

Charter Township of Waterford

EMPLOYEE

HANDBOOK

Policies and Procedures

Handbook of Charter Township of Waterford Policy & Procedures

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INTRODUCTION

This handbook is provided to all Waterford Township employees as a convenient reference tool for the Township's policies, procedures and work rules. It does not contain all of the information needed during your course of employment and may be supplemented with other information, both oral and written. In some instances, a department may have policies, procedures and rules that apply to its operations, subject to the review and approval of the Supervisor, and are a supplement to the Township's.

Nothing in this handbook may be construed as creating a promise of future benefits or a binding contract with the Charter Township of Waterford for any purpose. The policies outlined are continually evaluated and may be amended, modified or terminated at any time.

Employees will be notified of updates to this handbook via memo. All updates will be published on the Human Resources web page at:

<http://www.waterfordmi.gov/330/Policies-Procedures>

ETHICS POLICY

It is the policy of the Charter Township of Waterford that its board members, employees and volunteers uphold the highest standards of ethical, professional behavior. To that end, they shall dedicate themselves to carrying out the mission of this organization and shall:

- 1) Hold paramount the safety, health and welfare of the public in the performance of professional duties.
- 2) Act in such a manner as to uphold and enhance personal and professional honor, integrity and the dignity of the profession.
- 3) Treat with respect and consideration all persons, regardless of race, religion, gender, sexual orientation, maternity, marital or family status, disability, age or national origin.
- 4) Engage in carrying out the Charter Township of Waterford's mission in a professional manner.
- 5) Collaborate with and support other professionals in carrying out the Charter Township of Waterford's mission.
- 6) Recognize that the chief function of the Charter Township of Waterford at all times is to serve the best interests of the community and its residents.
- 7) Accept as a personal duty the responsibility to keep up to date on emerging issues and to conduct themselves with professional competence, fairness, impartiality, efficiency, and effectiveness.
- 8) Respect the structure and responsibilities of the Board of Trustees, provide them with facts and advice as a basis for their making policy decisions, and uphold and implement policies adopted by the Board of Trustees.
- 9) Keep the community informed about issues affecting it.

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- 10) Conduct organizational and operational duties with positive leadership exemplified by open communication, creativity, dedication, and compassion.
- 11) Exercise the discretionary authority they have under the law to carry out the mission of the Charter Township of Waterford.
- 13) Serve with respect, concern, courtesy and responsiveness in carrying out the Charter Township of Waterford's Mission.
- 14) Demonstrate the highest standards of personal and professional integrity, truthfulness, honesty, and fortitude in all activities in order to inspire confidence and trust in such activities.
- 15) Avoid any interest or activity that is in conflict with the conduct of their official duties.
- 16) Respect and protect privileged information to which they have access in the course of their official duties.
- 17) Strive for personal and professional excellence and encourage the professional development of others

HARASSMENT POLICY

PURPOSE: The purpose of this policy is to contribute to a quality work environment for all employees and future employees of the Township and to inform each person of their rights and their responsibilities in achieving that goal with respect to each person being free from intimidation, humiliation, insult or from being subjected to offensive, physical or verbal abuse or actions, direct or insinuated, based on a person's age, sex, ethnic background, race, religion, national origin or disability.

POLICY: The Township fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people to seek, obtain and hold employment without being subjected or exposed to illegal harassment or discrimination in the work place. It is the policy of the Township to provide its employees with an environment which is free of harassment based on age, sex, ethnic background, race, religion, national origin or disability.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, (2) submission to or a rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

All harassment which violates State or Federal law is totally unacceptable. Examples of age, sexual, ethnic, racial, religious, national origin, or disability harassment include, but are not limited to the following:

- (a). Making derogatory comments, insults, suggestive remarks, or jokes

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regarding an individual's age, sex, ethnicity, race, religion, national origin or disability;

- (b). Display of offensive photographs, cartoons, drawings or written material;
- (c). Conduct which has the purpose or effect of degrading or creating an intimidating, hostile or offensive work environment related to a individual's age, sex, ethnicity, race, religion, national origin or disability;
- (d). Implicit or explicit propositions or requests for sexual favors;
- (e). Physical contact of a suggestive sexual nature;
- (f). Stating or implying that a particular employee's deficiencies in performance are attributable in whole or in part to their age, sex, ethnicity, race religion, national origin or disability;
- (g). Possession, on Township property, of any kind of implicit or explicit material (e.g. magazines, calendars, etc.) degrading an individual or group on the basis of age, sex, ethnicity, race, religion, national origin or disability.

COMPLAINT PROCEDURE: Any employee who believes they have been the subject of any harassment as defined herein should report the incident immediately to their supervisor. The report should be made within 48 hours of occurrence. The employee's supervisor or Department Head shall immediately notify the Township Supervisor and the Office of Human Resources about the complaint.

THE STEPS OF THE COMPLAINT PROCEDURE ARE AS FOLLOWS:

1. The employee shall register their complaint initially with their immediate supervisor. The supervisor will forward the complaint to the Office of Human Resources immediately for review. Upon receipt of the complaint, Human

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Resources will conduct an investigation, prepare a written report of that investigation and give the employee a written response to their complaint within a reasonable and appropriate amount of time. (Copies of the investigation and response will be given to the Township Supervisor and placed on file in the Office of Human Resources).

2. If the immediate supervisor was a participant in or condoned the alleged harassment without correcting the situation or the harassment continues, the employee may elect to bypass the immediate supervisor and may submit a written complaint (form attached) directly to the Office of Human Resources or other such person designated by the Township Supervisor.
3. In the event of a sexual harassment complaint, a person of the same gender as the complainant will be involved in the investigation and findings. Such person(s) will be designated by the Township Supervisor. The complainant shall be given a written response to their complaint within a reasonable and appropriate period of time.
4. If the complaint continues unresolved, the complainant may refer their complaint to the Township Supervisor. The Township Supervisor will investigate and respond to the complaint.

In those situations where a violation has been shown to have occurred, immediate action will be taken to remedy the situation and to prevent its reoccurrence.

Nothing in this policy prevents an employee from directly contacting the Michigan Civil Rights Commission or U.S. Equal Employment Opportunity Commission to file a complaint in addition to or in lieu of contacting the designated Township representatives outlined in this policy.

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NON-RETALIATION: The Township not only prohibits harassment but also strictly prohibits any retaliation against an employee who, in good faith, has registered a complaint under this policy. Any supervisor, agent or employee of the Township, who after investigation, has been determined to have retaliated against any employee utilizing the complaint procedure in this policy will be subject to appropriate discipline up to and including immediate discharge. If an employee believes they have been retaliated against for exercising their rights under this policy, that employee should use the complaint procedure as set forth above.

CONCLUSION: It is anticipated that all employees will give their full support and cooperation in maintaining a work environment free of all forms of harassment. However, if an employee violates this policy, they will be subject to disciplinary action up to and including discharge.

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CONFIDENTIAL EMPLOYEE HARASSMENT COMPLAINT FORM

Thank you for bringing your concern to our attention. We will work to promptly resolve your complaint. Feel free to keep in touch during the investigation process. Experience suggests that first discussing your concern with your supervisor often meets with mutual success but, if the supervisor has engaged in, or condoned the harassment, you are not required to discuss this matter with your supervisor.

Have you held such a discussion? Yes _____ Date _____
No _____

If there was no such meeting, what was your reason for not bringing it to your supervisor's attention? _____

If you did discuss this matter with your supervisor, please state your supervisor's response to the complaint.

Attach a sheet stating:

1. The facts, events and circumstances that initiated filing this complaint. Please give a complete description of the event(s) and statements made. Within this statement, please give the names of the persons engaging in the alleged harassment, the dates they occurred, witnesses to the alleged harassment and your response.
2. What action or change you are seeking in order to resolve this complaint.

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Employee _____ Date _____
Signature

FOR TOWNSHIP USE ONLY

Date Received: _____ Date Closed: _____

Disposition:

UNIFORM RULES AND REGULATIONS

The orderly and efficient operation of the Township requires that all employees maintain proper personal standards of conduct at all times. Maintaining proper standards of conduct are necessary to protect the health and safety of employees and the public, to maintain uninterrupted services, to protect the Township's goodwill, protect property and to provide a quality work environment.

The following Rules and Regulations are placed into effect by the Township. These Rules and Regulations are published so that all employees of the Township may know what standards of conduct are required of them.

GROUP I - MAJOR OFFENSES

Violations of Rules and Regulations in this group are considered serious offenses and can result in severe disciplinary action, up to and including immediate discharge.

A. SAFETY

1. Unsafe act resulting in the injury or loss of life of a person or persons.
2. Falsely stating or making claims of injury or accident.
3. Wanton or malicious disregard or neglect for the health or safety of others.
4. Major chargeable accident with a Township vehicle (over \$1000.00).
5. Driving record or driving offenses that affect an employee's ability to perform their job duties because of substance abuse issues.

B. TOWNSHIP PROPERTY AND EQUIPMENT

1. Deliberate or negligent damage or misuse of Township equipment, tools,

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vehicles, buildings, furnishings, materials or property.

2. False claim of loss, theft or damage of Township property.

C. PUBLIC EMPLOYEE RESPONSIBILITY

1. Unlawful or improper conduct during working hours or non-working hours which adversely affects the employee's ability to perform their job, their relationship with fellow employees, their supervisor or the public; or that adversely affects the goodwill or reputation of the Township, its representatives or its citizens.
2. Misuse or improper use of authority or responsibility of Township position.
3. Fraudulent use of paid sick leave or personal leave time.

D. CONDUCT

1. Immoral conduct or indecency.
2. Fighting or striking another individual.
3. Any conviction of a felony.
4. Theft
5. Possession, use, or under the influence of alcoholic beverages or non-prescription drugs during working hours (including lunch/break period).
6. Falsification of work records, pay records, vacation records, comp. time records or attendance records.
7. Restrict or interfere with other employees in the performance of their jobs or engaging in any interruption of work.
8. Misappropriation of public funds, materials, equipment or property.

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9. Flagrant insubordination to a supervisor, manager or Township official.
10. Intentional falsification of Township records or information.
11. Threatening, intimidating, assaulting or coercing other employees, managers, elected officials or the public.
12. Harassment or discrimination based on an individual's age, sex, religion, race, ethnic background, national origin or disability.

GROUP II - PROGRESSIVE DISCIPLINARY ACTION

Violation of Rules and Regulations in this group will result in the application of progressive discipline. An employee's record for the past two (2) years will be taken into consideration in determining the appropriate disciplinary action. Each offense, regardless of the rule violated, including offenses under Group I offenses, will be counted in administering the appropriate next level of disciplinary action.

First Offense	Written Warning
Second Offense	Up to a Three (3) Day Disciplinary Layoff
Third Offense	Up to a Two (2) Week Disciplinary Layoff
Fourth Offense	Up to and including Discharge

A. SAFETY

1. Minor chargeable accident (\$1000 or less damage). Subject to a non-driving status after third offense.
2. Failure to file a written report of any accident with the Department Head, immediate supervisor or other management representative prior to the end of the shift.

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3. Violating any federal or state safety regulations, practices/policies, or engaging in any act or conduct which creates a health or safety hazard.
4. Failure to wear or use required personal protective equipment
5. Unsafe or reckless use of Township vehicle or equipment.
6. Failure to report suspension or revocation of driver's license, or to report a physical or mental condition that impairs ability to use a vehicle or other equipment, where the job requires use of a vehicle or equipment. Non-driving status will require reassignment to another job, if one is available, or layoff until there is a suitable opening.
7. Failure to report mechanically defective condition of vehicles or equipment upon knowledge of same.
8. Failure to report a personal injury prior to the end of the shift.
9. Failure to use seat belt.
10. Smoking. (See the Smoking Policy)

B. TOWNSHIP PROPERTY AND EQUIPMENT

1. Unauthorized use of any Township equipment, tools, vehicles, facilities, buildings, furnishings or materials.
2. Careless use or abuse of Township equipment, tools, vehicles, facilities, buildings, furnishings or materials.

C. ATTENDANCE

1. Reporting late for work. (Start of shift, after lunch or required meetings, overtime, etc.)
2. Abuse of time allotted for "break period".

