

**Township of Niles
County of Berrien
State of Michigan**

Employee's
Policies and Procedures
Manual

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1 INTRODUCTION AND MISSION STATEMENT

Dear Employee:

Welcome to Niles Township. We want to take this opportunity to tell you how much we appreciate you joining our team. At Niles Township, our vision is to respond to the needs of our residents promptly, efficiently and with a desire to serve those who are, in reality, our customers. We believe that with the right combination of people we can accomplish this vision.

This level of excellence requires a commitment on your part to help us become all that we can be. Your commitment means that we can count on you to do the best job that you possibly can. In turn, we intend to recognize your value to the Township. As such, we want to make the Township a great place to work.

Each new employee will have questions about the Township. This manual has been prepared to help answer new employees' as well as current employees' questions. Please feel free to ask your Department Manager or the Township Supervisor if you have any specific questions that are not addressed in the Manual.

On behalf of the Township, we would once again like to say "Thanks" for joining our team. We hope you find working at Niles Township a rewarding experience and that you continue to embrace our philosophy in such a manner that we can count on your dedication to our residents.

Thank you!

Niles Township

1.1 Scope

These personnel policies and procedures shall apply to all Niles Township full-time, part-time, and temporary employees, except where specifically noted. These policies and procedures do not apply to those individuals providing services through contractual agreement with the Township except when not addressed in the contractual agreement.

This Manual does not constitute an employment contract between the Township and its employees. It is for use by Township employees in understanding Township policies. It is not intended to create any third party beneficiary rights.

The provisions contained in this Manual supersede any and all contrary representations that may have been made either by the Township or employee in connection with employment. No member of the Township Board acting alone, another employee, or Township Supervisor unless directed by the Township Board, has the authority to enter into any employment agreement on behalf of the Township for any specified period, pursuant to any particular conditions, or to make any agreement contrary to the terms expressed in this Manual. The only exceptions are Deputy Treasurer and Deputy Clerk which are appointed by their respective Board members and do not require Board approval by law.

1.2 Definitions

The words and phrases below have the following meanings for the Township of Niles Personnel Policies and Procedures:

1.2.1 Administration Committee

The Township Supervisor, Clerk and Treasurer as stipulated in the Township Act.

1.2.2 Applicant

A person who has filed an application or submitted a resume for employment with the Township.

1.2.3 Board

As mentioned in the manual, refers to the Niles Township Board.

1.2.4 Call Out

Time worked in cases of emergency, or what may be determined to be eminent need, during non-scheduled hours of any workweek, as determined by a Department Manager and subject to review and approval of the Supervisor.

1.2.5 CETA

Comprehensive Employment and Training Act.

1.2.6 Compensatory Time

Time off with pay, granted by the Township, in lieu of overtime compensation for time worked in excess of the standard workweek.

1.2.7 Continuous Service

Uninterrupted service from the date an employee begins work for the Township, in accordance with the length of service policy.

1.2.8 Date of Employment

The date the employee begins work for the Township, in accordance with the length of service policy.

1.2.9 Deputies

Deputy Clerk and Deputy Treasurer who serve at the pleasure of the Clerk and Treasurer through the provisions of Public Acts 22 and 23 of 1977 and who are entitled to employee benefits and fringes as outlined in this Manual and as so budgeted by the Township Board.

1.2.10 Exempt Employees

Employees who are not required to be paid overtime in accordance with applicable federal wage and hour laws.

1.2.11 Full-Time Employee

A person who is regularly scheduled to work, and who actually works, per the established departmental work hours, paid by the Township's regular payroll and is not contractual. Full-time employees may be "exempt" or "non-exempt" as defined in this section.

1.2.12 Job Description

A written listing of a position's duties and responsibilities.

1.2.13 Non-Exempt Employees

Employees who are required to be paid overtime at the rate of one and one-half (1 ½ times) their regular rate of pay for all hours actually worked beyond forty (40) hours in a workweek.

1.2.14 Overtime

Time worked in addition to the standard scheduled workweek, which is non-emergency by nature but determined to be necessary to the conduct of Township business by a Department Manager and subject to review and approval of the appropriate committee. When possible, prior authorization shall be obtained.

Hourly and salaried non-exempt employees will receive overtime pay (1-½ times your straight pay) for all hours worked in excess of forty per workweek. Only hours actually worked are counted in determining if you are entitled to overtime pay.

Exempt employees will not receive overtime pay when working more than forty hours in a workweek.

1.2.15 Part-Time Employee

A person who is scheduled to work, and who actually works, less than per the established departmental work hours, paid by the Township's regular payroll and is not contractual. Part-time employees may be "exempt" or "non-exempt" as defined in this section.

1.2.16 Position

A group of current duties and responsibilities assigned by the Township Board and specified by a job description, which requires the full or part-time employment of one person.

1.2.17 Training Period

The initial twelve (12) months of employment with the Township. This period may be extended if necessary.

1.2.19 Promotion

The movement of an employee to a position of greater responsibility and duties that are more difficult, which has a higher wage rate.

1.2.20 Prorated

A proportionate amount of time or pay based on the regular work schedule.

1.2.21 Temporary Employee

A person who is scheduled to work for an agreed upon period of time and is excluded from benefits regardless of hours per week worked and per agreement between employee and Township. (Employees hired from a temporary employment agency are employees of the respective agency and not of Niles Township.)

1.2.22 Transfer

The movement of an employee to a position of similar or lesser responsibility and equivalent or less duties which has the same or a lower wage rate.

1.3 Amendments

Niles Township reserves the right to modify, amend, supplement or delete any of the policies set forth in this Manual at any time. No such modification, amendment, supplement or deletion will be valid, however, unless it is in writing, and approved by the Township Board by resolution.

1.4 Distribution of the Manual

All employees will receive a copy of the Niles Township Personnel Policies and Procedures Manual. Every employee shall sign the acknowledgment sheet and return it to the clerk's office to indicate that the employee has received this Manual.

2 SELECTION OF EMPLOYEES

2.1 Equal Employment Opportunity

The Township of Niles is an equal opportunity employer whose policy is to select personnel and conduct all personnel activities without regard to religion, race, color, national origin, age, sex, height, weight, marital status, disability, or any other characteristics protected by applicable law. Niles Township will maintain a system of uniform and equitable personnel policies and procedures to assure equal treatment of all employees.

Under Michigan law, an employee may not be discriminated against in employment because of a disability that can be reasonably accommodated to enable the employee to perform the job. Disabled employees who feel accommodation is needed to perform their job must notify the Township Supervisor in writing of the need for accommodation within 182 days after the date the employee knew or reasonably should have known that an accommodation was needed.

2.2 Size of Workforce

The Township Board is responsible for the creation of all positions consistent with needs and budgetary limitations. The Board is also responsible for confirming layoffs and recall.

2.3 Recruitment

The Township Supervisor, Department Managers, or Committees, if so directed by the Township Board, shall be responsible for the recruitment process of all Township personnel. When an opening occurs, the following procedure will be followed:

1. There will be a posting of the vacant position on the public bulletin board in the Township Office. The posted notice shall contain job title, job summary, minimum qualifications, wage rate, and application deadline. The Appropriate committee and/or Department Manager will establish the application deadline.
2. Concurrent with the public posting, professional and administrative position vacancies may be advertised in local or trade publications or posted at college campuses. All advertisements and posted notices will have the logo: "All persons shall have equal employment opportunities with Niles Township regardless of race, color, religion, national origin, age, sex, height, weight, disability, marital status or any other characteristic protected by applicable law." For published advertisements, the phrase "An Equal Opportunity Employer" will suffice.

3. When a position becomes open and a person who previously held the position is available and the Township Supervisor and Department Manager would like to rehire that person then only posting at the Township Office would be required.

2.4 Applications/Resumes

Persons desiring employment with the Township must complete an application. Applications will be given out and received by the Clerk's office who will then give them to the appropriate Department Manager. The Township Clerk will retain all applications and resumes received for one year. Persons who will drive Township vehicles must complete the applicable form.

2.5 Screening/Interviewing

Following the deadline for submission of applications, the Appropriate committee along with the appropriate Department Manager will determine which applicants possess qualifications that meet the position's minimum qualifications. Additional information may be obtained by checking references from former employers and requesting transcripts as provided by statute. Applicants who meet the minimum qualifications may be scheduled for personal interviews with the Township Supervisor and applicable Department Managers, or other Township employees at the Township Supervisor's discretion.

