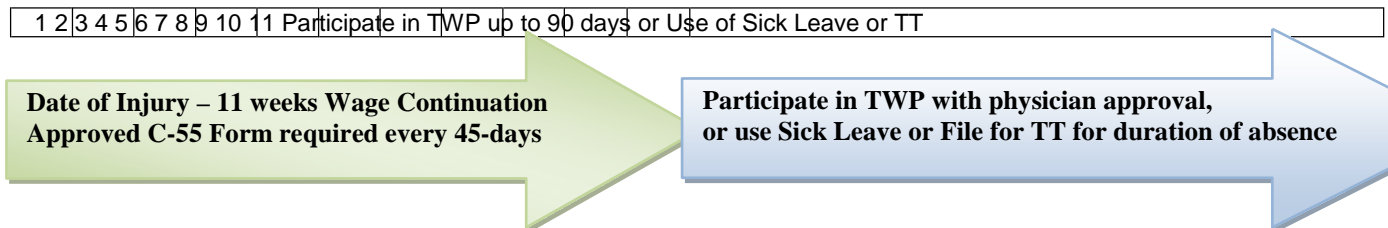
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\*Revised & Updated March 2011

#### **OCCUPATIONAL INJURY LEAVE** (Updated May 10, 2011....refer also to Sect. 7, pg. 20)

Jackson Township in cooperation with its chosen MCO, CareWorks, maintains a BWC approved Transitional Work Program (TWP) used to help an employee with a work-related injury get back to full duty as quickly as possible. TWP allows for temporary modification of job duties and/or alternative positions of modified duty within the Township based upon restrictions established by the employee's attending physician. TWP is a temporary period of modified job performance limitations designed to last no more than ninety (90) calendar days.

An Employee absent as the result of a job-related illness or injury, and who is unable to participate in a TWP job assignment, may be eligible to file a BWC approved Wage Continuation arrangement (approved C-55 Form required) for a duration up to eleven (11) weeks from the date of injury as illustrated by the injury leave process below:



If the injured employee is unable to participate in TWP and requires additional time off at the conclusion of the eleven (11) week Wage Continuation Agreement then the employee will use accumulated sick leave during the absence. The use of vacation, holiday or personal leave while in injury leave status is prohibited. If sick leave is unavailable, or the injured employee elects not to use sick leave, the injured employee will file for and receive Temporary Total Income Compensation from the BWC.

The Township reserves the right to review each work-related injury claim for a cost-benefit analysis and will only agree to a Wage Continuation Agreement on a case-by-case basis that benefits the financial interests of the Township and is in accordance with BWC rules and regulations.

At no time, may an injured employee simultaneously receive Temporary Total Income Compensation from the Bureau of Workers Compensation and Wage Continuation from Jackson Township.

#### **INDEPENDENT MEDICAL EXAM / FUNCTIONAL CAPACITY EVALUATION**

The Township reserves the right to send any employee off-duty for an extended period of time due to an injury or illness to an Independent Medical Exam and/or Functional Capacity Exam to determine the employee's physical or psychiatric fitness for duty. Such exam will be coordinated at the Township's expense with a physician selected by the Township. The results of any such exam may determine participation in, or continuation of, the Transitional Work Program.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 10

### OHIO'S FRAUD REPORTING SYSTEM

PAGE 1 OF 1

Updated June 2012

#### INTRODUCTION

Recent changes in Ohio Law (HB 66 – eff. 5/4/2012) requires the Auditor of State to maintain a system for the reporting of fraud, including misuse of public money by any public official or office. The system allows all Ohio citizens the opportunity to make anonymous complaints through a toll-free telephone number, the Auditor of State's website, or through the U.S. Mail.

#### EMPLOYEE NOTIFICATION

All current employees of Jackson Township will be made aware of the State's new Fraud Reporting System by receipt of this updated policy in the Township Personnel Handbook. All new employees will be required to review the policy within 30-days after beginning employment and sign the Acknowledgment Form (below).

#### FRAUD REPORTING

The Auditor of State's fraud contact information is as follows:

1. Telephone: 1-866-FRAUD-OH (1-866-372-8364)
2. U.S. Mail: Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, Ohio 43215
3. Web: [www.ohioauditor.gov](http://www.ohioauditor.gov)

#### NEW EMPLOYEE ACKNOWLEDGEMENT FORM

*Pursuant to Ohio Revised Code 117.103(B)(1), a public office shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee upon employment with the public office. Each new employee has thirty days after beginning employment to confirm receipt of this information. By signing below you are acknowledging Jackson Township provided you information about the fraud-reporting system as described by Section 117.103(A) of the Revised Code, and that you read and understand the information provided. You are also acknowledging you have received and read the information regarding Section 124.341 of the Revised Code and the protections you are provided as a classified or unclassified employee if you use the before-mentioned fraud reporting system.*