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3. Excessive absenteeism.
4. Absent one day without giving proper notice. (Penalty will not apply where satisfactory evidence is given that notification by employee or someone else was not possible.)
5. Abuse of paid or unpaid sick leave time.
6. Absent without just cause.
7. Leaving work without permission.
8. Failure to provide required documentation explaining absences.

D. PUBLIC EMPLOYEE RESPONSIBILITIES

1. Improper grooming or appearance.
2. Failure to wear uniform supplied by the Township.
4. Courtesy or improper conduct in dealing with the public or other employees.
5. Falsifying records or reports.
6. Unsatisfactory performance
7. Negligence
8. Refusal to work overtime.

E. DRESS CODE

Employees are expected to demonstrate good judgment and professional taste. Courtesy of coworkers and your professional image to customers should be factors that

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are used to assess that you are dressing in an appropriate manner. Clothing that reveals excessive cleavage, back, chest, stomach or undergarments is not appropriate for a business setting. Torn or dirty clothing is unacceptable. Any clothing that has words, terms or pictures that may be offensive to other employees is unacceptable. This includes images that are political or religious in nature, are sexually provocative, use profanity or are insulting of other employees.

E. CONDUCT

1. Gambling
2. Horseplay
3. Interfering with fellow employees or supervisors.
4. Insubordinate conduct or failure to follow orders.

5. Sleeping during working hours.
6. Unfit condition for work.
7. Solicitations or conducting personal business without permission during working hours.
8. Neglect of job, duties or responsibilities or loafing.
9. Failure to follow work routines or work priorities as designated or instructed.

Impairment caused due to a violation of Uniform Rules and Regulations may require reassignment to another job, if one is available, or layoff until there is a suitable opening.

These rules are not intended to be all inclusive of the required standards of conduct and obligations of employees under the Collective Bargaining Agreement. These Rules and

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Regulations may be supplemented by other Township policies or directives and by provisions in the Collective Bargaining Agreement.

The Township shall, when it deems it necessary, establish additional rules and regulations.

Department Heads may establish rules and regulations that are specific to governing their employees, when necessary, subject to the review and approval of the Supervisor, if these rules and regulations reasonably assist in the operation of their respective departments.

Before implementation of any change in rules or regulations, policy amendment, or new policy draft, the proposed change must be submitted to the Office of Human Resources for review. The Township Board will be notified as to the nature of new or amended policies.

The Township Board reserves the right to amend or reject all drafts. The Township Board reserves the right to amend or rescind all existing policies.

Employees are required to obey those rules in effect and they are subject to the same application and standards as these Uniform Rules and Regulations.

SECURITY POLICY

PURPOSE

The purpose of this policy is to establish and define the proper standards regarding the physical security of Township buildings.

The Township places the following policies into effect. These policies are published so that all employees of the Township may know what standards are expected and required of them.

PHYSICAL ACCESS

A computerized card reading device allows access to buildings and/or areas. Issuance of access cards is the responsibility of the Facilities and Operations Department (F&O) Superintendent. Department Heads are responsible for determining the level of access in their own department. Employees requiring access to other departments, or changes in their security level, must obtain written permission from the affected Department Head(s), subject to the Township Supervisor's review and approval.

Each employee is responsible for the use and physical maintenance of his or her access card. An employee's card should not be loaned for use by another employee. Under no circumstances should an employee's card be loaned to non-employees. Such action is subject to disciplinary action up to and including discharge, depending on the severity of the specific charges in accordance with the license agreement.

Family and Medical Leave Act (FMLA)

This policy is rescinded in its entirety. It is replaced by this Department of Labor Website: <https://www.dol.gov/whd/fmla/>

An overview taken from the DOL Website -

OVERVIEW

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;"
or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered Service member with a serious injury or illness, if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Drug Free Workplace Policy

Except as may be required in the performance of their duties, the Township prohibits employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, including alcohol, while on duty.

As a condition of employment, all employees must be free from unlawful drugs, and the effects of drugs and/or alcohol during scheduled work hours and when they report for work.

As a condition of employment, employees must abide by the terms of the Township's Drug Free Workplace Policy, and must notify the Office of Human Resources of any criminal drug or alcohol conviction for a violation occurring in the workplace within five (5) days after such conviction. Any conviction that is not work related, but would affect the employee's ability to perform essential job functions, must also be reported within this same time frame. Conviction on any criminal drug or alcohol charge subjects an employee to disciplinary action, up to and including discharge.

Employees who violate one or more of these prohibitions are subject to disciplinary action, up to and including discharge, may be required to participate in and satisfactorily complete a drug/alcohol abuse assistance or rehabilitation program.

As part of the Township's commitment to provide an alcohol and drug free work environment, the Township will establish a drug free awareness program to inform employees of the danger of drug and alcohol abuse in the workplace, the Township's policy of maintaining a drug and alcohol free workplace, any available drug and alcohol counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed for drug and/or alcohol abuse violations occurring in the workplace.

Use of Township Vehicles

The following policy covers the use of Township vehicles, other than emergency vehicles:

1. Vehicles are to be driven only by authorized persons.
2. Persons with limitations on their ability to drive Township vehicles e.g. health problems, driving restrictions, etc. are required to immediately inform their department head about such conditions.
3. All drivers and passengers must obey all traffic and safety laws and regulations including wearing of seat belts.
4. All accidents must be reported to the department head and a police report must be filed immediately without fail.
5. Vehicles are to be used only for official Township business and driven within the Township.
6. Trips outside the Township must be approved by the Department Head. The Township Supervisor must be notified of all usage outside the Township.
7. Vehicle passengers are limited to other employees, Township officials or authorized Township guests.
8. The driver is responsible for safe, courteous and economical use of the Township vehicle.

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9. Use of Township vehicles for lunch or coffee breaks is dependent upon circumstances. Coffee breaks are limited to 15 minutes. Lunch breaks will be taken at the closest available location and/or en route to an assignment. Use of personal vehicle, where possible, should be given priority.
10. No consumption or transportation of alcoholic beverages is allowed if driving or riding in a Township vehicle.
11. When parking vehicle, remove key from ignition and lock vehicle.
12. Use headlights, hazard lights (blinkers), or roof flasher when necessary.
13. Employees operating the vehicles are responsible for routine up-keep and cleanliness including: fuel and all other fluids as needed, and washing and vacuuming of the interior.
14. Thoroughly clean windows if covered by snow or frost before driving.
15. Follow the vehicle maintenance schedule and report all mechanical problems or malfunctions to the department responsible for maintenance of the vehicle (i.e. Facilities & Operations, Water & Sewer or Fire Department).
16. Vehicles are to be parked in compound, garage or other authorized location during non-working hours.

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17. Certain employees are allowed, because of their job responsibilities, to take their Township vehicle home with them. Authorization for taking a vehicle home is granted by the Township Supervisor and may be reviewed by the Township Board.
18. Employees, other than those covered under item 17 above, may on occasion be allowed to take a vehicle home if the situation merits. Department Heads will be responsible for determining if a situation is justified. Department Heads who frequently allow employees to drive vehicles home shall seek the consent of the Township Supervisor.
19. This policy may be supplemented by department directives after consultation with the Township Supervisor.

SOCIAL SECURITY NUMBER PRIVACY

POLICY

I. Policy

Pursuant to state law, it is the policy of the Township to protect the confidentiality of social security numbers. No person shall knowingly acquire, disclose, transfer, or unlawfully use the social security number of any employee or other individual unless in accordance with the procedures and rules established by this policy.

II. Administrative Procedures/Rules:

A. Public Display

Social security numbers shall not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, or any other materials or documents designed for public display. Documents, materials, or computer screens that display social security numbers or other sensitive information shall be kept out of public view at all times.

B. Access to Social Security Numbers

Only persons authorized by the Office of Human Resources shall have access to social security numbers.

C. Mailed or Transmitted Documents

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Township documents containing social security numbers shall only be sent in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a social security numbers appear in the document. Documents containing social security numbers that are sent through the mail shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

Social security numbers shall not be sent through email unless the connection is secure or the number is encrypted. No individual shall be required to send their social security number through email unless the connection is secure or the number is encrypted.

D. Public Records

Where a social security number is contained within a document subject to FOIA release, the social security number shall be redacted.

E. Storage and Disposal

All documents or files that contain social security numbers shall be stored in a physically secure manner. Social security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

Documents or other materials containing social security numbers shall not be thrown away in the trash; they shall be discarded or destroyed only in a manner that protects their confidentiality, such as shredding.

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F. Information Collected

Social security numbers should only be collected where required by federal and state law or as otherwise permitted under the Michigan Social Security Number Privacy Act. If a unique identifier is needed, then a substitute for the social security number shall be used.

Whenever the Township collects a social security number, it shall inform the individual of the purpose for the collection, the intended use, whether the law requires the number to be provided, and the consequence for not providing the number.

G. Accountability

Any person who fails to comply with this policy shall be subject to discipline up to and including discharge.

H. Policy Guidance

If any questions regarding social security number privacy and security should arise, contact the Office of Human Resources for policy clarification and guidance.

DRIVING RECORD STANDARDS

Any applicant for promotion or employment with the Township must meet Township minimum driving record standards. Applicants having any of the following driving record violations are automatically disqualified from consideration for employment (including promotion) in jobs requiring driving a vehicle to conduct Township business.

In addition to these noted below, driving proficiency standards for police and fire applicants may also be established by the Civil Service Commission pursuant to Public Act 78.

Failure of current employees to meet these minimum standards will result in a hearing to determine the employee's employment related driving status. The hearing will be conducted jointly by the employee's department head and the Office of Human Resources.

1. Any conviction of manslaughter, negligent homicide or any other felony in connection with the operation of a vehicle.
2. Any conviction of operating under the influence of liquor, driving while impaired or operating under the influence of drugs within the last four (4) years.
3. Failure to take a blood alcohol test.
4. Conviction of driving while license is suspended revoked or denied within the last four (4) years.

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5. Loss of driving privileges due to license being suspended, revoked or denied within the last two (2) years.
6. Accumulation of eight (8) or more points within the last two (2) years.
7. Conviction of three (3) or more moving violations within the last two (2) years.
8. Two (2) or more accidents within the last two (2) years which show the applicant at fault or primarily at fault.
9. Conviction of reckless driving within the last two (2) years.
10. Any combination of violations, accidents, etc. which indicate a poor attitude, unsatisfactory, driving skills or general inability to maintain a safe driving record.

INFORMATION TECHNOLOGY

RESOURCES USE POLICY

INTRODUCTION

Waterford Township is very dependent on Information Technology systems for efficient operations and the storage and retrieval of essential data. Employees are required to exercise diligence and care in protecting equipment, systems and data with which they have been entrusted. Employees who use Information Technology in their job duties have a responsibility to ensure that their activities do not expose Township data and equipment to theft, damage, destruction, unauthorized tampering, or legal risk. Employees have a duty to help ensure that confidential data is treated with respect and to obey relevant laws regarding the safeguarding of sensitive information. Employees who are careless with regard to safeguarding Township data and IT systems will be coached and/or disciplined according to the severity of any negligence. So that employees are clear about what is expected of them, this document delineates the standards of conduct as they regard the use of Information Technology in the Township.

In addition to responsibilities regarding the safety of Township data and equipment, employees are also held to certain standards of conduct meant to ensure fellow employees and members of the public are treated with respect. These standards of conduct generally prohibit harassing, threatening, discriminatory and obscene behavior. This document provides detail as to how these standards relate to the use of Information Technology resources in the Township.

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Because the use of digital technology often saturates many aspects of people's personal and professional lives, it is not always obvious where to draw appropriate boundaries between personal and professional use of technology. This document seeks to clarify the boundaries between personal and professional use of technology by setting standards that communicate what is expected of employees in this area.

Finally, the Township has a responsibility to ensure that operations are conducted within the confines of Federal, State and local laws, and it is the employees who perform the activities that must be kept within legal boundaries. The Township is obliged to ensure that the intellectual property of software manufacturers is respected, that employee and citizen personal information is protected from unauthorized exposure, to provide citizens with access to public information under the Freedom of Information Act, to preserve evidence used in legal proceedings, to prevent harassment and discrimination, that public infrastructure is adequately protected, to ensure that Township IT infrastructure is not used by unauthorized intruders to perpetrate criminal activity and many other legal requirements. One of the primary goals of this policy is to help ensure that the Township lives up to these expectations.