Interviews will be scheduled as soon as possible at the conclusion of the screening process. The interview will be conducted to further evaluate the training, experience, and skills of the applicant, as well as inform the applicant about the salary, benefits, organizational structure, and other relevant information about the position. All applicants interviewed will be notified after the position is filled.

2.6 Hiring of Relatives or Nepotism

Niles Township permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the Niles Township Board, create actual or perceived conflicts of interest. For purposes of this policy, "relative" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, corresponding in-law, or "step" relation. The Township will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

1. Individuals who are related by blood or marriage are permitted to work in the same facility, provided no conflict exists that one relative's work responsibilities, salary, discipline or career progress could be influenced by the other relative in the opinion of the Township Board.
2. No relatives are permitted to work in the same department or any other positions in which the Township Board believes an inherent conflict of interest may exist.

3. Employees who marry while employed are treated in accordance with these guidelines. That is, if, in the opinion of the Administration Committee, a conflict or an apparent conflict arises as the result of the marriage, one of the employees will be transferred at the earliest practical time.
4. This policy applies to all categories of employment at Niles Township.
5. An applicant or employee of the Township shall notify the Township in either the application for employment, in the case of an applicant, or in writing to the Department Manager, if presently employed by the Township, of such a relationship.

2.7 Immigration Control and Reform Act

Before a person is hired, the person must provide documentation to show he or she is authorized to work in the United States. This documentation shall be placed in the employee's permanent file.

2.8 Hiring Decision

The Township Supervisor or Committee Chairperson presents the selected person for Township Board consideration. The Township Board, except for the Deputy Clerk and Deputy Treasurer, confirms all employees.

2.9 Personnel Records

An individual personnel file shall be maintained for each employee containing:

1. The application and/or resume
2. Exit interview, when applicable
3. Social Security number and beneficiary designations
4. Disciplinary actions
5. Record of leaves
6. Contribution record to retirement fund
7. Record of promotions or transfers
8. Letters of commendation and discipline
9. Records of training, and other pertinent data
10. Benefit forms
11. Performance evaluations
12. Other employment-related documents

These records are maintained by the Clerk's office and are accessible only to the Clerk's staff or Township Board.

You have a right to examine your personnel file or to obtain a copy of your file upon a written request to the Township Board. If you wish to examine your file, you may do so during normal office hours provided it does not interfere with your assigned duties or we will make arrangements with you for an examination before or after work.

Generally, we will not disclose your file to persons outside the office. We will also attempt to restrict disclosure of your file to authorized personnel. If we are asked to disclose a disciplinary report to a third party not employed by us, we will give you notice of that disclosure.

2.10 Residency

To be employed by Niles Township as a statutory Deputy, a person must reside within Berrien County or as state law mandates. All other employees are encouraged to live within a 30-mile radius of Niles Township.

3 TERMS OF EMPLOYMENT

3.1 At-Will Status

All employees of Niles Township are “at-will” employees. Nothing in this Manual should be interpreted to indicate otherwise. Both employee and employer may terminate employment without cause or prior notice.

3.2 Orientation

All new employees, on the first day of employment, will complete the necessary tax withholding and group insurance forms. The Township Clerk will review policy and organizational matters and the employee’s Department Manager will review job tasks. Each new employee will be given a copy of the current Personnel Policies and Procedures Manual and sign a statement indicating he/she has received the Manual.

3.3 Physical Examination

Prospective employees who have received a job offer from the Township shall be required to present evidence of a physical and substance abuse examination performed by a local doctor of the Township’s choice and paid for by the Township.

3.4 Training Period

All full-time and part-time employees shall serve a twelve-month training period, measured from the employee’s first day of work for the Township after their most recent hiring. The employee’s performance will be monitored and evaluated throughout the training period by the Department Manager. A report will be prepared in which the Township Supervisor will discuss with the training employee’s work performance. The employee will receive a copy of the report, another copy will be filed in the personnel file, and the Administration Committee will be forwarded a copy for their review.

Part time employees do not undertake a training period. However, if a part time employee becomes a regular Township employee, the employee may be required to serve a training period, at the discretion of the appropriate committee, depending upon the position being assumed. If training is not required, the part time employee becomes a regular Township employee with credit for all benefits accrued from original date of hire as a temporary employee.

Any Township employee elevated to a position of responsibility greater than the position elevated from shall serve a training period of not more than 90 days, without a loss of benefits.

3.5 Length of Service

Length of service is a period of continuous and unbroken employment with the Township. Continuous length of service is not recognized until the employee completes the training period. At that time, the length of service will date back to the first day of work for the Township after their most recent hiring.

3.6 Loss of Service

An employee shall lose credit of service for the following reasons:

1. Resignation
2. Discharge
3. Retirement
4. Failure to return to work after seven calendar days of recall notice from layoff.
5. Failure to return to work at the expiration of an approved leave of absence.

Exceptions to the above policy may be made at the discretion of the Township Board.

3.7 Vacancies and Transfer

When a vacant position occurs, there will be a posting of the opening as stated in this policy. Current Township employees will be eligible to apply. The selection decision will be based on the qualifications of the applicants and length of service with the Township will not be a determining factor in the selection process.

3.8 Layoff and Recall

Should it become necessary to reduce the level of staffing for any reason, the Department Manager will decide which positions are to be vacated and employees will be laid off, taking into consideration the needs of the Township, the employee's seniority and qualifications. The Township Board will confirm all layoffs initiated by the Committee. Employees to be laid off will have at least three-calendar days notice of the layoff.

When the work force is to be increased, laid off employees will be recalled by seniority within departments as needed, considering their ability and willingness to assume the duties of the vacant position.

3.9 Evaluations

The Township strives to conduct yearly evaluations for employees. The evaluations are written by the Department Manager and discussed with the employee by the Department manager concerning work performance. Evaluations should NOT be considered by the employee as an indication of a cost of living or merit raise, only as a tool for communication between the employee and the Township for improvement. Further, evaluations do not affect the "at-will" status of any Niles Township employee. The employee will receive a copy of the evaluation. Another copy will be filed in the employee's personnel file.

The Appropriate committee will write evaluations for each Department Manager and discuss with each Department Manager work performance. The Department Manager will receive a copy of the report. Another copy will be filed in the Department Manager's personnel file.

3.10 Standard Work Day

The Township Supervisor or Department Managers shall determine starting times, quitting times, and hours of work with the consent of the Board.

During the hour between 12 noon and 1 p.m., there will be coverage in the reception area to accommodate telephone calls, provide sale of licenses and provide such information as is applicable to residents using their lunch hour for such purposes. Coverage will be managed from existing staff by staggered lunch periods.

When employees are required to leave the building as their responsibilities dictate, they are required to provide the necessary information to the office staff and their immediate supervisor. Information regarding the date or hour of return and expected location will enable the Township personnel to provide accurate answers to inquiries regarding availability and will better prepare the Township to deal with emergencies and/or high priority concerns.

Work assignments shall be made by the Township Supervisor who, when it is appropriate, delegates this authority to Department Managers. Work assignments shall conform to job description.

3.11 Absence

Employees are expected to be conscientious about reporting to work on time and using paid sick and personal leave time. If a Department Manager will be late or absent, a member of the office staff must be notified as soon as possible after the office opens for business. Other employees will notify their immediate supervisor prior to the beginning of the schedule to be worked or as soon as possible thereafter. Unauthorized absence, tardiness, or abuse of paid sick or personal leave time may subject an employee to disciplinary action.

When an employee is absent for three (3) days, whether successively or within one week, a doctor's report may be required, at the discretion of the Township Supervisor, prior to returning to work. Any abuses of the policy may result in docking of pay for the time taken and possible termination of employment. Time off exceeding the three (3) days may be subject to the paid sick leave policy (see separate section).

Three (3) consecutive days of not reporting to work without notification to the appropriate Department Manager will be considered job abandonment and may result in immediate termination of employment.