*I, \_\_\_\_\_, have read the information provided by my employer regarding the fraud-reporting system operated by the Ohio Auditor of State's office. I further state that the undersigned signature acknowledges receipt of this information.*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
DATE

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 11

### DRIVER SAFETY POLICY

PAGE 1 OF 3

Adopted December 18, 2012 (Resolution #2012-146)

#### OVERVIEW

The Township Board of Trustees recognizes that driver safety is critical to Jackson Township as well as to the safety and security of the citizens and visitors of our community. Employees who regularly or occasionally operate a Jackson Township motor vehicle or personally owned motor vehicle while on-duty and in the course of their employment shall always follow all motor vehicle laws, drive defensively and exercise the utmost care, caution and courtesy.

#### VALID DRIVERS LICENSE

All employees of Jackson Township are required to possess and maintain a valid State of Ohio Drivers License; the failure of which may be grounds for discipline, up to and including termination of employment. The Township will routinely check the driving records of all employees. All Jackson Township employees are required to notify their Department Head of any moving violations, at-fault accidents, citations or arrests that occur whether such things occur on-duty or off-duty. Likewise, employees shall immediately notify their Department Head if their driver's license is suspended or revoked.

#### COMMERCIAL DRIVERS LICENSE

Certain employees of Jackson Township are required to possess and maintain a valid State of Ohio Commercial Drivers License in addition to a regular Drivers License. Those employees in possession of a CDL are mandated by Ohio law to maintain a higher standard of driving and personal accountability. Jackson Township employees failing to maintain their CDL may be subject to disciplinary actions, up to and including termination of employment.

#### DRIVING RECORD ACCEPTABILITY

The following is a list of incidents that may be grounds for an "Unacceptable Driving Record," and will result in an administrative review with the employee which may require the employee to attend a defensive driving course or similar remedial training:

1. More than two(2) "at-fault" accidents within a one(1)-year period;
2. Accumulating more than four(4) points within a one(1)-year period;
3. Any combination of accidents or citations totaling more than six (6) points within the last two (2)-years.

Employees alleged to have sustained a "Serious Violation" may be subject to administrative review and loss of driving privileges pending further investigation. If subsequently convicted of a "Serious Violation," the employee may be subject to disciplinary review, up to and including termination of employment. Serious violations are identified as the six (6) point violations in the table below and include, but are not limited to: driving while intoxicated, driving under the influence of drugs, negligent vehicular homicide, operating a vehicle without a license, using a motor vehicle in the commission of a felony, willfully eluding law enforcement, aggravated assault with a vehicle (i.e., "road rage"), hit and run, grand theft auto, and drag racing.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 11

### DRIVER SAFETY POLICY

PAGE 2 OF 3

Adopted December 18, 2012 (Resolution #2012-146)

#### **SAFE DRIVER POLICIES – General Rules and Regulations**

Employees of Jackson Township are required to observe the following safe driving practices:

1. All employees shall use their seat belts at all times while in a moving vehicle, whether they are the driver or the passenger, except in cases of patient care or emergency operations which would otherwise make seat belt use impractical.
2. All drivers are prohibited from using cell phones while operating a motor vehicle; however the use of hands-free technologies may be justified.
3. Texting while driving is dangerous and prohibited by Ohio law and all drivers are prohibited from texting while driving.
4. Distracted driving activities are dangerous and discouraged, this includes the following activities while driving: eating, grooming or makeup, reading and loud music or video.
5. Use of alcohol, drugs or other substances, including certain over-the-counter or prescription medications which may impair driving is prohibited.
6. All drivers will yield the right-of-way to pedestrians.
7. All drivers using their personal vehicle during the course of employment will maintain required liability insurance coverage.
8. All drivers using their personal vehicles during the course of employment will ensure such vehicles are kept free of any stickers or signs which: indicate any political candidates, party, organization or theme; are in poor taste; or relate to specific social concerns that may be found objectionable by the community standards and the citizens which we serve.
9. Aggressive driving is prohibited and includes, speeding, excessive lane changing, improper passing, tailgating, and rude, obscene or threatening gestures.
10. No one is permitted to ride outside the passenger compartment of any motor vehicle when such vehicle is in motion.

#### **TRAINING**

Employees who are assigned to a particular Township owned vehicle will be instructed in the safe operation and general conditions of the vehicle before being allowed to operate the vehicle. Township vehicles may have specialized equipment, functions or devices which require training and familiarity over and above the experiences of normal passenger automobiles. Department Heads are required to ensure that employees are properly trained in the safe operation of all vehicles. A Township employee not familiar with the operation of a particular vehicle is required to inform their supervisor of their lack of such familiarity and their need for training before assuming control of the vehicle.