DEFINITIONS

1. Business Use

Business use is the usage of Township-provided computers, mobile devices, computer network and phone network to facilitate the effective and efficient conduct of Township business.

2. Personal Use

Personal use means use of IT Equipment, communications network and related assets by a Township employee that is not job-related.

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3. Bulk Email

The term *Bulk Email* refers to email messages sent to a large group of recipients based on a mailing list. Such messages can include advertisements, announcements, advisories, newsletters, etc.

4. Personally Identifiable Information

According to memorandum M-07-16 published by the Federal Office of Management and Budget in 2007:

“The term ‘personally identifiable information’ refers to information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, biometric records, etc., alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual such as place of birth, mother’s maiden name, etc.”

USE OF TOWNSHIP-OWNED IT EQUIPMENT AND ELECTRONIC COMMUNICATIONS SERVICES

1. Ownership

Computers, mobile devices, computer networking equipment, telecommunications equipment and other IT equipment purchased with Township money for business use is the property of Waterford Township. As such, it is the Township’s right and prerogative to define ways in which this equipment will be utilized, managed and disposed of.

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2. Business Use

Township-provided IT Equipment is the property of Waterford Township and are provided to facilitate the effective and efficient conduct of Township business. Users are permitted access to the Internet and other communication systems to assist in the performance of their jobs.

3. Personal Use

Personal use means use by a Township employee that is not job-related. In general, incidental and occasional personal use of the Township's Internet access, electronic communications and IT equipment by Township employees is permitted. However, personal use is prohibited if it:

- a. Interferes with the user's productivity or work performance or with any other employee's productivity or work
- b. Adversely affects the efficient operation of the computer systems
- c. Violates any provision of this policy or State or Federal law

The Township trusts employees to be fair and sensible when judging what constitutes an acceptable use of personal use of the Township's IT systems. If employees are uncertain they should consult their manager.

Department heads may implement more restrictive policies, subject to the review and approval of the Supervisor, regarding personal use specific to their own department.

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4. Public Use

In some cases, Township-owned computer equipment and network access have been made available to the public for their use while on Township premises. An example of this would be equipment provided to patrons in the Public Library. Such assets and network access points have been quarantined onto network segments that are kept separate from the Township's internal business network. Usage of these assets by the public shall be governed by a separate acceptable use policy displayed and made available to public users.

Employees may be granted access to use publically available Township-owned wireless access points with personal mobile devices while on Township premises.

5. No Expectation of Privacy

No Township employee should have any expectation of privacy in any message, file, image or data created, sent, retrieved or received by use of the Township's equipment and/or access. The Township has the right to monitor any and all aspects of its electronic communication systems including, but not limited to, web sites, instant messaging systems, voicemail messages and phone conversations, chat groups, material downloaded or uploaded by system users, and e-mail sent or received by system users. Such monitoring may occur at any time, without notice, and without the user's permission. In addition, electronic records may be subject to the Freedom of Information Act (FOIA) and, therefore, available for public distribution.

Employees are advised to avoid conducting communications of an extremely personal nature using Township assets or communications systems.

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6. Prohibited Activities

Certain activities are prohibited when using the Internet or electronic communication systems. These include, but are not limited to:

- a. Accessing, downloading, printing, displaying or storing information with sexually explicit content
- b. Downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images;
- c. Intentionally installing or downloading computer software, programs, or executable files without permission
- d. Using Township IT equipment or communications systems in a manner which violates Federal, State or Local Laws or Township Policy
- e. Transferring or using copyrighted material through the Township's computer resources, without the owner's permission
- f. Using Township IT equipment or communications to engage in deceptive activities such as forging email sender information, social
- g. Engineering, intentionally misrepresenting one's position or level of authority, etc.
- h. Engaging in activities that place an unusual, excessive and unnecessary burden on Township network resources.
- i. Physically abusing Township equipment

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7. Email and Text Messaging

a. Unsolicited and Bulk Email

The Township will exercise due diligence to prevent malicious or offensive SPAM messages from reaching user's mailboxes. However, it is impossible to prevent all spam, and some offensive or unwanted messages, or malware may slip through despite the Township's best efforts to stop them.

Inadvertently displaying otherwise prohibited content due to accidentally opening a SPAM message shall not be construed as a policy violation, provided the user closes and deletes the messages immediately as soon as they realize what has happened, and reports any such incident to the IS Department and the employees' immediate supervisor right away. *After reporting such incidents, users shall delete all copies of the message from their mailbox and deleted items folder.*

Users shall not use Township equipment or communications systems to send unsolicited bulk email in violation of the Federal CAN-SPAM Act of 2003 or any other related State or Federal laws. Users shall not use Township equipment or communications systems to send bulk email for personal, non-business use, including messages to internal staff advertising personal items for sale.

b. Privacy

Employees should respect the privacy of email messages. Measures have been put in place to ensure the privacy of message content. However, the content of any e-mail has the potential of being read by

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others. Users must exercise due diligence to protect the privacy of their own inbox, as well as giving careful thought before forwarding messages that have been sent to them or including additional recipients in a reply. The same consideration should also be exercised when sending SMS text messages.

Email and SMS text messaging are by nature unencrypted, unsecure forms of communication. Users should never assume messages are protected unless they can confirm that steps have been taken to ensure encryption. Email users shall not send Personally Identifiable Information health information protected under HIPPA, credit card numbers, social security numbers or any other confidential information protected by Federal, State or Local laws through email unless they have confirmed with the appropriate IT professionals and the message recipients that the messages are being encrypted.

c. Email Content

Sending email or SMS text messages containing any of the following is prohibited and is subject to disciplinary action up to and including discharge, depending on the severity of the specific charges in accordance with the Township's Uniform Rules and Regulations:

- (1) Messages containing obscene or discriminatory jokes, stories, pictures or other content
- (2) Messages that are threatening, intimidating or harassing

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8. Security

- a. Intentionally circumventing security measures implemented by the Township IS Department without authorization will be subject to disciplinary action up to and including termination. Such activities include, but are not limited to:
 - (1) Using deceptive “social engineering” tactics or password cracking software to gain another user’s password
 - (2) Intentionally installing any malware or unauthorized surveillance software such as key loggers, etc.
 - (3) Using software tools to discover and exploit security gaps in Township systems, with the exception of IT Department staff members or authorized contractors conducting analysis for the purpose of strengthening network security
 - (4) Intentionally taking advantage of inadequately secured systems or data to gain unauthorized access
 - (5) Use of eavesdropping software such as network traffic sniffers by any personnel other than IT Department staff engaged in network troubleshooting
 - (6) Intentionally disrupting communications or unauthorized tampering with network equipment
 - (7) Any other means to forcefully breach security measures and gain unauthorized access to data or systems

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- b. Using Township-owned IT equipment to disrupt or breach the security of networks, individual computers or cloud service accounts of organizations or individuals outside the Township will be subject to disciplinary action up to and including termination. This includes attempting to disrupt or breach the security of equipment and service accounts personally owned by fellow employees.
- c. Any employee attempting to access data on someone else's device with malicious intent is subject to disciplinary action up to and including termination, depending on the severity of the specific charges in accordance with the Township's Uniform Rules and Regulations.
- d. Users are expected to exercise due diligence in protecting Township data and IT assets. Users shall abide by the following:
 - (1) Users shall not provide their system passwords to any other Township employee or non-employee unless directed to do so by authorized IT Department staff.
 - (2) Users of Township-owned mobile devices shall utilize whatever mechanism is provided by the device to secure against unauthorized use. The user shall not provide the lock pattern, password, etc., to non-employees.
 - (3) Users shall not place written notes containing passwords in obvious places attached to the computer or work area, such as taped to a monitor, under a keyboard, etc.

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(4) Users shall not intentionally circumvent anti-malware or other endpoint security measures unless directed to do so by the IT Department.

(5) Users of Township-owned desktop PC's and laptops shall lock their screens when leaving the device unattended.

- e. Each employee is responsible for their user credentials for each system they have access to. If a user gives their credentials (i.e., username & password) to another individual and that individual is guilty of a policy violation, the user who gave out their credentials will also be held partially or fully responsible for the policy violation committed by the other individual.
- f. All access to Township on-premise data systems from outside the Civic Center network shall be through encrypted communications channels coordinated through the IT Department.
- g. No employee shall at any time install or operate a wired or wireless network device such as a hub, switch, router, wireless access point, modem, etc., connected to any Township-owned network without the knowledge and permission of the IT Department.

9. Care of Township Equipment

- a. Users are expected to take reasonable care and precautions to avoid damage and excessive wear of Township IT equipment. Township policy regarding "Township Property and Equipment" as delineated in the Township's Uniform Rules and Regulations shall apply to all Township IT equipment.

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- b. Employees shall not loan out Township-issued mobile devices to non-employees without written authorization from the IT Department.
- c. Mobile devices shall be returned to the Township's custody upon an employee's separation of service. Management of a separated employee's department should notify the IT Department of any mobile devices that have been, or should have been, returned to Township custody.
- d. Employees shall report lost or stolen Township-issued devices to the IT Department immediately upon discovery of the loss. The IT Department will remotely disable and wipe data from any lost or stolen device and disable VPN access to the Township's network. Failing to report a lost or stolen device shall be deemed as negligence on the part of the employee and will be subject to appropriate disciplinary action.
- e. Users shall exercise due diligence and reasonable precautions to avoid allowing Township-issued devices in their care from becoming infected with malware. Users are expected to use common sense, discretion and caution with regard to activities that could pose an infection risk. Users are not to tamper with Township-installed anti-malware software without authorization from the IT Department.

10. Software Installation

- a. Users shall not install software on any Township-owned PC, laptop or mobile devices without permission from the IT Department.

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- b. All software installed on Township-owned devices shall be properly licensed according to the terms of the software creator.
 - (1) For commercial software which requires the purchase of licensing, licensing must be purchased and all installations shall be in compliance with licensing terms set forth by the manufacturer. Records shall be maintained to demonstrate proper license purchase. Care shall be taken to prevent intentional or accidental violation of licensing terms, such as having more installations than allowed by the licenses purchased.
 - (2) For commercial software which is provided free-of-charge by the manufacturer, normally there are still licensing terms which delineate how the software may be installed and used. All installation of free-of-charge commercial software shall be in compliance with licensing terms set forth by the manufacturer. Note that some software is provided free-of-charge for personal use, but requires license purchase for business use.
 - (3) For Open Source software, installation and usage shall be in compliance with the licensing terms associated with that software.
- c. No employee may install software on employee-owned equipment if the installation files were obtained from Township resources or premises and the software requires a license purchase that the Township has paid for, unless the manufacturer's licensing terms specifically allows for this.

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11. User Responsibilities

- a. The distribution of electronic communications is difficult to control and routing mistakes can easily occur. Copies of electronic communications can be forwarded without the sender's knowledge or permission to unintended recipients. Therefore, electronic communications should be drafted and sent with at least the same level of care, professional judgment and discretion as paper memoranda or documents.
- b. The conduct of computer users who access the Internet or send e-mail containing the Township's domain address (i.e.,@waterfordmi.gov) may be perceived as reflecting on the character and professionalism of the Township. When engaging in such conduct, whether for personal or official purposes, employees are expected to do so in a responsible and professional manner. When engaged in personal use of the Internet, users must present their communications in such a way as to be clear that it is personal and is not a communication of the Township.

USE OF EMPLOYEE-OWNED IT EQUIPMENT

1. Use of Employee-Owned Devices for Business Use

- a. In general, employees should avoid using personal, employee-owned equipment for Township business use. However, the following exceptions are permitted:
 - (1) Employees may connect to the Township's email system with an employee-owned device in order to send and receive email messages from the device's mail app.