3.12 Severe Weather

If severe weather necessitates the closing of the offices by the Township Supervisor and an employee is still required to work then they will receive compensatory time off for the hours worked during that same pay period. If the last day of the pay period is worked and compensatory time cannot be taken within the same pay period the EQUIVALENT HOURS WILL BE PAID AT STRAIGHT TIME. All other employees who are unable to work because the offices are closed will received regular pay.

If the office is open during severe weather and an employee cannot make it to the workstation, then the employee must either lose pay or choose to use a paid sick or personal leave day, vacation day or compensatory time off.

3.13 Recording of Hours and Payroll Procedures

The pay period is bi-weekly.

Payroll deductions are made as required by federal or state governmental units. Deductions can also be made by the employee's written authorization.

Department Managers are required to keep a record of hours worked by temporary, part-time and employees using time sheets developed for this purpose.

Employees seeking compensatory time for time worked must turn in a record of time worked to the Department Supervisor the day following the day worked.

Any problems concerning the amount of pay or payroll procedures should be directed to the Clerk.

If any employee's paycheck is misplaced or stolen, report it to the Clerk's office within 24 hours. Once notification is made, a stop payment will be placed on the check, and a replacement check will be made as soon as possible. A reimbursement may be required by the Township for stop-payment bank charges. Loss of checks that have been endorsed will be the responsibility of the employee.

3.14 Michigan Minimum Wage Law

The Michigan Minimum Wage Law sets minimum wage and overtime compensation for all Township employees, except those who hold positions that are exempt from the overtime provisions of the law. The Township Supervisor, with Township Board consensus, is responsible for determining the positions that are exempt and non-exempt, based on criteria set by law.

Non-exempt employees will be paid at least the current prescribed minimum hourly wage and will at least meet the minimum compensation requirements for overtime in accordance with the law.

3.15 Job Descriptions

Current job descriptions are written and maintained by the Department Managers, reviewed by the appropriate committee, and submitted to the Township Board for approval. Each job description contains a descriptive job title, general summary of the responsibilities, and a list of typical duties.

Job descriptions are reviewed annually by the appropriate committee for accuracy and completeness. In preparing job descriptions, the appropriate committee will consider several factors:

1. Input from Department Managers
2. Advice from outside agencies
3. Input from employees
4. Consistency with other Township job descriptions
5. Legal requirements (e.g., Assessor's Certificate Level II)
6. Equal Employment Opportunity Guidelines requiring work-related qualifications.

If an employee feels the job duties have changed during the year, he/she may request the appropriate committee review the description to determine if a change is necessary. The Board will approve changes in the job description only if an employee's duties and responsibilities have changed significantly.

3.16 Compensation

The Township Board establishes all salaries.

Wage increases are subject to annual review as part of the Township budget process. Adjustments are based upon merit, cost of living, labor market surveys, and the

Township's budgetary constraints. Increases are determined on the recommendations of the various Department Managers and/or the Township Administration Committee.

All employees will be informed of their employment classification and status as an exempt or non-exempt employee at the time of their hire. If an employee changes positions during employment with the Township because of a promotion, transfer, or otherwise, s/he will be informed by the Department Manager of any changes in his/her status. Employees should direct any questions regarding their employment classification or exempt/non-exempt status to their Department Manager.

4 SAFETY AND SECURITY

Safety is everyone's full-time job. We care about your safety at Niles Township, but safety is your responsibility too. No job is so important and no job effort is so urgent that you cannot take the time to perform work safely. Being alert will help prevent accidents for you and others.

Employees are required to follow all occupational safety and health standards. Employees are required to report accident hazards, potential accident hazards, unsafe conditions or practices to their Department Manager immediately.

Employees are expected to cooperate in all safety and health procedures and to make proper use of all equipment and devices provided for such purposes. Employees shall not operate any equipment until they have been properly trained and instructed by their Department Manager. The Township will provide additional safety training as needed. Employees are encouraged to submit safety suggestions.

Good housekeeping is directly concerned with and is essential to safety, efficiency and satisfactory working conditions. Each employee must do their share in helping to keep work areas clean.

When on official, non-emergency Township business, employees shall not enter private homes unless or until an adult (over 18 years old) is present.

All accidents, regardless of whether they involve vehicles, equipment, buildings or personnel, must be reported immediately to your supervisor, and an Accident Report must be filled out and given to the Clerk's office even if you choose not to seek immediate medical treatment.

4.1 Driving

Any employee who drives a Township vehicle in the course of their employment must maintain a valid driver's license and have an acceptable driving record. Employees are required to immediately report to the Township Supervisor any information which relates to their driving record, competence, or which may raise a question about their driving competence. This includes but not limited to accidents, driving offenses, civil or criminal infractions or convictions, or actions taken by a court or Secretary of State that changes the status of the employee's driving record.

Employees shall comply with all laws when driving or riding in Township vehicles. State law requires all drivers and passengers in a motorized vehicle to wear a safety belt. While on Township time, ALL EMPLOYEES ARE REQUIRED TO WEAR A SAFETY BELT, whether the employee is driving a Township-owned vehicle, a rented vehicle, or the employee's own vehicle.

Any employees required to drive on Township business must immediately report any and all accidents that occur while the employee is on Township business, as well as any damage that occurs to a Township vehicle.

Vehicles are to be operated in a safe manner consistent with weather and road conditions. When on official Township business, employees shall not pick up hitchhikers.

4.2 Clothing

Any employee working in or around moving equipment should not wear loose fitting clothing, necklaces, watches, rings, bracelets, scarves, or any other type of clothing or jewelry that could become entangled in or catch on such equipment.

4.3 Safety Equipment

Employees may be furnished hard hats, work gloves, safety glasses, hearing and breathing protection for use during working hours if required to be worn by the employee. Non-disposable protection shall be kept cleaned in good condition for reuse.

4.4 Injuries

On the job injuries, even minor ones, must be immediately reported to the immediate supervisor by the injured employee and a copy of a report (Appendix C) must be filled out. First aid supplies are available in the office.

4.5 Robbery/Burglary

Do not panic or do anything without thinking it through. If a robbery does occur, DON'T BE A HERO! Employees should never endanger themselves or the public under any circumstances. Do exactly what the robber asks. Call the police after he/she has left. If emergency assistance is required, dial 911 for the ambulance and/or police. Remember, any information you can pass on to the authorities may be helpful, so be alert.

If it appears on opening that the offices have been burglarized, do not enter the building. It is possible the intruder will be inside. Go to the nearest phone and call the police.

4.6 Fires

Each year thousands of buildings are damaged by fire. Many of these fires could have been prevented. Please be alert at all times for potential hazards and report them to your supervisor.

Employees shall take appropriate steps to eliminate and prevent fire hazards including but not limited to maintaining a minimum clearance of three (3) feet around all fire extinguishers, drinking fountains, alarm boxes and electric panels. Placing all waste in proper containers.

In case of a fire, call the Fire Department (911). If the fire seems serious, appoint one person to get everyone out of the building. Once the Fire Department has been called, it may appear that the fire can be put out with a fire extinguisher or water. Only do so without endangering yourself or others. Employees shall not attempt to extinguish electrical fires unless they are trained and qualified to fight electrical fires.

4.7 Keys

The following positions are authorized to received a key to the Township Hall main door:

1. All Board members
2. Deputy Clerk and Deputy Treasurer
3. All Department Managers
4. All office staff

If a key is lost, the Township Supervisor shall be informed immediately. A replacement key shall be issued. If the Township Supervisor has reason to believe that the missing key may be used for unauthorized entry, new locks will be installed. Upon termination of employment, the employee shall return his or her office keys to the Township Supervisor. No person shall duplicate a key without authorization from the Township Supervisor or make a key available to any unauthorized person.

Each department head shall determine who shall be issued a key to the department's door or any secured facilities, such as a safe, cash drawer or filing cabinet, within the department.

4.8 Building Access

The maintenance person or first person arriving each morning should make sure that the security system, if available, is deactivated and all public access doors are unlocked.

Prior to leaving, each employee will make his or her work station secure by checking that computers, typewriters, calculators and lights are turned off; filing cabinet and cash drawers are locked, and window and doors are locked.

The last person to leave the Township Hall at night shall check to see that the copier, coffee maker and other office machines are turned off; all doors and common area windows are locked; all lights are turned off, except for designed security lights, and the security system is activated.

Persons working after hours are responsible for turning off the lights and office machines used and checking that all doors and windows are secure.