#### **RECORD KEEPING**

The Township will maintain a record of drivers licenses, accident history and driver training for all employees where applicable. Such records will be kept part of the employee's personnel files.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 11

### DRIVER SAFETY POLICY

PAGE 3 OF 3

Adopted December 18, 2012 (Resolution #2012-146)

#### OHIO's BMV POINT SYSTEM

Driving irresponsibility often results in accidents, fines and injuries. Ohio uses a traffic violation point system to rate driver safety and assess the conditions which may lead to suspension or revocation of a drivers license. Points are assessed against a drivers license for two (2) years from the date of the incident and may accumulate. Typical point violations are as follows:

Points	Violation	Note
6	Homicide by vehicle	Serious Violation
6	Operating a vehicle while under influence of drugs or alcohol (DUI/DWI)	Serious Violation
6	Failure to stop at the scene of an accident ("hit and run")	Serious Violation
6	Willingly fleeing a law enforcement officer	Serious Violation
6	Drag racing	Serious Violation
6	Operating a vehicle without the owner's consent ("grand theft")	Serious Violation
6	Operating a vehicle without a license	Serious Violation
6	Using a vehicle in the commission of a felony ("aggravated assault")	Serious Violation
4	Willful disregard for the safety of others (reckless operation)	
2	All other moving violations and vehicle safety violations (seat belts, lights, signals, etc.)	
Speeding	In zones posted less than 55 mph	10 mph over limit = 2 points 30 mph over limit = 4 points
	In zones posted over 55 mph	11 mph over limit = 2 points 30 mph over limit = 4 points
	<i>Note: a driver can be cited for speeding, and not receive penalty points (i.e., driving 70 mph in a 65 mph zone can be grounds for receiving a speed citation, but points are not applied until exceeding 11 mph or 76 mph).</i>	

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 12

### TOBACCO FREE WORKPLACE

Tobacco Use Prohibition Policy

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#### **Purpose**

As of January 1, 2016, Jackson Township is a tobacco-free employer and will deny employment to persons seeking employment with the township who use tobacco, as defined below. Jackson Township is committed to providing healthy public workplaces because the good health and productivity of township employees is paramount. In recognition of medical evidence indicating detrimental effects of smoking including tobacco use and alongside Ohio law prohibiting smoking in public places, Jackson Township is also a “tobacco-free workplace” and will be instituting this new policy effective January 1, 2016.

#### **General Rule**

Tobacco use, includes smoking and any product that contains nicotine such as smokeless tobacco, chewing tobacco, cigars, pipes, e-cigarettes and any product that emits vapor or smoke. Tobacco use is not permitted at Jackson Township.

#### **Policy**

- 1) Tobacco use is prohibited on all Jackson Township property, including all vehicles and buildings and grounds by employees, visitors, guests or the general public.
- 2) Tobacco use is prohibited during working hours, while in uniform, while in training, during emergency responses and anytime an employee is actively at work or representing the Township in an official capacity.
- 3) Visitors, contractors, guests and the general public will be required to follow this tobacco-free policy while upon any Township facility, building, vehicle or grounds.
- 4) Jackson Township will deny full time employment to smokers or tobacco users.  
(Res #2019-111)

#### **Cessation Products**

- 1) Jackson Township has available numerous resources from our group insurance and EAP plan to assist employees seeking cessation assistance.
- 2) Employees will be permitted to use cessation products as long as such products do not emit vapor or smoke.

#### **Responsibility**

- 1) All employees are responsible for understanding and following this policy.
- 2) Supervisors are responsible for the enforcement of this policy.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 13

### REASONABLE ACCOMMODATION POLICY

PAGE 1 OF 1

Adopted July 26, 2016 (Res. #2016-075)

#### INTRODUCTION

The Jackson Township Board of Trustees is committed to complying with the Americans with Disabilities Act and corresponding state law mandating equal employment opportunity including reasonable accommodations for qualified, disabled employees and job applicants.

#### PROCEDURE FOR REQUESTING REASONABLE ACCOMMODATIONS

Employees or job applicants with disabilities may make requests for reasonable accommodations if needed to perform essential job functions to their immediate supervisors or township administrators.

Supervisors or administrators then will engage in an interactive process with employees to determine whether requested reasonable accommodations will be made noting attendance is an essential part of all job functions.

Those seeking reasonable accommodations may be required to provide supporting medical documentation. Employees or job applicants may appeal decisions to the Jackson Township Board of Trustees.



# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 14

### TATTOOS

#### Tattoo Use Policy

Adopted September 3, 2019 (Res. # 2019- 092)

PAGE 1 OF 3

#### INTRODUCTION

Three criteria will be used to determine whether tattoos/body art/brands are permitted for Jackson Township personnel: content, location and cosmetic. Tattoos will be evaluated to the standards of this policy unless they are in a private area (Males- brief area, females – brief area and frontal bra area)

**CONTENT** Tattoos/body art/brands located anywhere on the body that are prejudicial to good order, discipline, and morale or are of a nature to bring discredit upon the Township are prohibited. For example, tattoos/body art/brands that are obscene, sexually explicit, and/or advocate discrimination based on sex, race, religion, ethnic, or national origin are prohibited. In addition, tattoos/body art/brands that symbolize affiliation with gangs, supremacist or extremist groups, or advocate illegal drug use are prohibited.

(a) Extremist. Extremist tattoos are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, ethnicity, religion, or national origin; or advocate violence or other unlawful means of depriving individual rights under the U.S. Constitution and federal or state law.

(b) Indecent tattoos or brands are those that are grossly offensive to modesty, decency or propriety; shock the moral sense because of their vulgar, filthy or disgusting nature, or tendency to incite lustful thought; or tend reasonably to corrupt morals or incite libidinous thoughts.

(c) Sexist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on gender, but that may not meet the same definition of “indecent”.

(d) Racist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on race, ethnicity or national origin.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 14

### TATTOOS

#### Tattoo Use Policy

Adopted September 3, 2019 (Res. # 2019- 092)

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**LOCATION** No tattoos are permitted on the head, neck, elbow, knee, face (to include ear) and scalp.

(a) The neck is defined as the portion of the body above the collarbone in the front area, above the seventh cervical vertebrae (C7) in the back area.

(b) The head is defined as the portion of the body above the first cervical vertebrae (C1).

(c) Chest or back tattoos must be below the collarbone and seventh cervical vertebrae (C7). Tattoos on the chest or back must be covered by wearing a properly fitting crew-neck t-shirt with no portion of the tattoo showing.

(d) The crew-neck t-shirt is required to be worn if a tattoo is visible in the "V" area created by the open collar of the required uniform (below the collarbone).

(e) Lower arms is defined as from the elbow down to the hand. If an employee has a tattoo on the lower arm, they must cover the lower arm while on duty with no portion of the tattoo showing with the approved uniform.

1. A single tattoo which can be covered by the individual's hand with their fingers extended and joined with the thumb flush against the side of the hand. The measurement will be from the base of the palm to the tip of the fingers and from the outside of the thumb to the outside of the palm.

(f) Tattoos on the hands, fingers, or within two inches of the wrist bone are prohibited, with the exception of a single band tattoo of no more than 3/8 of an inch in width on one finger.

(g) Lower leg tattoos must be covered with slacks or pants while on duty except for physical agility testing, working out, or in the bunk area.

**COSMETIC TATTOOS** Cosmetic tattoos are authorized to correct medical conditions requiring such treatment. For the purpose of this regulation, cosmetic tattooing refers to medical or surgical procedures conducted by licensed, qualified medical personnel. When not medically directed, cosmetic tattooing is permitted for women if done to apply permanent facial makeup (i.e. eyebrows, eye liner); the cosmetic tattooing must have a natural appearance and be conservative, moderate, within reasonable limits, not excessive or extreme, not distinctly contrast with their complexion, and in good taste.

**ULTRA-VIOLET (UV) TATTOOS** Any tattoo only visible or apparent with the use of ultra-violet light must still adhere to the requirements of this policy.

# JACKSON TOWNSHIP PERSONNEL HANDBOOK

## APPENDIX 14

### TATTOOS

#### Tattoo Use Policy

Adopted September 3, 2019 (Res. # 2019- 092)

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**MUTILATION** Intentional mutilation of any part of the body is prohibited. Mutilation is defined as the intentional radical alteration of the body, head, face or skin for the purpose of and or resulting in an abnormal appearance. Examples of mutilation include, but are not limited to a split or forked tongue; foreign objects inserted under the skin to create a design or pattern; enlarged or stretched holes in the ears (other than a normal piercing); intentional scarring on the neck, face or scalp; and intentional burns creating a design or pattern.

**DENTAL ORNAMETATION** The use of gold, platinum, or other veneers or caps for purposes of dental ornamentation is prohibited. For purposes of this regulation, ornamentation is defined as decorative veneers or caps. Teeth, whether natural, capped, or veneered, will not be ornamented with designs, jewels, initials or other similar ornamentation.

**REMOVAL/ALTERATION OF TATTOOS/BODY ART/BRANDS** Disqualified applicants who later have any tattoo/body art/brands professionally concealed or altered may request reconsideration for enlistment/commissioning eligibility determination.

**NOTIFICATION OF NEW TATTOOS** Employees are required to notify their supervising officer if they intend to acquire a new tattoo while employed at Jackson Township.