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- (2) Employees may access the web-based interface of the Township's email system from a web browser on employee-owned equipment.
- (3) Employees may place and receive Township-related phone calls and SMS text messages from employee-owned phones.
- (4) Occasionally composing, viewing or editing a word processing document, spreadsheet, presentation, etc., from employee-owned equipment is permitted as long as such activity does not become a normal work habit.
- (5) Employee-owned equipment may be used to access third-party cloud services used to conduct Township business use, so long as the arrangement between the Township and the third-party service permits this type of access and the employee's immediate supervisor permits this access.
- (6) Employees may use personal equipment to access any Township-provided web-based service that is provided to the general public, such as the Township web site, etc.
- (7) Employees may use personal equipment to research work-related topics on the Internet.
- (8) Other exceptions will be evaluated on a case-by-case basis through coordination with the IT Department and the employee's Department Head.

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- b. Internal Township business applications such as financial systems, document management systems, etc., which require installation of specialized application software may not be installed directly to employee-owned equipment.
- c. Commercial software programs which are licensed to the Township shall not be installed on employee-owned equipment unless the employee has also purchased the required licensing for the product on their own, or the manufacturer specifically allows for this in the licensing terms.
- d. Employees must be aware that when they use personal, employee-owned equipment for Township business use, data stored on their equipment may be subject to FOIA requests and discovery requests in legal cases.
- e. When accessing email or exchanging SMS text messages with employee-owned equipment, employees must exercise due diligence and reasonable precautions to prevent exposing sensitive data to non-employees who might have contact with their devices.
- f. Employees are responsible for any email or SMS communication sent from their employee-owned equipment, whether or not the employee in fact sent the message. Messages sent from a mail or texting app from employee-owned equipment can be construed as coming from that employee, even if another person actually sent the message. Employees should exercise due diligence to ensure other parties do not access these apps on their equipment.

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- g. When employee-owned equipment is configured to access the Township's email system with a mail app, and the device is lost or stolen, the employee *must change their email system password immediately, and report the loss to the IT Department.*
- h. Department heads may implement more restrictive policies unique to their respective departments restricting use of employee-owned equipment for business use, with the review and approval of the Township Supervisor.

2. Connection to Township Network

- a. Employee-owned equipment may not use the Township's Virtual Private Network to connect to internal resources without permission from the IT Department.
- b. Employees may not attach any employee-owned IT equipment to the internal wired network that is intended for business use without permission from the IT Department. This includes any desktop PC, laptop, router, wireless access point, etc.
 - (1) Some wired network outlets may be provided that are clearly marked and designated for either public use or personal employee use. One example would be wired network outlets in the Public Library designated for public use. These are on an isolated network and do not constitute a "network that is intended for business use." Therefore, employees as members of the general public may attach personal laptops to these outlets per the public use policy relevant to the department that

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provides these outlets. These are the only wired network outlets to which employees may attach employee-owned equipment.

(2) Attaching a mobile device to a Township PC for the purpose of charging the device's battery or transferring files shall not be construed as connecting a device to the Township's wired network.

c. Employees may wirelessly connect employee-owned equipment to the wireless access points designated for public and personal employee use.

3. Prohibited Activities

While on Township premises, employees are prohibited from using employee-owned equipment for the following activities:

- a. Accessing, downloading, printing, or displaying information with sexually explicit content
- b. Downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images
- c. Activities which violate Federal, State or Local Laws
- d. Attempting to circumvent the security provisions of or force entry into the Township network or IT resources

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- e. Accessing data for which the employee has not been given authorization
- f. Engaging in activities that place an unusual, excessive and unnecessary burden on Township network resources.

4. Township Data

Employees may not download or copy confidential data, data containing Personally Identifiable Information or data protected by Federal, State or Local privacy laws such as HIPPA to employee-owned equipment from Township resources.

HANDLING OF TOWNSHIP DATA

1. Due Diligence

Employees are responsible for the appropriate protection of any data with which they are entrusted. System users are expected to exercise due diligence with regard to protecting their user names and passwords, and to ensure that unauthorized personnel do not access data to which they are entrusted.

2. Confidential Information

The following shall apply to all employees who handle Personally Identifiable Information, confidential data, health information protected by HIPPA, and any other data protected by Federal, State, and Local Laws--all of which is hereafter referred to as "confidential, protected information":

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- a. Employees who handle Personally Identifiable Information and confidential information protected by HIPPA and other Federal, State and Local laws should be aware of their responsibilities with regard to protecting this information. If necessary, training can be provided in this area.
- b. Users shall not place confidential, protected information in any data storage location that can be accessed by individuals who are not authorized to access this information.
- c. Users should avoid storing confidential, protected information on removable storage media that can be easily lost, stolen or misplaced. Removable media to be avoided includes flash memory devices (thumb drives, SD cards, etc.), floppy diskettes, optical media (CD's, DVD's), tapes, external hard drives, etc. If storing such data on removable media is absolutely necessary, the employee has a responsibility to encrypt the data, keep track of the device and not allow it to become lost or placed in a location vulnerable to theft. When disposing of such media after its useful life, such media should be securely wiped or completely destroyed.
- d. Employees shall not, under any circumstances store confidential, protected information on any online or cloud data storage service that is solely in the control of the employee for personal use.
- e. Staff should avoid if at all possible storing confidential, protected information in any online or cloud data storage service.

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3. Data Storage on Cloud Services

- a. Township data stored by cloud services is subject to FOIA requests and legal discovery. Employees have a responsibility to preserve data under their control stored by cloud services and to make it available as requested through appropriate channels by the FOIA coordinator and/or Township attorneys.
- b. Employees shall exercise the same care with usernames and passwords on cloud services that they would apply with internal Township systems.
- c. Cloud data services used primarily for storage of Township data shall be coordinated through the IT Department. Employees shall not procure cloud data storage services for Township data without informing the IT Department.

PRIVACY RIGHTS & CONFIDENTIAL INFORMATION

1. All employees must be aware that computer systems are capable of monitoring activity. Computer history logs and time stamping functions provide supervisors with information that could be used for disciplinary action. Except as where protected by law, supervisory employees may use these monitoring systems in investigations of employee wrongdoing.
2. The Michigan Library Privacy Act (Public Act 455 of 1982) protects a Library Patron from disclosure of any library records without written consent. The act also gives library employees the right to determine library materials unless otherwise provided by law or by a regulation adopted by the governing body

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of the library. The Library Director shall be responsible for administering the provisions of this policy in conjunction with the State Act.

3. Some Employees, due to the nature of their job (i.e. police investigations, library research, etc.) may access information inappropriate for typical business functions.
4. Department Heads are responsible for providing authorization to employees for Internet use.

SOCIAL MEDIA POLICY

PURPOSE

The purpose of this policy is to establish guidelines on the management, administration and oversight of and regarding the use and management of social media by Township employees and officials.

POLICY

The Township recognizes that social media, blogs, social networks, discussion forums, video, and other social media can be an attractive and effective way of communicating. However, these tools also hold the possibility of unintended consequences. The Township has compiled these guidelines for its employees and officials when participating in online conversation or use of social media.

This Social Media Policy incorporates all other Township policies including those governing discrimination, harassment, Use of Internet and Electronic Communications, document retention and ordinary ethical obligations. Violation of Township Policies in any way, including through the use of social media, may lead to disciplinary action up to and including termination of employment.

Individuals using Township resources, including but not limited to, Township-provided email and instant messaging tools, computer equipment, Internet, or other information systems, or network(s) have no expectation of privacy except where applicable law provides differently. No Township employee or individual official has the authority to verbally provide any expectation of privacy contrary to this written policy.

The Township Board of Trustees adopts the following guidelines regarding use of Township social media and private social media related to or involving the Township, its employees or elected officials:

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1. Be Honest About Who You Are

Transparency is important when using social media. Posting anonymously should be avoided. When the conversation relates to the Township or its business, the fact that you are associated with the Township may be relevant to conversations, even if you are not an official spokesperson. You need to disclose your relationship with the Township whenever you participate in these discussions.

2. Township Resources

Social networking activities must not interfere with an employee's primary job responsibilities. For additional guidance with regard to what is considered appropriate use of Township Resources, please reference the existing "Use of Information Technology Resources" policy.

Individuals who post on any Township Facebook or Twitter page must abide by this policy and all other Township Policies, including those regarding ethics and those that prohibit harassment.

3. Treat Everyone With Respect

The Township expects you to adhere to the same standards of behavior both in the workplace and in your social media communications when they pertain to Township business. Do not use ethnic or other slurs, profanity, personal insults, defamatory or harassing communication. Do not engage in any communication that would not be acceptable in the workplace.

4. Make it Clear that Stated Views are Your Own and Correct Your Mistakes

Make sure that, even when you have identified yourself as working for the Township,

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you are clear that your views and opinions are your own and not those of the Township. Also correct your mistakes, and do not alter previous posts without indicating that you have done so.

5. Use Common Sense and Good Judgment

You are personally responsible for your words and actions, both online and offline. Your posts can potentially tarnish the image and damage the reputation of the Township or infringe on the rights of someone else. Be truthful. If you are in doubt regarding a post, take time to review and make sure that it does not violate this policy. Do not post anything that you would not want your family or your supervisor to read. Although you have the right to express yourself that does not mean that there are not consequences. Personal opinions do not belong on Township created social media accounts. Efforts should be made at all times to post facts.

6. Respect Proprietary Information Content, Trademark and Copyright Laws

Always cite and obtain permission when quoting someone else. Make sure that photos, music, video or other content that you are sharing is legally sharable or that you have the owner's permission. If you are unsure, do not share it. Do not incorporate Township logos, or other information in your posts which would suggest that you are speaking on behalf of the Township.

7. The Internet is a Public Space that Remembers

Consider the fact that everything that you post on the Internet is public. Assume that any member of the public may read every post, no matter how secure you believe that a site may be.

Search engines and other technologies make it virtually impossible to take something back. Consider the fact that everything that you post to the Internet is potentially discoverable by anyone. Keep in mind that the technology makes it both

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virtually impossible to completely delete something and also incredibly easy to send what you have done to millions of other viewers. Make sure that you mean what you say and will have no regrets about what you have said or done online if an unintended viewer sees it.

Information disseminated through social media can be discoverable in litigation, even if not done during work hours or on Township computers or devices. Litigation holds and document preservation notices may be issued and distributed to appropriate employees and officials in the event of litigation and/or investigations. Such litigation holds and document preservation notices apply to all relevant hard copy and electronic information. If the content of a social media communication is relevant, regardless of whether it is a Township record or non-business record, that communication must be preserved until the hold is lifted.

8. Respect Confidentiality

You may not use social media to disclose Township confidential information. Protecting the confidential information of Township employees, officials, residents, and others is important.

Do not divulge confidential or private information gained by reason of your association with the Township. Hurt feelings, damaged relationships, and lawsuits are reasonably foreseeable consequences of bringing others into an online setting without their permission. Additionally, divulging of confidential health-related and other personally identifiable information could be in breach of existing state and federal laws and could result in criminal prosecution.

9. Creating a Forum

No social media site shall be created on behalf of the Township without approval of the appropriate Department Head.

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10. Prohibited Activities

Do not use social media to comment on any of the following:

- A subordinate employee's job performance.
- Matters in litigation or otherwise in dispute, or that could be in the future.
- Non-public information.
- References to illegal or banned substances or narcotics.
- Solicitation of business.
- Information that might compromise the safety or security of public buildings or activities.
- Disparaging, threatening comments about or related to anyone.
- Personal, sensitive or confidential information of any kind about yourself or others.
- Pornographic, sexually oriented or otherwise offensive material.
- Defamatory, libelous, demeaning or offensive material.
- Township social media sites are not to be used for comments supporting or opposing political campaigns or ballot questions.

11. Proper Procedures

Complaints made on social media are not official complaints. All complaints that an employee intends to lodge or bring forward pursuant to policy must be done through the proper channels. With regard to complaints or comments from the public that require a reply or action, reasonable effort should be made by employees moderating Township social media accounts to direct the issue to the proper personnel for response.

12. Report Violations or Concerns

Employees who see something on a social networking site that violates Township

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Policies or indicates that another employee may have a propensity toward violence, may injure others, or is harassing another employee, should report this to the Human Resources Department.

13. Additional Policies

As technology advances, it is likely that additional social networking sites may be utilized and/or plans for use of social media outlets or sites will change. When such changes occur, it may be necessary to amend this Policy or adopt additional policies to govern the use of such additional social media sites.

14. Questions

As with all other Township Policies, employees who have questions regarding this policy should contact the Office of Human Resources.