Outside lights shall be turned on prior to any evening meeting and shall be turned off by the last person leaving the meeting.

4.9 Valuables

Employees shall not keep money or other valuables in their desks or at their workstations. The Township shall not be responsible for the loss of any employee's personal property.

4.10 Search Policy

Niles Township reserves the right to search its property and/or personal effects placed on its property if there exists a reasonable suspicion based on specific objective facts that stolen items, drugs, firearms or other contraband will be found in a particular place to be searched.

5 EMPLOYEE GUIDELINES

5.1 Political Activities

Employees are free to express their wishes and desires concerning political activities as any American enjoys. However, an employee whose position is funded by a federal grant (excluding anti-recession fiscal assistance program and federal revenue sharing) or an employee under a federal program may not be a candidate for a partisan elective office. Employees who are elected to a Township office are required to resign.

Employees may neither use their Township position for any political purpose nor engage in political activities during working hours. Banned political activities during work hours include wearing political buttons, soliciting political contributions, displaying political bumper stickers or posters on Township vehicles or property or distributing political materials.

5.2 Solicitation and Distribution

Employees are prohibited from engaging in solicitation of any kind for any reason during working hours. Distribution of literature is prohibited during working time or in work areas.

Working time include the actual working time (excluding designated breaks or meal periods) of both the employee performing the solicitation or distribution and the employee to whom it is directed. Work areas include all areas not open to the public.

If employees have questions about the meaning of "working time" or "work areas," they should ask their Department Manager for clarification.

5.3 Parking

Employees are encouraged to park their vehicles at the east side of the parking lot and leave spaces against the Hall for customers.

5.4 Outside Employment

Employees may accept outside employment in addition to their work with the Township provided it does not constitute a conflict of interest or interfere with normal duties or regular work hours. Employees are required to notify in writing the Township Supervisor or Department Manager prior to engaging in any outside employment.

5.5 Personal Use of Township Property

5.5.1 Telephones

Township telephones are for business purposes.

5.5.2 Vehicles

Township vehicles of any kind represent a considerable investment by the taxpayers. For that reason and because these vehicles must be in excellent condition at all times, the following rules apply to their maintenance and use:

1. Vehicles are to be driven only by those employees who are specifically authorized to do so.
2. Any unauthorized use of a Township vehicle will result in strict disciplinary action up to and including immediate dismissal.
3. Any employee who is authorized to operate a Township vehicle, and allows any other unauthorized use of the vehicle will be subject to the same disciplinary action described above.
4. Anyone involved in an accident with a Township vehicle may be required to submit to a drug/alcohol test.

5.5.3 Equipment

The personal use of the Township equipment, supplies, postage or personal use of Township labor shall not be allowed.

5.6 Lost, Replaced or Damaged Equipment

Any lost, replaced or damaged equipment shall be reported immediately to the employee's Department Manager for the purpose of inventory control.

5.7 Public Bulletin Board

Employees who wish to post items on any public Township bulletin board must have the Township Supervisor's initials and date of removal included on the items being posted and is subject to removal at the discretion of the Supervisor.

5.8 Smoking

Niles Township complies with P.A. 198 of 1986, the Clean Indoor Air Act. Smoking is prohibited within all Township building and vehicles. Outdoor designated areas may be established for all employees who are smokers.

5.9 Harassment

We strive to maintain a pleasant working environment for all of our employees free from intimidation, humiliation, and insult. Harassment on the basis of any lawfully protected characteristic, which includes race, color, religion, gender, sex, pregnancy, national origin, age, disability, height, weight and marital status, will not be tolerated.

5.9.1 Definition

Harassment is defined as verbal or physical conduct or communication when:

1. Submission to the conduct or communication is made either an explicit or implicit term or condition of employment;
2. Submission to or rejection of the conduct or communication by an individual is used as a basis for an employment decision affecting that individual; or
3. The conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive work environment.

Examples of prohibited sexual harassment include, but are not limited to: unwelcome sexual advances; requests for sexual favors and other verbal abuse of sexual nature; graphic verbal commentary about an individual's body, sexual prowess or sexual deficiency; sexually degrading, lewd, or vulgar words to describe an individual; leering; pinching or touching a private area of the body; displaying sexual suggestive objects, pictures, posters or cartoons.

Examples of prohibited harassment based on characteristics other than sex include, but are not limited to, insults based on a protected characteristic, verbal, written, graphic or physical conduct or communication degrading or hostile to a person based on a protected characteristic.

Harassment prohibited by this policy must be distinguished from conduct or communication that, even though unpleasant or disconcerting, is not inappropriate in the context of carrying out instructional, advisory, counseling or supervisory responsibilities.

5.9.2 Reporting a Violation

If an employee believes that a violation of this policy has occurred, the employee has an obligation to report the alleged violation immediately, preferably within 48 hours, to their Department Manager or to the Township Supervisor. While there is no requirement that the incident be reported in writing, a written report that details the nature of the harassment, dates, times and other persons present when the harassment occurred will enable the Township to take effective, timely and constructive action.

An investigation of all complaints will begin promptly.

5.9.3 Investigation

After notification of the complaint, an investigation will be initiated to gather relevant facts about the complaint. An investigation may include interviews of possible witnesses including the person claiming the harassment occurred, and the person or persons claimed to be involved in or witnesses to the harassment.

The Township will conduct all investigations as confidentially and objectively as possible, to the extent consistent with thorough investigation and appropriate corrective action.

5.9.4 Resolution

After the investigation has been completed, a determination will be made regarding the appropriate resolution of the matter. The determination will be reported to the employee who was allegedly subjected to harassment. If the investigation establishes that harassment or other inappropriate behavior has occurred, immediate and appropriate corrective action, up to and including termination of employment, will be taken to stop the harassment and prevent its recurrence.

Misconduct, including unprofessional or harassing conduct or behavior, will be dealt with appropriately. Responsive action would be at the Township's discretion and could include but would not be limited to the following: counseling, warning, demotion, suspension, reprimand, decrease in pay, reassignment, transfer, or termination of employment.

5.9.5 Good Faith Rule and False Claims

The Township takes all reports of harassment seriously, and will investigate all alleged violations of this policy. Therefore, employees are expected to bring violations to the Township's attention in good faith. Good faith means that the employee has a sincerely held belief, even if erroneous, that the policy has been violated.

5.9.6 No Retaliation

The Township will not tolerate retaliation against any employee or other person who in good faith reports a violation or perceived violation of this policy, or retaliation against any employee or other person who participates in any investigation as a witness or otherwise. Retaliation is a serious violation of this policy and is subject to the investigation and corrective measures described in this policy. Any acts of retaliation must be promptly reported to your Department Manager or to the Township Supervisor.

5.10 Personal Appearance

Discretion in style of dress and behavior is essential to efficient operation of Niles Township. Employees are, therefore, required to dress in appropriate business attire and to behave in a professional, business-like manner. Please use good judgment in your choice of work clothes; and remember to conduct yourself at all times in a way that best represents you and the Township. Where uniforms are supplied by the Township, they are provided for reasons of identification, cleanliness, or safety and are not to be used for street wear. Failure to adhere to such shall result in disciplinary action.

5.11 Appropriate Conduct

Employees are expected to accept certain responsibilities, adhere to acceptable business principles and manners of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others but also demands that both in your business and your personal life, you refrain from any behavior that might be harmful to you, your co-workers and/or Niles Township, or that might be viewed unfavorably by the public at large.

Whether you are on duty or off, your conduct reflects on Niles Township. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

5.12 Internet Usage

All employees using the Internet are responsible for reviewing and complying with this Internet Usage Policy. Use will be for the sole purpose of or in support of education, research, state, local, or national government affairs, economic development, charitable activities, public service, personal communications, and individual professional development.

Employees should not have any expectation of privacy in their computer use, even if the employee utilizes a password. The Township reserves the right to monitor employee computer use.

Any information that you publish or post may not infringe on any copyright, trademark or other proprietary material, for any purpose which violates federal or state laws or to transmit any content which would likely be highly offensive to any recipients.

Illegal activities include, but are not limited to sending, transferring, or storing illegal or illegally copied software, pornography, highly offensive files, using any service to transmit threats, or soliciting others to break any federal or state laws.

It is unacceptable to interfere with, or disrupt another network's users, or service equipment. Such interference or disruption includes, but is not limited to:

1. Exceeding normal user privileges
2. Creating accounts or using any account without authorization
3. Probing or tampering with any security feature or file
4. Exploiting any security vulnerability
5. Distribution of unsolicited advertising
6. Transmitting non-business related e-mail
7. Propagation of computer worms or viruses
8. Transmission of any type or quantity that causes disruption of service to others
9. Using the network to make unauthorized entry, or other unacceptable use, to other computational, information or communications devices or resources
10. Sending, receiving, transferring, storing, or using sniffers, spoofers, hacking scripts, etc. (commonly known as burglary tools)

Niles Township fully intends to comply with all federal, state, and local regulations that require reporting of illegal activities. If the Township becomes aware of possible illegal activities any and all information will be turned over to the appropriate law enforcement agencies.

The Administrative Committee will review alleged violations on a case-by-case basis. Clear violations of the policy will be subject to discipline as provided for in this Manual.

5.13 Communications Systems

The telephone, telefax and computer, including the e-mail system, are tools to ensure efficient communication. It is a privilege that is provided by the Township. It is not a right, so employees should have no expectation of privacy in their communications including those via the telephone, telefax, or e-mail system.

The Township provides access to these communications systems to assist you in the performance of your job. So, the Township reserves the right to access and disclose at

the Township's discretion all communications over any Township communications system, without regard to content.

Employees must remember that all activities from a Township communications system will be regarded as activities authorized by the Township. Employees shall not send, make or post communications that contain abusive or objectionable language, that defame or libel others, or that infringe on the privacy rights of others.

Employees may not delete, alter, re-configure computer hardware or software in any way. Employees are prohibited from the unauthorized use of the passwords and encryption keys of other employees to gain access to other employee's communications systems.

Employees shall not engage in illegal copying of copyright protected works, or making available copies of such works. Employees are responsible for observing copyright and licensing agreements that may apply to files, documents and other software they wish to download.

6 CONFERENCE, WORKSHOP AND TRAVEL POLICY

Employees are encouraged to attend workshops, seminars, and conferences or other training sessions to further their knowledge in a given area directly related to their tasks. Requests should be submitted to the Department Manager in advance and must be approved by the Township Supervisor and subject to the budget limits. Any meetings planned outside a 100-mile radius must be approved by the Township Board in advance. All costs should be paid by the Township in advance, if possible, and charged to the proper budget line item. Attendees are encouraged to use the most economical method of transportation. Expenses incurred by any other person not employed by the Township are not the responsibility of the Township.

6.1 Mileage

Unless a vehicle is provided by the Township, all employees having Township business to attend must use their own vehicle. Reimbursement will be at a rate equal to the annually adjusted mileage rate allowed by the Internal Revenue Service. Persons who receive a vehicle allowance will not be reimbursed for travel when traveling within the Township or for required trips that are considered part of the position. Travel must be documented on a travel voucher and submitted to the Clerk's office.

6.2 Expenditures

Employees will be reimbursed for actual reasonable and approved expenses incurred for meals, lodging, and other travel related costs while on approved Township business. Employees must obtain receipts for lodging and document all expenses on a voucher. Reasonable meals and lodging expenses, including tips, will be reimbursed, up to the following amounts: Any reimbursement in excess of these amounts may be approved by the Township Board prior to incurring the expenses.

1. Breakfast: \$10
2. Lunch: \$15
3. Dinner: \$25
4. Lodging: \$75 per night or conference rates

When an employee, on travel status, shares a room or other lodging with other travelers, reimbursement to the traveler will be as follows:

- a. If a room is shared with other travelers who receive no travel reimbursement from the Township, reimbursement will be at the single occupancy rate of the facility, regardless of the number of persons. The single occupancy rate should be noted on the receipt.

- b. If lodging is shared by two or more Township employees, reimbursement will be a proportionate amount of the bill, based on the number of persons occupying the room.

6.3 Vouchers

Travel vouchers, available from the Clerk's office, will be completed to include the following information:

1. Date and time of departure from Niles Township.
2. Date and time of arrival in Niles Township.
3. Purpose of the trip.
4. Total distance traveled in miles.
5. Receipts of all meals, lodging, and other expenses incurred on the trip.

Travel Vouchers should be submitted to the Clerk's office on the employee's next regularly scheduled workday.

6.4 Payment for Expenses

Employees will be issued a separate check to cover the travel expenses incurred. Reimbursement will be made after the travel voucher is submitted to the Clerk's office and the expenses have been approved by the Township Board. Commuting from residence to the Township Hall or the employee's official workstation shall not be eligible for reimbursement. Board and committee members shall not receive mileage to attend Board meetings that are a statutory duty of their office. Personal expenses that are unnecessary in conducting Township business, such as entertainment and alcohol consumed, shall not be eligible for reimbursement.

6.5 Advances

Employees may request a travel advance from the Clerk's office to cover anticipated and approved travel expenses. The advance will be for the estimated travel expenses. The employee is required to complete and submit the travel voucher upon return from the trip. The amount of the advance shall be noted on the travel voucher. Any money received in excess of actual expenses must be returned to the Clerk's office.

6.6 Hosting

If the traveler is to represent the Township as a host and pay expenses of a guest of the Township, these expenses and names of guests are to be listed on the travel expense report. Expenses to be reimbursed are subject to the same restrictions as apply to a Township traveler including proper documentation.

7 EMPLOYEE BENEFITS

7.1 Holidays

All days off for holidays are established by Board resolution annually. Full-time and part-time employees on a prorated basis shall be granted time off with pay for a holiday. Employees will receive compensation for the holiday based on the number of hours regularly scheduled to work on that day.

If an employee is required to work on a designated holiday, the employee shall receive the holiday pay plus one and one-half times (1 1/2 x) their regular rate of pay for the hours worked. Employees not working a holiday will receive compensation at their regular rate of pay.

Holiday pay does not count as "hours worked" in calculating overtime pay.

Gratuities: The Township may provide holiday gifts to all of its employees providing the Board appropriates such expenses and is consistent with current laws.

7.2 Vacations

All full-time and part-time employees on a prorated basis shall be granted vacation time according to the following schedule and provisions:

1. Vacations shall be scheduled by the Department Manager or Township Supervisor based on individual preferences for the time off and the needs of the Township.
2. Vacations may be taken as accumulated.
3. Unused vacation time may not be accumulated, from year to year.
4. Employees shall make their vacation preference known to the Department Manager and Township Supervisor as far in advance as possible.
5. If an employee becomes ill and is under the care of a doctor during their vacation, the Township Supervisor may schedule additional vacation time for the employee. Under no circumstances will any employee be paid both paid sick or personal leave and vacation benefits for the same day.
6. Employees who have terminated employment with Niles Township will receive compensation for all accrued but unused vacation pay, provided they provide the Township with two weeks' notice of their resignation. Compensation will be at the employee's present wage or salary at the time of termination.

7. Each employee shall notify, in writing, the Clerk's office as to each employee's scheduled vacation dates and shall further submit, in writing, any changes in such schedule. Note: The Clerk's office has vacation schedules for record purposes.
8. Vacation pay does not count as "hours worked" in calculating overtime.
9. Vacation time for new employees is earned from date of hire to end of current Township fiscal year (March 31). The following determines earned vacation time for full time employees for the following fiscal year:
 - a. From date of hire to end of first fiscal year, prorated share of two weeks annually as shown in the following chart.

MONTHS WORKED	1	2	3	4	5	6	7	8	9	10	11
% OF YEAR	8	17	25	33	42	50	58	67	75	83	92
VACATION DAYS EARNED	1	2	3	3	4	5	6	7	8	8	9

YEARS WORKED	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	>15
VACATION DAYS EARNED	10	10	10	10	10	11	12	13	14	15	16	17	18	19	20	20

7.3 Coffee and Condiments

Coffee and condiments are provided to all Township employees as part of their benefits, provided the Board appropriates such expenses.

7.4 Group Insurance

Benefits outlined in this Manual may be unilaterally added to, expanded upon, reduced, deleted, or otherwise modified, by the Township. With regard to existing benefits, the actual plan documents control, rather than the summary descriptions contained in this manual.