SMOKING POLICY

PURPOSE

While it is not the intent of the Township to take issue with the smoking preferences of individuals, smoking in the work place is a matter of continuing concern to employees, the general public, and state legislators. The Township will be in compliance **Public Act 188 of 2009, Michigan's Smoke-Free Air Law** and will apply this standard to all vehicles, as well as public buildings and facilities.

POLICY

1. A: Township Buildings and Vehicles

Smoking is prohibited in Township buildings, facilities, and owned or leased vehicles.

All employees share in the responsibility for adhering to and enforcing the policy. Conflicts should be brought to the attention of the appropriate department head.

2. B: Citizens/Visitors

Citizens and visitors who are found smoking will be asked to extinguish their smoking material. If that person refuses to extinguish it, he or she will be asked to leave the premises. If the person refuses to comply, contact the police department.

Conferences, Training and Travel Policy

PURPOSE:

To define Township and employee rights and obligations in requesting and approval of employee training and conferences. These regulations shall govern all employees, officials and agents of the Township who travel for the Township on official business. All employees, officers and agents are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

POLICY STATEMENT:

Waterford Township Recognizes the importance of education and training in order to allow employees to best perform their duties. To enable employees to be aware of and participate in training, both internal and external, the following guidelines are established:

GUIDELINES:

1. This policy regarding employee training is separate from requirements established by policies and bargaining agreements pertaining to tuition reimbursement.
2. All conferences and training programs must be planned and approved in accordance with the Township budget.
3. Department Heads and supervisory employees are responsible for identifying and seeking out training that will improve an employee's job performance.
4. Employees are responsible for keeping Department Heads and Supervisors aware of any training necessary for proper certification and licensing.
5. Training required for certification and or licensing shall be scheduled so that it will cause the least interference with departmental operations.

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6. Training should be scheduled so that it will avoid the need for overtime.

AUTHORIZATION FOR TRAVEL:

All Township Official Business and Travel in excess of one normal work day or which costs exceeds \$250.00 shall be approved by the Supervisor, or their designee, upon recommendation from the Department Head and prior to departure.

Travel of less than a normal work day and total costs less than \$250.00 shall be approved by the Department Head or other authorized person.

Travel for employees in the Clerk's and Treasurer's Offices may be approved by the respective elected official under this same guideline.

Travel request for the Supervisor must be approved by either the Township Clerk or Township Treasure and vice versa.

ALLOWABLE EXPENSES:

The Township will reimburse travelers for any reasonable expense incurred that is necessary for the performance of official Township business while on travel. All expenses must be listed on the Pre-Business & Travel Report, Estimated Expenses/Approval Form and approved prior to departure. Reimbursement will not be allowed for expenses of family members, friends or others or for personal expenses which are not related to the purpose of the trip. In the event an unforeseen expense is incurred during travel, that cost will be reimbursed only if deemed necessary and appropriate by the Supervisor.

Reimbursement rates for mileage, lodging and per diem are listed in Appendix A.

Exceptions to the rate structure may be approved, on an individual case basis, by the Supervisor.

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All requests for business and travel authorization must be submitted to the Purchasing Agent or Accounting Department if agent is not available, two weeks prior to departure.

Requests are to be made on the Pre-Business & Travel Report, Estimate/Approval Form and accompanied by sufficient documentation to justify the travel. Alterations of a request after being submitted will be allowed if circumstances change.

After verifying the information, the Purchasing Agent/Accounting Department will present the request to the Supervisor for approval. Approved Pre-Business & Travel Report, Estimate/Approval Form will be forwarded to the appropriate department for their records. Travelers are required to use their or a designated Township P-Card to prepay conferences, lodging, air fare, and car rental, where possible.

Request for a cash advance must be made two weeks prior to departure. The advance check will be given to traveling employee at least one day prior to departure.

Advance Checks will be issued on Tuesday and be sent to the departments on Wednesday. If Check Requests are not received in a timely matter for advance payments other arrangements may have to be made to pay for fees and per diems.

Travelers who abuse the privilege of receiving a cash advance may have that privilege revoked.

POST-BUSINESS & TRAVEL EXPENSE REPORT DOCUMENTATION:

Each traveler is responsible for submitting the Post-Business & Travel Expense Report and appropriate receipts and cost documentation, if applicable. Expense reports must be submitted to the Purchasing Agent/Accounting Department within two weeks of the return date to finalize travel, if monies are due to employee.

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Receipts or other cost documentation are required for all claimed expenses over \$2 except per diem expenses. Any receipt not submitted may cause the expense claim to be denied or reimbursed at a rate determined by the Supervisor.

Expenses incurred at a rate considerably higher than the amount approved on the Pre-Business & Travel Report, Estimate/Approval Form will be reviewed on a case by case basis and appropriate justification shall be provided.

ROUTING OF TRAVEL:

Traveler must travel by direct route. Where a person travels by an indirect route for their own convenience, any extra cost shall be borne by the traveler and reimbursement for expenses will be based on only such charges as would have been incurred by the usual traveled route. Where the employee chooses to travel contrary to the usual traveled route, notation as to such must be made on the travel request.

MODE OF TRANSPORTATION:

After recommendation by the traveler, the Department Head or Supervisor may stipulate the method of transportation based on cost, availability of Township vehicles, number of employees participating in the trip, travel time, and other factors. If a traveler chooses to travel contrary to the approved mode of travel, the employee will bear the additional cost of travel including use of vacation time if the method selected by the employee requires additional travel time during working hours.

Travelers are expected to travel by the most economical mode of transportation. Transportation by first-class air or rail will not be allowed unless justification is provided and the approval of the Supervisor is obtained before leaving on the proposed trip.

Every effort should be made to take advantage of special rates, discounts, etc.

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LODGING:

The Township will reimburse travelers for lodging expenses that are fair and reasonable for the circumstance. Reimbursement shall be based on the single room rate, or lowest rate allowed a single traveler, as specifically listed on the receipt. In situations where the travelers are traveling with their family, friends or other Township travelers, documentation shall be adequate to allow separation of Township and personal cost.

PER DIEM:

Each Township Traveler is entitled to a daily stipend (per diem) to cover meals and other incidental expenses. The amount of per diem is listed in Appendix A. Per diems are to be calculated over a 24 hour period beginning at the claimed departure time. For partial day travel, travelers are to be reimbursed based on the meals allowed during the travel period. The rate of reimbursement for individual meals, including tips, is also listed in Appendix A. Travelers are not restricted in how they spend their per diem allowance.

Travelers whose meals are provided as part of their business travel, for example meals included in the conference cost or on a common carrier, may not claim this cost. Costs for meals provided are to be deducted from the per diem amount based on the individual meal cost listed in Appendix A.

For partial day travel, in which the traveler is not entitled to a full per diem, allowances for individual meals will be based on the following schedule:

Breakfast: When the partial day commences prior to 7:00am and extends beyond 9:00am

EMPLOYEE HANDBOOK

Lunch: When the partial day commences prior to 11:00am and extends beyond 2:00pm

Dinner: When the partial day commences prior to 3:30pm and extends beyond 7:00pm.

MILEAGE:

When travel requires employees to use their personal vehicle they will be reimbursed for mileage based on the mileage rate listed in Appendix A. Employees who choose to use their own vehicle when a more economical mode of transportation is authorized are entitled to reimbursement for gasoline only. When mileage expenses are claimed a mileage report sheet is to be submitted with the travel expense report. Mileage expenses are to be paid out of the Travel line item, if possible.

HOSTING EXPENSES:

If the traveler is to represent the Township as a host and pay the expenses of a guest of the Township, these expenses are to be listed on the Pre-Business & Travel Report , Estimate/Approval Form. Expenses to be reimbursed are subject to the same restrictions as apply to a Township traveler including proper documentation.

OTHER EXPENSES:

The Township will reimburse employees for any miscellaneous expenses that are incurred for the expressed purpose of Township business. Any claimed expenses in excess of \$2.00 (two dollars) must be accompanied by a receipt.

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Examples of allowable expenses are:

Local Transportation - Taxi Cabs, Bus, Subway
Telephone Calls
Parking
Tolls

Reviewable expenses, with justification:

Travel Insurance
Laundry
Valet
Other Personal Services

Expenses NOT allowed include:

Parking or Moving Violations
Alcohol
Entertainment
Repair & Maintenance of Personal Vehicle

TRAVELERS OPTION TO PAY OWN EXPENSES WITHOUT REIMBURSEMENT:

If a traveler wishes to pay all travel related expenses the traveler is not required to submit the travel forms if the cost for the conference or training is under \$250. This situation would be treated similar to a local conference in which no travel would be required.

CONFERENCE EXPENSES:

It is preferred that conference expenses be pre-paid directly to the association sponsoring the conference rather than reimbursed through this travel policy. Costs for conferences are to be paid out of the Conferences & Training and/or the Travel & Meals line item.

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EDUCATION AND TRAINING EXPENSES:

Where the education provides credits towards a degree or certification that expense, according to collective bargaining agreements and Township policy, must be pre-approved and reimbursement to the student/employee is dependent on satisfactory completion of the course.

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APPENDIX A

TOWNSHIP STANDARDIZED TRAVEL RATES EFFECTIVE JULY 10, 2017

Per Diem for meals and incidental expenses: \$75.00 per day

Individual meals including tips:

Breakfast	\$20.00
Lunch	\$22.00
Dinner	\$33.00

Lodging:

Receipts must be provided. The Township will reimburse travelers for lodging expenses that are fair and reasonable for the circumstance. Travelers are encouraged to seek government employee discounts.

Mileage: \$0.70(70 cents) per mile, when traveler **MUST** use their own vehicle

If a traveler **CHOOSES** to drive their own vehicle, the traveler will be reimbursed for only the cost of the gasoline purchased.

Procurement Policy

The Procurement Policy is available online at

<http://is-intranet/wp/wp-content/uploads/2025/07/ProcurementPolicyRevised6-23-2025.pdf>

WORKERS' COMPENSATION POLICY & PROCEDURES

PURPOSE:

To define Township and employee rights and obligations in the processing and payment of Workers' Compensation benefits.

POLICY STATEMENT:

Waterford Township will comply with all applicable State and Federal laws, including the Michigan Workers Disability Compensation Act, the Family Medical Leave Act and the Americans with Disabilities Act. This policy in no way acts to amend those laws or any agreement between the Township and the respective employee bargaining units. It is the intent of this policy to define procedures that will allow for the protection of both the employee and the Township.

CLAIMS:

In the event an employee believes that they are entitled to workers' compensation benefits, it is the employee's responsibility to notify their Department Head or the designated individual in the department responsible for processing claims. Notification shall be made immediately. All claims must be submitted on the designated claim forms.

For medical only claims and claims that will not result in more than seven (7) consecutive days off a Short Form Accident Report shall be filed. For claims resulting in more than seven (7) consecutive days off a Michigan Department of Labor's Employer's

EMPLOYEE HANDBOOK

Basic Report of Injury (MDL 1-100) shall be filed. Claims should include any additional information necessary to determine the cause of the injury.

All departments shall **immediately** submit worker's compensation claim forms to the Office of Human Resources for review and submission to the Township's designated worker's compensation administrator.

CLAIMS PROCESSING:

The designated worker's compensation administrator will evaluate each claim and determine whether the claim is valid. If a claim is turned down, employees have the right to appeal the claim under state law.

Until the designated worker's compensation administrator approves a claim, no Township moneys will be used to pay for medical costs or compensation for time off. This may result in a no pay situation for employees who have exhausted their paid leave. The designated worker's compensation administrator will notify the Office of Human Resources as to the status of all claims.

PAYROLL:

The Payroll Office will make all necessary adjustments with regard to workers' compensation supplemental pay and restoration of any paid time off (sick, personal, compensatory or vacation time) charged an employee who is subsequently determined to have been eligible for workers' compensation. Department Heads shall not make any adjustments in an employee's pay or time off as a result of time off due to workers' compensation. Nor shall they make determination of eligibility. If an employee is off duty and has not been determined to be eligible for workers' compensation, all paid time

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off must be charged to the employee according to the employee's bargaining agreement.

Paid time off during the first seven days requires proper documentation from a Township designated provider as listed below.