The Township offers medical, dental, eye and life insurance for qualified employees and their dependents. Employees will receive a copy of the group insurance plan detailing the various benefits. Further information may be obtained from the Clerk's office. Part-time and temporary employees are not eligible for these benefits.

The Township may pay the required premiums, or a portion as established by the Township Board, to cover eligible employees and their dependents under the Township's group insurance plan. The Township reserves the right to refuse to pay insurance premiums of employees and/or dependents.

Under current COBRA laws, an employee or dependant who is covered under the Township's group health insurance plan and who subsequently loses coverage due to a reduction in hours or termination of employment for other than gross misconduct may be permitted to continue coverage under the group health plan. Coverage will be at the employee's (or dependant's) expense.

7.5 Workers' Compensation Insurance

Each employee will be covered by the applicable Workers' Compensation laws and insurance coverage purchased by the Township in accordance with current law. All job related injuries, including minor ones, are to be immediately reported to the Department Manager and/or Township Supervisor. An employee may use paid sick leave, paid personal leave day or earned vacation time for any waiting period during which they are not eligible for compensation benefits.

7.6 Leaves of Absence

Approved leaves of absence are not considered breaks in lengths of service. However, while on approved leave, an employee does not accrue or receive any employee benefits. The Township, at the employee's request, may continue to provide existing insurance coverage for the duration of the leave at the employee's expense. If the employee wishes to continue coverage, they must pay the premiums, prior to their due date, for the balance of the leave of absence.

After an extended leave of absence due to illness, injury, disability or maternity, an employee may be required to verify or document, at his expense, that he/she is physically able to resume and perform his/her assigned duties.

An employee who fails to report to work upon the termination of any approved leave of absence shall be considered to have voluntarily quit his employment.

7.6.1 Family and Medical Leave Act of 1993 (FMLA)

Eligible employees who have completed at least 12 months of service and worked 1,250 hours or more are eligible to take leave under the federal Family and Medical Leave Act (FMLA). Eligible employees may take up to 12 weeks of unpaid leave in a rolling 12-month period measured backward from the date an employee uses an FMLA leave for the following circumstances:

- because of the birth of a child to the employee;
- because of adoption of a child by the employee;
- because a child has been placed with the employee for foster care;
- to care for the spouse, child, or parent of the employee, if the spouse, child, or parent has a serious health condition;
- because of a serious health condition that makes the employee unable to perform his or her job duties.

A health care provider's certification is required in cases of serious health conditions, whether yours or that of your spouse, child, or parent. The Township also reserves the right to require--at its own cost--a second, or even third, medical opinion. Forms can be obtained from Department Managers.

The family and medical leave of absence is an unpaid leave. However, the Township requires you to substitute as part of the unpaid leave, accumulated, unused vacation and sick/personal days, to the extent that the paid time is applicable and covers the time off, unless the employee is receiving disability or workers' compensation. By substituting leave, you continue to receive pay but your unpaid FMLA leave available is reduced.

During an approved family or medical leave, if you had coverage prior to the leave, your health benefits will be provided during the leave as though you had continued to work. To the full extent allowed under the FMLA, the Township reserves the right to recover health insurance premiums from employees who fail to return to work at the end of the FMLA-qualifying leave.

Benefits that operate on the basis of actual hours worked will not accumulate during an FMLA leave, nor will you be entitled to paid holidays and "miscellaneous absences" during the leave.

At the end of an FMLA leave, you will be eligible to be restored to the same position or to an equivalent position, with equivalent pay, benefits, and other employment terms and conditions. However, you are subject to the business

circumstances or conditions (such as layoffs) that would have applied to you had you been working. Under limited conditions, certain key employees may not be reinstated.

As soon as you know that you will need time off for a family or medical leave of absence, you must submit to your Department Manager a completed Leave Request Form. Where possible, a 30-day notice is required. In the event of any emergency, your request should be submitted to your Department Manager not later than 48 hours following the commencement of your injury, illness, or disability. If you cannot contact your Department Manager personally, please have someone contact him or her on your behalf.

During your leave of absence, you are responsible for keeping your Department Manager informed of your status. You are required to report your status, current location, intent to return, and expected date of return to your Department Manager at least every 30 days. In certain circumstances, the Township has the right to require recertification of the serious health condition.

Upon returning to work after a family medical leave of absence of more than one week because of your own serious health condition, you must submit a physician's certification stating that you are physically able to return to work. Failure to submit such documentation may delay or prevent your return to work.

Failure to return to work on schedule will be considered a voluntary termination of employment, effective 5:00 p.m. on the third day you fail to report to work. To protect your status with the Township, please follow all procedures for reporting back to work after your family or medical leave of absence.

Any issues not covered by this policy or any discrepancies between this policy and the Family Medical Leave Act will be governed by the Family Medical Leave Act.

7.6.2 Paid Sick Leave

Full-time employees shall be allotted five (5) days of paid sick leave time per year at the start of each fiscal year. Part-time employees shall earn leave time on a prorated basis.

Unused time will be allowed to accumulate. Any unused paid leave time upon termination of the employee will not be compensated for.

No claim for paid leave will be paid where an illness, injury or disability was sustained during the course of employment with any other employer. An employee

who has an accident while in the course of employment with the Township shall be eligible for sick paid leave only for those days not covered by Workers' Compensation insurance.

Paid sick leave days may be used in ½ day increments.

While on leave, an employee will be deemed to be on continued employment for computing other benefits of employment.

After an extended absence due to illness, injury or disability, the Township shall require an employee to verify or document that he is able to resume and perform his regularly assigned duties.

The Administration Committee may, at their discretion, require that an employee document or prove an illness, injury or disability of three (3) or more consecutive days, prior to the payment of paid sick leave benefits. Abuse of the sick paid leave program will be cause for disciplinary action.

7.6.3 Funeral

All full-time and part-time employees, on a prorated basis, will be granted paid leave to attend funerals as follows:

1. Three (3) days for immediate family members that include spouse, mother, father, sister, brother, daughter, son, grandchild, grandparent, mother/father-in-law, daughter/son-in-law, step mother/father, step daughter/son, or other relative residing in the employee's home.
2. One (1) day for other family members not listed above, friends, co-workers or as directed by the Township Supervisor to represent on the Township's behalf.

7.6.4 Court Obligations

All full-time and part-time employees on a prorated basis, who are called to court to testify or for jury service, will receive paid leave. The Township will pay their normal salary less payment received from the court to the employee. Reimbursed expenses from the court, such as mileage, shall not be included as payment.

An employee called to court as a witness, participating in a matter in which the employee is a named party in a private matter or in which the employee has a personal interest, shall not be eligible for any payment by the Township. An employee having a court obligation shall notify the Department Manager as soon as possible. An employee excused by the court on a workday shall report to work for the balance of the day, except that the employee's combined hours of work and jury

duty should not exceed eight hours for that day, or require the employee to work past his or her normal quitting time.

7.6.5 Military

Employees who are called into military service will be granted time off to satisfy these obligations. Employees who require a leave should inform their supervisor as soon as they receive their orders.

7.6.6 Unpaid Leaves

Any employee may be granted a leave of absence, without pay, for a period not to exceed three (3) months. Extensions of unpaid leave may be considered on a per request basis. Accumulated paid sick leave, personal leave day and/or vacation days must be utilized prior to the granting of an unpaid leave of absence.

Employees are required to submit written requests for unpaid leaves of absence as far in advance as possible. Such written requests shall state the reason for the leave and its anticipated length. All requests must be approved by the Township Board who shall specify the beginning and ending dates of the leave.

7.6.7 Paid Personal Day

Only full-time employees will be allotted one paid personal day per fiscal year at the beginning of each fiscal year for approved personal business that is not otherwise available to be conducted during nonworking hours.

7.7 Retirement Plan

All full-time employees are covered under the current Township of Niles' Pension Plan (see plan agreement for details). Employees will be notified when to complete the necessary forms for the pension plan. Further information concerning retirement eligibility, benefits, and beneficiary payment options are available from the Clerk's office. Niles Township contributes to a retirement program on behalf of our regular, full-time, non-contract employees. Eligible employees should contact the payroll department for details on eligibility and vesting requirements as established by the Board. Union employees' retirement is subject to current laws and collective bargaining agreements. The Township reserves the right to amend or terminate the retirement plan by Township Board resolution.

7.8 Part-Time Employee Benefits

Part-time employees will only receive benefits as determined by this Manual on a prorated basis based on the number of hours worked and years of service.

Employees who have resigned, retired or been laid off will receive compensation for all accrued but unused benefits as stated in this Manual. Compensation will be at the employee's present wage or salary at the time of termination.

7.9 Continuing Education

Employees are encouraged to achieve higher educational opportunities. When the Township is asked to incur the cost, the continuing education request form (Appendix A) should be submitted to the Board at the appropriate time.

After completing their training period, regular full-time employees may be eligible for reimbursement for up to four (4) credit hours per year of undergraduate, work-related college classes, at an accredited college or university for which they receive a grade of "C" or better. Reimbursement is for tuition only, and does not include books or fees. If the employee leaves employment with Niles Township, any reimbursement for classes not completed shall be the responsibility of the employee.

Any funds available for tuition reimbursement will be part of the annual budget subject to Board approval. Applications for reimbursements should be submitted to the Clerk's office.

7.10 Overtime, Compensatory and Call-Out Time

7.10.1 Nonexempt Employees

All overtime work in excess of forty (40) hours per week must be authorized by the Administration Committee or Department Manager. Employees working Call-Out time will receive a minimum of two (2) hours compensation at overtime rates.

Non-exempt employees who work in excess of forty (40) hours per week will be compensated at one and one-half (1 ½) their hourly rate in either wages or compensatory time off, at the employee's option.

Use of compensatory time will be reported to the Clerk's office by the end of the regular working day preceding the day it is to be used.

7.10.2 Exempt Employees

Exempt employees will not be granted additional wages or compensatory time off for hours worked in excess of the standard workday or week.

Employees classified with exempt status will be eligible for overtime compensation according to provisions of this section, when performing work responsibilities on behalf of the Township, which fall within the definition of "Call-Out" as defined herein, or when performing non-administrative functions on an overtime basis which are equal to tasks performed by personnel under their direct supervision.

Compensatory time may be granted on a preapproved basis by the Department Manager at time and one-half for special meetings, tasks, projects or functions that have been assigned by request which occur at times other than normal working hours. For purposes of salary administration, eligibility for overtime payments and employee benefits, Niles Township classifies Department Managers as exempt employees. Managers are paid a salary that has been established to compensate them for any and all work they perform for the Township. They will not receive any additional compensation for overtime and shall not be entitled to compensatory time or additional time off. Department Managers are expected to work the hours necessary to fully perform all their job duties and responsibilities without extra compensation. Their workweek is not limited to forty (40) hours.

In some cases, exempt employees (other than Department Managers) may, in the discretion of the Township, be paid overtime for hours worked in excess of forty (40) hours in one workweek even though the payment of such overtime is not required by law. In such event, the decision to pay such overtime is entirely within the discretion of the Township and may be discontinued at any time.

Compensatory time is overtime worked for which time off may be granted in lieu of overtime pay. Employees must have departmental approval prior to accumulating or using compensatory time. Employees may, at their option, elect to receive payment for overtime or to accumulate compensatory time at a rate of one and one-half (1 ½) hours of compensatory time for each hour of overtime worked. The maximum accumulation of compensatory time by employees shall not exceed one hundred twenty (120) hours, which is eighty (80) hours of overtime worked. On the payday closest to March 31st of each year, the employee will be compensated for all unused compensatory time.

7.11 Employee Recognition

Department Managers may bring to the attention of the Board any incidences of meritorious conduct by any Township employee, volunteer or appointed official. The Township Board shall recognize meritorious actions that the Board deems worthy through the adoption of resolutions of tribute.

8 SUBSTANCE ABUSE

In continuing to provide for the health and safety of its employees, and to ensure the health and safety of others, the Township has established the following substance abuse policy.

8.1 General Provisions

All employees engaged in inappropriate drug, alcohol or any substance abuse are required to identify themselves to the Township Supervisor. The Township may refer such employees to a rehabilitation program and allow continued employment where appropriate.

When inappropriate abuse is suspected, the basis for the suspicion shall be documented and provided to the Township Supervisor who is responsible for determining the proper course of action thereafter. Niles Township reserves the right to search its property and/or personal effects placed on its property if there exists a reasonable suspicion based on specific objective facts that illegal substance abuse will be found in a particular place to be searched.

Management will ensure supervisory personnel are given training to recognize and deal with behavior changes typical with drug/alcohol use, and that all employees, including new hires, are made aware of this policy.

8.2 Drug/Alcohol Testing Policy

The township shall, at its discretion, have an independently operated firm conduct an unannounced test on randomly selected employees by a drawing of names.

An employee involved in a job related incident that caused or could have resulted in personal injury, or caused property damage exceeding \$250.00, may be subject to drug/alcohol testing. Any refusal to submit to such testing will subject the employee to immediate discharge.

An employee who is off work for an extended period of thirty (30) days or more due to disability, layoff, job-related injury, or personal leave may be required at the discretion of the Township, to submit to a drug/alcohol test as a condition of returning to work from the leave of absence.

Any other testing of employees not described in the above for the presence of controlled substances or illegal drugs and alcohol must be based upon reasonable suspicion that an employee has taken, consumed or used such substances. The standard for determining reasonable suspicion will be guided by the following:

1. The test must be approved by the Township Supervisor or designee.

2. Reasonable suspicion shall be based upon specific objective facts and reasonable inferences drawn from those facts in light of experience and/or training.
3. Where the reasonable suspicion is based upon personal observation by a supervisor or manager, the objective facts must be articulable and may include a person's appearance or behavior.
4. When an informant has supplied information, the informant's veracity, reliability and basis of knowledge will be relevant considerations. If the informant is a subordinate of a supervisor suspected to be under the influence, she/he may approach any other supervisor or the Township Supervisor to provide such information without regard to the normal supervisory structure.
5. The facts forming the basis for the reasonable suspicion shall be disclosed to the employee at the time that demand for testing is made, and the employee shall, at that time, be given the opportunity to explain their behavior or actions. In addition, where drug testing is recommended, the employee shall be allowed to make such explanation to the Township Supervisor or designee in person and also allowed to commit any explanation to written form. Any refusal to take the test, however, will result in immediate discharge.
6. Within five (5) calendar days after the demand for testing, the facts forming the basis for reasonable suspicion and reasonable inferences drawn from those facts, including the employee's statement, if any, shall be reduced to written form, and a copy shall be given to the employee.
7. The use of medications prescribed by a physician is not intended to be prohibited by this policy. However, employees using such medications are responsible for the potential effects such drugs may have. Use of medications that may impair physical or mental ability, judgment or work performance must be reported to your supervisor when reporting for work.

8.3 Release from Duty

When an employee has been ordered to be tested while on duty, based upon reasonable suspicion, the employee shall not drive any vehicle or perform any job duties or functions, unless so authorized by the Township Supervisor or designee. The employee will be compensated according to their salary/wage schedule for all time spent in the testing process to a maximum of the balance of their regular workday. When possible, such testing will be conducted during the employee's scheduled work hours.

8.4 Laboratory Tests

Arrangements will be made to transport the person taking the test to the hospital or independent laboratory to perform the test. A proper chain of custody will be maintained on all tests.

In the case of urine testing, the laboratory used must be certified by the National Institute on Drug Abuse (NIDA). The initial screen test will be of the immunological assay type and will be conducted using the "EMIT" test. No disciplinary action shall be taken based upon the initial screen test. If the initial test is positive, a follow-up test will be immediately conducted on the same sample using the gas chromatography/mass spectrometry method.

Decision levels are set sufficiently high enough to preclude any other possible reason for a drug's presence except illicit use. The following decision levels, reported in nanograms per milliliter, are proposed for deciding the point at which the presence of a EMIT test would be reported as positive, i.e., the point at which a confirmation test (GC/MS) will be performed on the same sample.

NIDA-5 (screen and GC/MS confirmation)

Drug	Group Drug or Metabolite Detected	Initial Test Level ng/ml	GC/MS Confirmation
Amphetamine	Amphetamine Methamphetamine	1,000 ng/ml 1,000 ng/ml	500 ng/ml 500 ng/ml
Cocaine metabolites	Benzoyllecgonine	300 ng/ml	150 ng/ml
Marijuana metabolites	delta-9-THC-9-COOH	100 ng/ml	15 ng/ml
Opiate metabolites	Codeine Total Morphine	300 ng/ml 300 ng/ml	300 ng/ml 300 ng/ml
Phencyclidine	PCP	75 ng/ml	75 ng/ml

If an EMIT test detects the presence of a drug equal to or above the confirmation level of the test result, the test will be considered as failed.