TREATMENT FOR ON THE JOB INJURIES:

When an employee is injured on the job, they are to report this injury to the Department Head or their designee as soon as possible. If emergency treatment is required, they are to call 911 for assistance from the Waterford Regional Fire Department.

- If the on the job injury does not require emergency treatment, the employee may select the provider of their choice for the initial and follow up visits/treatment from the list of providers below.

In order to assure prompt processing of the claim, employees should obtain a treatment authorization form. These forms are available in all Departments and should be signed by the Department Head or their designee.

Once a provider is selected, all follow up treatment should be authorized by the initially selected provider and by the worker's compensation administrator. After 28 days the injured employee may chose their own treating physician. Treatments must still be authorized by the township worker's compensation administrator.

ALTERNATIVE DUTY:

Employees who are injured on the job and have a temporary disability, which prevents them from performing their normal job function, may be required to work an alternative

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duty. The Township has the right to verify the limitations of the employee. In this effort the Township may send the employee to a Township designated doctor for evaluation.

If an employee is capable of performing alternative duties and work is available to them, they may be required to report for duty. Waterford Township will comply with all applicable State and Federal laws, including the Family Medical Leave Act and the American's with Disabilities Act. Any time off taken voluntarily by the employee will be charged accordingly.

DESIGNATED WORKERS COMPENSATION CLAIMS ADMINISTRATOR

Comprehensive Risk Services
P.O. BOX 240
Williamston, MI 48895
(248) 344-8550

On the Job Injury Treatment Facilities

Crittenton Hospital Emergency Room 1101 W. University Drive Rochester, MI 48307 (248) 652-5203	St. Joseph Mercy Oakland Trinity Health Hospital 44405 Woodward Ave Pontiac, MI 48341 248-858-3000	Spring field UC –White Lake 320 Town Center Blvd. Ste C-101 White Lake, MI 48386 248-942-5888
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During the first 28 days, the Township will not pay for non-emergency treatment at any facility other than those listed above.

COMMERCIAL DRIVERS LICENSE POLICY

PURSUANT TO THE OMNIBUS TRANSPORTATION WORKERS TESTING ACT OF 1991 PUBLIC LAW 102-143-OCT. 28, 1991

This policy shall apply to all employees required to hold a commercial driver's license.

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

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

Waterford Township is committed to maintaining employee safety and health, and providing a drug and alcohol free working environment. This policy is provided in compliance with the Omnibus Transportation Employee Testing Act of 1991 and the underlying regulations adopted and enforced by the U.S. Department of Transportation.

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Every employee required to hold a commercial driver's license is subject to drug and alcohol testing. Testing will be conducted under the following situations: (1) pre-employment; (2) post-accident; (3) reasonable suspicion; (4) random; (5) return-to-duty and (6) follow-up testing.

Notwithstanding any reference to return-to-duty and follow-up testing contained herein, it is the Township's policy that any employee who tests positive for a controlled substance or who tests at an alcohol concentration level of .02 or above, shall be subject to disciplinary action in accordance with the Township's Uniform Rules and Regulations. Any employee who refuses to take a test, or who fails to fully cooperate in the testing process, will be subject to disciplinary action, up to and including, discharge.

1. PROHIBITIONS

A. ALCOHOL USE/POSSESSION

Under the law and Township policy, individuals who operate commercial motor vehicles may not report for duty, or remain on duty, while in the performance of "safety-sensitive" functions, while having a breath alcohol concentration of .02 or greater.

"Safety-sensitive" functions include, but are not limited, to the time:

- (1) the driver begins to work, or is required to be in readiness to work, until the time the driver is relieved from work and all work related responsibilities;
- (2) waiting to be dispatched;
- (3) inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (4) spent at the driving controls of a commercial motor vehicle (as defined by the Department of Transportation) in operation;

EMPLOYEE HANDBOOK

- (5) in or upon any commercial motor vehicle other than driving time;
- (6) loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (7) repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- (8) be on duty or operate a commercial motor vehicle while possessing alcohol;

An employee holding a commercial drivers license shall not:

- (1) use alcohol while performing safety-sensitive functions;
- (2) perform safety-sensitive functions within four (4) hours after using alcohol;
- (3) use alcohol for eight (8) hours after an accident for which the driver must be tested, or until they undergo such testing, whichever occurs first;
- (4) refuse to submit to an alcohol test allowed or required by law;
- (5) perform safety-sensitive functions for a minimum of 24 hours while having a breath alcohol concentration of .02 or greater but less than .04.

B. CONTROLLED SUBSTANCE USE

Controlled Substance is defined by the Department of Transportation Regulations, and includes, but may not be limited to marijuana, cocaine, opiates, amphetamines and phencyclidine.

Under the law and the policy of the Township, individuals who operate commercial motor vehicles may not:

EMPLOYEE HANDBOOK

1. report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver has used or uses any controlled substance, except when in use pursuant to the written instructions of a physician advising the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle;
2. refuse to submit to a controlled substance test allowed or required by law;
3. report for duty, remain on duty or perform a safety-sensitive function if they test positive for a controlled substance.

All drivers must inform their supervisor of any therapeutic or other prescribed drug use prior to the performance of any safety-sensitive function.

2. TYPES OF TESTING

A. PRE-EMPLOYMENT TESTING

Prior to the time a newly hired and/or newly classified employee performs any safety-sensitive functions for the Township, the employee must undergo testing for controlled substances.

B. POST-ACCIDENT TESTING

A driver must make themselves readily available for testing for alcohol and controlled substances after an accident where:

1. there is the loss of human life;
2. the driver receives a citation under state or local law and;

EMPLOYEE HANDBOOK

- a. any person suffered bodily injury in the accident and immediately received medical treatment away from the scene; or
- b. one of the vehicles involved in the accident incurs disabling damage requiring the motor vehicle to be towed away from the scene.

Failure to be readily available will be considered a refusal to submit to testing.

C. RANDOM TESTING

Drivers will be subject to random testing. At least twenty-five (25%) percent of the average number of driver positions shall be tested for alcohol on an annual basis and at least fifty (50%) percent of the average number of driver positions shall be tested for controlled substances annually. Drivers shall be selected for this testing through a scientifically valid method, with each driver having an equal chance of being tested each time selections are made. Random testing shall be unannounced and the dates for the testing shall be spread reasonably throughout the calendar year. All drivers selected for random testing must proceed to the test site immediately.

D. REASONABLE SUSPICION TESTING

If the Township has reasonable suspicion to believe that a driver has violated the prohibitions referenced above, that driver must submit to controlled substance and/or alcohol testing. Reasonable suspicion will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and body odors of the driver. These

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observations may include indications of the chronic and withdrawal effects of controlled substances.

E. RETURN-TO-DUTY TESTING

Any driver allowed to return to duty requiring the performance of safety-sensitive functions, after engaging in prohibited conduct, shall undergo a return-to-duty alcohol test (in the case of an alcohol violation) or a return-to-duty controlled substance test (in the case of a controlled substance violation). Any such alcohol testing must indicate an alcohol concentration of less than .02, and any such controlled substance test must indicate a verified negative result for controlled substances use in order for such a driver to return to duty.

F. FOLLOW-UP TESTING

Each driver who has engaged in prohibited conduct shall be evaluated, at the employee's expense, by a substance abuse professional. If the substance abuse professional determines that the driver is in need of assistance in resolving problems associated with alcohol misuse and/or the use of controlled substances the driver, if allowed to return to duty, will be subject to unannounced follow-up alcohol and/or controlled substance testing as directed by the substance abuse professional, but consisting of at least six (6) testings in the twelve (12) months following the driver's return to duty. Such testing may continue for a period of up to 60 months.

3. **TESTING PROCEDURES**

The testing procedures utilized by the Township and the selected laboratory(ies) will follow the provisions of 49 CFR, Part 40, as amended. These procedures are designed and intended to protect employees, the integrity of the testing process,

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safeguard the validity of the test results, and ensure that those results are attributed to the correct driver. Subject to amendment of the governing law and/or regulations, the procedures to be followed for alcohol testing are identified in Appendix A, and the procedures to be followed for controlled substance testing are identified in Appendix B. These procedures are subject to amendment, including the use of non-evidential breath testing devices for alcohol screening tests, as permitted by the U.S. Department of Transportation.

4. FAILING OR REFUSING TO TAKE A TEST

Any driver who has engaged in prohibited conduct, or tests positive for a controlled substance and/or alcohol, may not perform safety-sensitive functions, including driving a commercial motor vehicle and will be disciplined in accordance with the Township's Uniform Rules and Regulations. Similarly, any driver who refuses to submit to a test under this policy may not continue to perform safety-sensitive functions and, under the Township's independent authority, will be subject to disciplinary action, up to and including, discharge.

APPENDIX A

ALCOHOL TESTING PROCEDURES

1. ALCOHOL TESTING REQUIREMENTS

A. GENERAL

1. The alcohol testing site shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the testing and processing of alcohol test results. An independent medical facility may also be utilized as an alcohol testing site as followed by law.
2. An alcohol testing site shall be any suitable location where a breath alcohol test can be collected under conditions set forth below, including a properly equipped mobile facility. A designated alcohol testing site shall provide for privacy during the testing period and completion of all necessary record procedures.

B. SCREENING DEVICES

1. The Township shall utilize a log book to record information relative to screening alcohol tests, if the evidential breath testing device ("EBT") being utilized does not have:
 - a. Capabilities to be attached independently or by direct link to a separate printer, and print a result in triplicate (or three consecutive identical copies) of each breath test;
 - b. Capabilities to assign a unique and sequential number of each completed test so that the number can be read by the breath alcohol technician (BAT) and the employee before each test and be printed out on each copy of the result;
 - c. Capabilities of printing out the manufacturer's name of the device, serial number and time of the test.
2. A log book shall be used for each device that does not meet the above criteria and the log book shall include the following

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information: test number, date of test, name of BAT, location of test, test result and initials of the employee taking each test.

3. The Township may use non-evidential screening tests, approved by the National Highway Traffic Safety Administration in lieu of EBT's for its screening tests. A properly trained screening test technician (STT) will conduct such a test.
- C. Confirmation Devices. The Township shall utilize an EBT for confirmation testing that has the capabilities listed above in Paragraph B.1. The EBT shall also be able to distinguish alcohol from acetone at the .02 alcohol concentration level, be capable of testing an air blank prior to each collection of breath, and performing an external calibration.
- D. NHTSA Conforming Products List. All devices that will be used by the Township for alcohol testing are National Highway Transportation Safety Administration (NHTSA) approved evidential breath alcohol testing (EBT) devices. NHTSA has model specifications for evidential breath testing devices. NHTSA periodically publishes an updated Conforming Products List, which states which devices have met NHTSA standards.

2. BREATH ALCOHOL TECHNICIAN (BAT) GUIDANCE

A. GENERAL

1. The breath alcohol technician (BAT) shall receive sufficient training and be certified to proficiency in the specific operation of the evidential breath testing (EBT) device they use in the required alcohol testing procedures. These procedures include the following:
 - a. Each BAT used by the Township shall be able to demonstrate by successful completion of a course of instruction which, at a minimum, provides training in the principles of EBT methodology, operation and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required for obtaining a breath sample, and interpreting and recording EBT results.
 - b. The Township shall ensure that only courses of instruction that are equivalent to the National Highway Traffic Safety Administration (NHTSA), as amended, model course may be used to train BATs to proficiency. Upon request, NHTSA will review a BAT instruction course to determine equivalency.

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- c. The Township shall ensure the course of instruction shall provide documentation that the BAT has demonstrated competence in the operation of the specific EBT(s) to be used by the Township.
 - d. The Township shall ensure that any BAT who will perform an external calibration check of an EBT shall be trained to proficiency in conducting the check on the particular model of the EBT to be used by the Township. The BAT training shall also include practical experience and demonstrated competence in preparing the breath alcohol simulator or alcohol standard, and in the maintenance and calibration of the particular EBT.
 - e. The Township shall ensure the BAT(s) receive sufficient additional training to ensure proficiency concerning any new or additional devices or changes in technology for equipment used by the Township.
 - f. The Township or its designated agent, who is involved in conducting alcohol testing, shall establish documentation regarding the training and proficiency testing of any BAT it uses to test employees.
2. The Township may authorize a BAT qualified supervisor of an employee to conduct an alcohol test for that employee if another BAT is unavailable to perform the required test in a timely manner. However, the supervisor who makes a determination that reasonable suspicion exists shall not be authorized to conduct that alcohol test on that employee.