Upon completion of all testing, the employee will be notified of the results of the testing as soon as practical after the Township receives such notification. If the results of confirmation testing are positive, the results will be reported to the Township Supervisor.

If an employee is requested to undergo a blood/alcohol test and the test reveals a minimum level of .07, the employee will have failed the test.

It is the intent of this program to test for those agents that are most frequently contained in the drugs of abuse. Therefore, the preceding list of drugs included in the table is subject to continual review and possible modification.

8.5 Rehabilitation and Last Chance

An employee who fails the tests described above may be immediately terminated or, as a condition of continued employment, may become involved in a rehabilitation program approved by the Township Supervisor or designee.

An employee must, if able, continue working while in a rehabilitative program if, in the Township Supervisor's opinion, she/he is capable of satisfactory performance and if the employee agrees to be tested for drugs/alcohol at the Township's discretion.

An employee who must discontinue work while in a rehabilitative program may take an unpaid medical leave of absence. Medical documentation by a physician approved by the Township as to diagnosis, dates, and duration of treatment and rehabilitation is required.

Upon satisfactory completion of the rehabilitation program by the employee, it will be a condition of re-employment that the employee agrees to be tested for drugs/alcohol at the Township's discretion for a reasonable period not to exceed eighteen (18) months.

The employee must remain in the rehabilitation program for an adequate period of time as determined by the program professionals. The employee must provide to the Township, at time intervals determined by the Township Supervisor or designee, reports of satisfactory participation in the program. In addition, a report of satisfactory completion of the program at the termination of active treatment is required. These reports should come from the director of the program or other appropriate persons affiliated with the program. The failure to complete the program will result in immediate discharge.

The employee acknowledges that enrollment in a rehabilitation program is for the purpose of treatment and counseling against the illegal use or possession of controlled substances or inappropriate alcohol use. Any illegal use, sale or possession of illegal drugs or inappropriate alcohol use following treatment or counseling will result in immediate dismissal. All employees must acknowledge that the rehabilitation program is a "last chance" program.

8.6 Employees Determined to be in Need of Rehabilitative Assistance

An active employee on medical leave who drops out of an approved rehabilitation program against the recommendation of the program director or other appropriate persons affiliated with the program will be immediately terminated and will be ineligible for re-employment.

An employee who (1) refuses to become involved in an approved rehabilitation program, or (2) agrees to become involved in an approved rehabilitation program but fails to start the program within fifteen (15) days, or (3) does not agree to submit to periodic re-examination or testing at the discretion of the Township will be terminated.

An employee who has successfully completed a rehabilitation program, or otherwise remains employed or becomes re-employed after having tested positive for the presence of drugs/alcohol, will be terminated if the employee is subsequently found to be under the influence of drugs/alcohol or suffering from the side effects of drugs or inappropriate alcohol use, or if she/he tests positive for the presence of drugs or alcohol.

Any employee, who possesses, sells, attempts to sell, delivers, or in any other way distributes illicit narcotics or drugs on Township property or during work hours will be discharged. Law enforcement officials will be informed of such conduct.

9 DISCIPLINARY ACTIONS PROCEDURES

9.1 Purpose

Niles Township has established regulations and procedures concerning employee conduct which are deemed necessary to insure the orderly and efficient operation of Township business. The Administration Committee shall assure that all disciplinary actions to employees are fair and consistent. The type and severity of the disciplinary action will depend on: the nature and seriousness of the offense; the employee's disciplinary and work record; the employee's length of service; the Township's past practice in similar cases; and any mitigating or aggravating circumstances. Nothing in these procedures should be considered to change the status of each and every employee as an "at-will" employee of Niles Township.

9.2 Examples of Misconduct

The following examples are not intended to be all-inclusive and each department may have additional specific departmental rules and/or regulations, which are applicable to employees working in that department.

Violation of the rules and procedures set forth in this, or other Board approved manuals, policies or procedures.

1. Stealing
2. Harassment
3. Drinking alcoholic beverages on the job
4. Abusive use of controlled substances as defined by state and federal regulatory agencies
5. Refusal to do an assigned job without sufficient reason
6. Sleeping on the job
7. Excessive absenteeism or tardiness
8. Careless conduct or neglect of safety rules and procedures
9. Walking off duty without permission from immediate supervisor
10. Fighting or gambling while on duty

11. Carrying weapons without authorization, even if carried pursuant to a Concealed Weapons Permit
12. Negligent or careless use of Township equipment
13. Discourtesy to the public
14. Falsifying Township records
15. Falsifying leave requests
16. Using threatening or abusive language towards another employee
17. Conviction of a felony

9.3 Disciplinary Actions

Disciplinary action may include any one or more of the following:

- **Verbal Warning.** Verbal warnings should be documented and placed in the employee's personnel file.
- **Written Warning.** Employees should receive a copy of any written warning. One copy of the warning should be placed in the employee's personnel file.
- **Probation.** Probation is a period during which an employee will be expected to achieve certain goals or meet certain performance expectations.
- **Demotion.** Demotion is the placement of an employee into a lower-level position, usually with a lower level of pay.
- **Suspension.** Suspension is time away from work without pay, for a specified duration, not to exceed five working days.
- **Termination.** Termination is a permanent removal from the job and may occur at any time.

Since employment is at-will, termination may occur at any time, with or without reason or notice. The organization does *not* utilize a progressive disciplinary procedure and does not implement disciplinary action in any particular order. We will review each disciplinary case individually and issue disciplinary action, as we deem necessary and appropriate.

10 TERMINATION

10.1 Resignation

An employee who resigns from Township employment should give at least two (2) weeks written notice to the Administration Committee or Department Manager who will provide the original to the Clerk's office. The Clerk will notify to the Township Board at the next regularly scheduled meeting. The notice will be included in the employee's personnel file.

10.2 Discharge

An employee to be terminated for disciplinary reasons will be given a written notice by the Administration Committee with the concurrence of the Township Supervisor. Termination will be effective immediately.

10.3 Retirement

Provisions concerning early retirement or disability retirement are discussed in the pension plan booklet available to eligible employees.

10.4 Final Paychecks

Final paychecks for full-time and regular part-time employees who have been terminated or retired will contain wages to the effective date of termination. Compensation for unused, accumulated vacation and unused paid personal leave day will also be included if the employee: (1) provided two weeks' notice; (2) was not discharged; and (3) was not an irregular part-time employee.

Upon discharge, the employee will be immediately paid for wages accrued to the date of termination. Employees who have resigned will receive their final paycheck at the next pay period. The final paycheck for employees who just retired will either be mailed to the address given at the exit interview or picked up by the employee at the Municipal Building on the next regularly scheduled payday, at the employee's option.

10.5 Paid Leave Time Pay-Out

An employee will be paid for unused, accumulated vacation time and unused paid personal day only upon retirement or voluntary termination assuming the employee has had at least one full year of continuous service with the Township, and provided at least two (2) weeks' notice was given.

10.6 Exit Interview

In order to document the reasons for turnover within the Township, the Department Manager of Township Supervisor may meet with the employee to determine the reason(s) for leaving. The Department Manager or Township Supervisor may provide a written memo of the reason(s) to be included in the employee's personnel file. An exit interview form may be filled out by the Department Manager and/or Township Supervisor and the employee shall be given an opportunity to sign, which authorizes the release of information on the exit interview form, Appendix B, to all future employers.

10.7 Statute of Limitations

As a condition of employment, employees agree not to commence any action or suit relating to their employment relationship with the Township more than 301 days after the date of termination of employment or in the time prescribed by the applicable statute, whichever is less. Further, employees agree to waive any statute of limitation exceeding 301 days.

ACKNOWLEDGMENT

I acknowledge that I have received this Handbook. I understand that I am responsible for reading and understanding it. I agree to be bound by the policies and procedures described in this Handbook and, in consideration for my employment, I agree to follow them.

Dated

Employee