3. EVIDENTIAL BREATH TESTING (EBT) PROCEDURES

A. SCOPE

The evidential breath testing procedures set forth in this Appendix address the requirements as set forth in 49 CFR, Part 40, and specifies the required form and disposition of such testing forms.

B. ALCOHOL TESTING FORM AND LOG BOOK

1. The BAT shall utilize the Breath Alcohol Testing form provided by the Township. The alcohol testing form must comply with the provisions as contained in 49 CFR, Part 40, with regard to the information that must be contained on the form. The form must

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address the specific requirements contained in 49 CFR §40.59. The Township may not modify or revise the form.

2. The Township may utilize a form that is directly generated by an EBT and may omit the space for affixing a separate printed result to the testing form. The form shall provide triplicate or three consecutive identical copies with copy 1 (white copy) being retained by the Township, copy 2 (green copy) being provided to the employee, and copy 3 (blue copy) being retained by the BAT.
3. The breath alcohol testing form may include such additional information as may be required for billing or other legitimate purposes necessary to the testing, providing that personal identifying information on the individual (other than the social security number or employee identification number) may not be provided.

C. BREATH TESTING LOCATIONS

1. The Township shall conduct the testing in a location that affords visual and aural privacy to the employee being tested. The location shall prevent unauthorized personnel from seeing or hearing test results. All necessary equipment, personnel, and materials for conducting the alcohol testing shall be provided at the testing site.
2. A mobile collection facility, such as a van that is equipped for alcohol testing, that meets the requirements set forth in this policy may be utilized.
3. No unauthorized persons shall be permitted access to the testing site when the EBT remains unsecured, or in order to prevent such individuals from seeing or hearing a test result, at any time testing is being conducted.
4. In some circumstances, the Township may have to conduct such alcohol testing outdoors at the scene of an accident that does not meet the requirements as specified in post-accident provisions of this policy; then the BAT shall provide the necessary visual and aural privacy to the employee to the greatest extent practicable.
5. The BAT shall supervise only one employee's use of the EBT at a time. The BAT shall not leave the alcohol testing site while the testing procedure is in process.

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D. BREATH ALCOHOL TESTING PREPARATIONS

1. When an employee arrives at the alcohol testing site, the BAT shall ensure that the individual is positively identified as the employee selected for alcohol testing (e.g., through presentation of photo identification or identification by the Township's representative). If the employee's identity cannot be established, the BAT shall not proceed with the alcohol test. If the employee requests, the BAT shall show proper identification to the employee.
2. The BAT shall explain the alcohol testing process to the employee.
3. If the employee fails to arrive at the assigned time, the BAT should contact the appropriate authority to obtain guidance on any action to be taken.

E. SCREENING TEST PROCEDURES

1. The BAT shall begin the alcohol testing process by completing Step 1 on the Alcohol Breath Testing Form. The employee shall then complete Step 2 by signing the certification. Refusal by the employee to sign the certification shall be regarded as a refusal to take the alcohol test.
2. The BAT shall select an individually-sealed mouthpiece which shall be opened in full view of the employee and attached it to the EBT in accordance with the manufacturer's instructions.
3. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT instrument indicates that an adequate amount of breath has been obtained.
4. If the EBT does not meet the requirements listed under Section 1B 1. of Appendix A, the BAT shall ensure, before a screening test is administered to each employee, that they and the employee read the sequential test number displayed on the EBT. The BAT shall record the displayed result, test number, testing device, serial number of the testing device, and time in the appropriate place on the form.
5. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The

EMPLOYEE HANDBOOK

result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.

6. If the BAT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.
7. Alcohol concentration less than .02
 - a) If the result of the screening alcohol test is a breath alcohol concentration of less than 0.02, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then sign the certification and fill in the date in Step 4 of the form. If the employee does not sign the certification in Step 4, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form.
 - b) If a test result printed by EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and the employee shall initial or sign the notation. The alcohol test is invalid and the Township's representative and the employee shall be so advised.
 - c) At this point, no further testing is authorized. The BAT shall transmit the result of less than 0.02 to the Township or other appropriate representative in a confidential manner. The Township shall receive and store the information so as to ensure that confidentiality is maintained.
8. If the result of the screening test is an alcohol concentration of 0.02 or greater, then the BAT shall perform a confirmation test. If the confirmation test will be conducted by a different BAT, then the BAT who conducts the screening test shall complete and sign the form and log entry. The BAT will, upon completion of the alcohol test, provide the employee with Copy 2 of the breath alcohol testing form.
9. If the employee or applicant is screened using a non-evidential screening device, the device and the testing procedure will comply with the provisions of 49 CFR §40.93 - 40.101 and 40.105-107. Refusal to complete and sign the alcohol testing form required for such a test, to provide a breath or saliva sample (if requested), to provide an adequate amount of breath, or otherwise to cooperate in a way that prevents the completion of the testing process, shall be

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noted by the testing technician in the remarks section of the form, and shall constitute a refusal to test. Under these circumstances, the testing process shall be terminated, and the testing technician will immediately notify the Township of the refusal.

F. CONFIRMATION TEST PROCEDURES

1. When a BAT other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT will require the employee to provide positive identification such as photo ID card or identification by a Township representative. The BAT will upon request of the employee being tested provide such identification.
2. The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth and, to the extent possible, not belch during the waiting period just prior to the confirmation test being conducted. This waiting period shall begin with the completion of the screening test and shall not be less than 15 minutes, but must be within 30 minutes of the completion of the screening test. The BAT shall explain to the employee that the reason for this is to prevent any accumulation of mouth alcohol leading to an artificially high reading and that it is for the benefit of the employee to comply with these instructions. The BAT shall also explain that the test will be conducted at the end of the required waiting period, even if the employee has disregarded the instructions. Should the BAT become aware that the employee has not complied with the instructions as provided, the BAT shall note the observations in the "Remarks" section of the form.
3. When a BAT other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing form. The BAT shall then complete Step 1 on the form and the employee shall then complete Step 2 by signing the certification. If the employee should choose not to sign the certification, the BAT shall then make an appropriate notation in the "Remarks" section indicating the employee's refusal to take the alcohol test. The BAT shall note in the "Remarks" section that a different BAT conducted the screening test.
4. The BAT shall open, in the presence of the employee, a new individually-sealed mouthpiece and attach the mouthpiece to the EBT in accordance with the manufacturer's instructions. The BAT

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will then instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.

5. The BAT shall ensure, prior to the confirmation test being administered to the employee, that the EBT shall register 0.00 on an air blank. If the reading is greater, the BAT shall conduct one more air blank. Should the EBT again register greater than 0.00, the testing shall not proceed using that EBT. An EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the EBT is found to be within the accepted tolerance limits. Alcohol testing using another EBT may proceed.
6. In the event that the screening and confirmation test results are not identical, the confirmation test result shall be deemed to be the final result on which any disciplinary action by the Township may be taken.
7. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.
8. If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.
9. After the confirmation test is completed, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then be instructed to sign the certification and fill in the date in Step 4. If the employee should elect to not sign the certification or to provide their initials in the log book entry for the test conducted, it shall not be considered a refusal to be tested. The BAT shall then note the employee's failure to sign or initial the log book entry in the "Remarks" section of the testing form.
10. If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and employee shall initial or sign the notation on the testing form. The test shall be considered "invalid" and the Township representative and the employee shall be so advised.

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11. Upon completion of the test, the BAT shall conduct an air blank. If the result is greater than 0.00, the test is invalid.
12. The BAT shall transmit all alcohol testing results to the designated Township representative in a confidential manner. All communications by BAT's shall be to the designee only and may be provided in writing, in person, or by telephone or electronic means. The BAT shall ensure that immediate transmission of test results to the Township is conducted in order for the Township to prevent the employee from performing any safety-sensitive functions.
13. Should the initial transmission not be accomplished in writing, but via telephone notification, the Township's designee shall establish a mechanism to verify the identity of the BAT providing the information. The BAT shall follow the initial transmission by providing to the designee the Township's copy of the breath alcohol testing form. The test results shall be stored in such a manner so as to protect the confidentiality of the results and to eliminate the disclosure of information to unauthorized persons.

G. REFUSALS TO TEST AND UNCOMPLETED TESTS

1. Refusal by an employee to complete and sign Step 2 of the breath alcohol testing form, to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated and the BAT shall immediately notify the Township's designee.
2. If a screening or confirmation test cannot be completed, or if an event occurs to invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test using a new breath alcohol testing form with a new sequential test number.

H. INADEQUATE AMOUNT OF BREATH

1. If the employee is unable, or alleges that they are unable, to provide a sufficient amount of breath to permit a valid breath test because of a medical condition, the BAT shall again instruct the employee to attempt to provide an adequate amount. If the employee refuses to make the attempt, the BAT shall immediately inform the Township's designee.

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2. If the employee attempts and fails to provide an adequate amount of breath, the BAT shall note in the "Remarks" section of the testing form and shall immediately inform the designee. The designee shall direct the employee to obtain, as soon as practicable after the attempt, an evaluation from a licensed physician who is acceptable to the Township concerning the employee's medical ability to provide an adequate amount of breath.
3. If the physician determines, in their reasonable medical judgment, that a medical condition has or could have precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed as a refusal to take an alcohol test. The physician shall provide to the Township's designee a written statement on the basis of their conclusion.
4. If the physician, in their reasonable medical judgment, is unable to make the determination that a medical condition has precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to take a test. The physician shall provide a written statement of the basis for their conclusion to the Township's designee.

I. INVALID TESTS

A breath alcohol test shall be invalid under the following circumstances:

1. The EBT does not pass its next external calibration check. This invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test. This would not invalidate any negative tests conducted.
2. The BAT does not observe the minimum 15-minute waiting period prior to conducting the confirmation test.
3. The BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to or after the administration of alcohol test.
4. The BAT does not sign the breath alcohol testing form.
5. The BAT fails to note in the "Remarks" section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test results.

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6. An EBT fails to print a confirmation test result.
7. The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

APPENDIX B

DRUG TESTING PROCEDURES

1. SPECIMEN COLLECTION PROCEDURES

A. SCOPE

1. The drug testing custody and control form is to be used as a permanent record on which identifying data on the employee and on the specimen collection and transfer process are retained. The drug testing plan requires testing for marijuana, cocaine, opiates, amphetamines, and phencyclidine.
2. Urine specimens collected under this plan may be used only to test for controlled substances designated or approved for testing as described in this appendix and shall not be used to conduct any other analysis or test.
3. This plan does not prohibit procedures reasonably incident to analysis of the specimen for controlled substances (e.g., determination of PH or tests for specific gravity, creatinine concentration, or presence of adulterants).

B. PROCEDURES

1. The collection site shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory designated by the Township. An independent medical facility may also be utilized when in compliance with the law.
2. A designated collection site shall be any suitable location where a specimen can be collected under conditions set forth below, including a properly equipped mobile facility. A designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a suitable clean surface for writing. The site must also have a source of water for washing hands, which if practicable, should be external to the enclosure where urination occurs.

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3. The collection site person shall utilize the drug testing custody and control form (COC) provided by the Township; this form must address the requirements as contained in 49 CFR, Part 40.
4. The drug testing custody and control form may include such additional information as may be required for billing or other legitimate purposes necessary to the collection, provided that personal identifying information on the donor (other than the social security number or employee identification number) may not be provided to the laboratory. Donor medical information may appear only on the copy provided to the donor.

C. SECURITY

1. The purpose of this section is to prevent unauthorized access which could compromise the integrity of the collection process of the specimen.
2. The designated collection site is to be secure. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secure during drug testing.
3. A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access (e.g., through a rear door not in the view of the collection site person) is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collection site person.
4. If it is impractical to maintain continuous physical security of a collection site from the time the specimen is presented until the sealed mailer is transferred for shipment, the following minimum procedures shall apply:

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- a) The specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer.
- b) The mailer shall be immediately mailed, maintained in secure storage, or remain under the personal control of the collection site person until mailed.

D. CHAIN OF CUSTODY

- 1. The chain of custody block of the drug testing custody and control form shall be properly executed by authorized collection site personnel upon receipt of specimens.
- 2. Handling the transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

E. ACCESS TO AUTHORIZED PERSONNEL ONLY

- 1. No unauthorized personnel shall be permitted in any part of the designated collection site when urine specimens are collected or stored. Only the collection site person may handle specimens prior to their securement in the mailing container or monitor or observe a specimen collection (under the conditions specified in this section).
- 2. To promote security of specimens, avoid distraction of the collection site person, and ensure against any confusion in the identification of specimens, the collection site person shall have only one donor under supervision at anytime.
- 3. For this purpose, a collection procedure is complete when the urine bottle has been sealed and initialed, the drug testing custody and control form has been executed, and the employee has departed the site (or, in the case of an employee who was unable to provide a complete specimen, has entered a waiting area).

F. PRIVACY

- 1. Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, as further described in this paragraph.

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2. For purposes of this procedure, the following circumstances are the exclusive grounds constituting a reason to believe that the individual may have altered or substituted the specimen:
 - a. The employee has presented a urine specimen that falls outside the normal temperature range (32.5 degrees - 37.7 degrees-C/90.5 degrees - 99.8 degrees-F), and
 - 1) the employee declines to provide a measurement of oral body temperature, as provided in paragraph G. 13. of this section; or
 - 2) oral body temperature varies by more than 1 degree-C/1.8 degree-F from the temperature of the specimen.
 - b. The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.
 - c. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented); or
 - d. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under a DOT regulation providing for follow-up testing upon or after return to service.
3. A higher-level supervisor of the collection site person, or a designated Township representative, shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described in paragraph 2 above.

G. INTEGRITY AND IDENTITY OF SPECIMEN

The collection site person shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

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1. To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., no shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.
2. When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing (e.g., through presentation of photo identification or identification by the employer's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection. If the employee requests, the collection site person shall show proper identification to the employee.
3. If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.
4. The collection site person shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain their wallet. If the employee requests it, the collection site person shall provide the employee a receipt for any personal belongings.
5. The individual shall be instructed to wash and dry their hands prior to urination.
6. After washing hands, the individual shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials which could be used to adulterate the specimen.
7. The individual shall, if practicable, provide their specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collection site person shall provide the

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individual with a specimen bottle or collection container, if applicable, for this purpose.

8. The collection site person shall note any unusual behavior or appearance on the urine custody and control form.
9. In the exceptional event that an employer-designated collection site is not accessible and there is an immediate requirement for specimen collection (e.g., circumstances require a post-accident test), a public rest room may be used according to the following procedures: A collection site person of the same gender as the individual shall accompany the individual into the public rest room which shall be made secure during the collection procedure. If possible, a toilet bluing agent shall be placed in the bowl and any accessible toilet tank. The collection site person shall remain in the rest room, but outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collection site person shall instruct the individual not to flush the toilet until the specimen is delivered to the collection site person. After the collection site person has possession of the specimen, the individual will be instructed to flush the toilet and to participate with the collection site person in completing the chain-of-custody procedures.
10. Collection Methodology.
 - a) Upon receiving the specimen from the individual, the collection site person shall determine if it has at least 30ml of urine for the primary or single specimen bottle and, where the split specimen collection method is used, an additional 15ml of urine for the split specimen bottle. If the individual is unable to provide such a quantity of urine, the collection site person shall instruct the individual to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the employer notified. The Medical Review Officer ("MRO") shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. Upon

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completion of the examination, the MRO shall report their conclusions to the employer in writing.

- b) In pre-employment testing, if the Township does not wish to hire the individual, the MRO is not required to make such a referral. Upon completion of the examination, the MRO shall report their conclusion to the Township in writing.
- 11. The procedures set forth below shall be used for specimen collection:
 - a) The donor shall urinate into a collection container or specimen bottle capable of holding at least 60 ml.
 - b) If a collection container is used, the collection site person, in the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the primary specimen. At least 15 ml shall be poured into the other bottle, to be used as the split specimen.
 - c) If a single specimen bottle is included as a collection container, the collection site person shall pour 30 ml of urine from the specimen bottle into a second specimen bottle (to be used as the primary specimen) and retain the remainder (at least 15 ml) in the collection bottle (to be used as the split specimen).
 - d) Both bottles shall be shipped in a single shipping container, together with copies 1,2, and the split specimen copy of the chain-of-custody form, to the laboratory.
 - e) If the test result of the primary specimen is positive, the employee may request that the MRO direct that the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
 - f) When the MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory shall forward, to a different DHHS-approved

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laboratory, the split specimen bottle, with seal intact, a copy of the MRO request, and the split specimen copy of the chain-of-custody form with appropriate chain-of-custody entries.

- g) The result of the test of the split specimen is transmitted by the second laboratory to the MRO.
- h) Action required by DOT agency regulations as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the test of the split specimen.
- i) If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test, and report the cancellation and the reasons for it to the DOT, the employer, and the employee.

12. After the specimen has been provided and submitted to the collection site person, the individual shall be allowed to wash his or her hands.

13. Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.

14. A specimen temperature outside the range of 90.5 degrees F - 99.8 degrees-/F32.5 degrees-C - 37.7 degrees-C/-, constitutes a reason to believe that the individual has altered or substituted the specimen (See Section F.2.a.). In such cases, the individual supplying the specimen may volunteer to have their temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen.

15. Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the urine custody and control form.

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16. All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.
17. Whenever there is reason to believe that a particular individual has altered or substituted the specimen as described in Section F.2.a. and c., a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.
18. Both the individual being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. As provided below, the specimen shall be sealed by placement of a tamper-proof seal over the bottle cap and down the sides of the bottle and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person shall request the individual to observe the transfer of the specimen and the placement of the tamper-proof seal over the bottle cap and down the sides of the bottle.
19. The collection site person and the employee shall be present at the same time during procedures outlined in items 20 through 24 of this section.
20. The collection site person shall place securely on the bottle an identification label which contains the date, the individual's specimen, number, and any other identifying information provided or required by the employer. If separate from the label, the tamper-proof seal shall also be applied.
21. The individual shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collection from the donor.
22. The collection site person shall enter on the drug testing custody and control form all information identifying the specimen. The collection site person shall sign the drug testing custody and control form certifying that the collection was accomplished according to the applicable Federal requirements.
23. The individual shall be asked to read and sign a statement on the drug testing custody and control form that the specimen collected from them is in fact that specimen they provided.

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24. The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and shall certify proper completion of the collection.
25. The urine specimen and chain-of-custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, the collection site person shall ensure that it is appropriately safeguarded during temporary storage.
26. Control of Specimen
 - a) While any part of the above chain-of-custody procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved collection site person.
 - b) If the involved collection site person leaves their work station momentarily, the collection site person shall take the specimen and drug testing custody and control form with them or shall secure them. After the collection site person returns to the work station, the custody process will continue. If the collection site person is leaving for an extended period of time, they shall package the specimen for mailing before leaving the site.
 - c) The collection site person shall not leave the collection site in the interval between presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection shall be nullified and at the election of the Township a new collection may be begun.

H. COLLECTION CONTROL

To the maximum extent possible, collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled.

I. TRANSPORTATION TO LABORATORY

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Collection site personnel shall arrange to ship the collected specimens to the drug testing laboratory. The specimens shall be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g., specimen boxes and/or padded mailers); and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date specimens were sealed in the containers for shipment. The collection site person shall ensure that the chain-of-custody documentation is attached to each container sealed for shipment to the drug testing laboratory.

J. **FAILURE TO COOPERATE**

If the employee refuses to cooperate with the collection process, the collection site person shall inform the designated Township representative and shall document the non-cooperation on the drug testing custody and control form.

K. **EMPLOYEE REQUIRING MEDICAL ATTENTION**

If the sample is being collected from an employee in need of medical attention as part of a post-accident test given in an emergency medical facility, necessary medical attention shall not be delayed in order to collect the specimen.

L. **USE OF CHAIN-OF-CUSTODY FORMS**

A chain-of-custody form shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

2. LABORATORY PROCEDURES

A. **TESTING**

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1. Initial Test - The initial test shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution.
2. Confirmatory Test - All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. All confirmations shall be by quantitative analysis. Concentrations which exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard value."
3. A test shall be considered to be "positive" for a controlled substance when the resulting level of controlled substance meets or exceeds the cutoff level for that test and substance as contained in the regulations promulgated by the Department of Transportation.

B. REPORTING RESULTS

1. The laboratory shall report test results to the Township's MRO within an average of five (5) working days after receipt of the specimen by the laboratory. Before any test is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and the drug testing laboratory specimen.
2. The laboratory shall report as negative all specimens which are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.
3. The MRO may request from the laboratory and the laboratory shall provide quantization of test results. The MRO shall report whether the test is positive or negative and may report the drug(s) for which there was a positive test, but shall not disclose the quantization of test results to the Township. The MRO may reveal the quantization of a positive test result to the Township, the employee, or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test.

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4. The laboratory may transmit results to the MRO by various electronic means (e.g., teleprinter, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided by telephone. The laboratory and employer must ensure the security of the data transmission and limit access to any data transmission, storage and retrieval system.
5. The laboratory shall send only to the MRO the original or a certified true copy of the drug testing custody and control form (copy 1), which, in the case of a report positive for drug use, shall be signed (after the required certification block) by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.
6. The laboratory shall provide to the Township official responsible for coordination of the drug testing program a quarterly statistical summary of urinalysis testing of the Township's employees and shall not include in the summary any personal identifying information. Initial and confirmation data shall be included from test results reported within that quarter. Normally this summary shall be forwarded by registered or certified mail not more than 14 calendar days after the end of the quarter covered by the summary. The summary shall contain the following information:
 - a. Initial Testing:
 - Number of specimens received;
 - Number of specimens reported out; and
 - Number of specimens screened positive for:
 - Marijuana metabolites
 - Cocaine metabolites
 - Opiate metabolites
 - Phencyclidine
 - Amphetamines
 - b. Confirmatory Testing:
 - Number of specimens received for confirmation;

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- Number specimens confirmed positive for:

Marijuana metabolite

Cocaine metabolite

Morphine, codeine

Phencyclidine

Amphetamine

Methamphetamine

NOTE: This list is not all inclusive

7. Monthly reports shall not include data from which it is reasonably likely that information about individuals' tests can be readily inferred. If necessary, in order to prevent the disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report is withheld for this reason, the laboratory will so inform the employer in writing.
8. The laboratory shall make available copies of all analytical results for the Township's drug testing programs when requested by DOT with regulatory authority over the Township.
9. Unless otherwise instructed by the Township in writing, all records pertaining to a given urine specimen shall be retained by the drug testing laboratory for a minimum of 2 years.

C. LONG-TERM STORAGE

Long-term frozen storage (-20 degrees-C or less) ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. Drug testing laboratories shall retain and place in properly secured long-term frozen storage for a minimum of 1 year all specimens confirmed positive, in their original labeled specimen bottles. Within this 1-year period, an employer (or other person designated in a DOT agency regulation) may request the laboratory to retain the specimen for an additional period of time, but if no such request is received, the laboratory may discard the specimen after

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the end of 1 year, except that the laboratory shall be required to maintain any specimens known to be under legal challenge for an indefinite period.

D. RETESTING SPECIMENS

Because some analyses deteriorate or are lost during freezing and/or storage, quantization for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

E. SUBCONTRACTING

Drug testing laboratories shall not subcontract and shall perform all work with their own personnel and equipment. The laboratory must be capable of performing testing for the five classes of drugs (marijuana, cocaine, opiates, phencyclidine, and amphetamines) using the initial immunoassay and confirmatory GC/MS methods specified in this appendix. This paragraph does not prohibit subcontracting of laboratory analysis if specimens are sent directly from the collection site to the subcontractor, the subcontractor is a laboratory certified by DHHS, the subcontractor performs all analysis and provides storage required under this appendix, and the subcontractor is responsible to the Township for compliance with this appendix and applicable DOT regulations as if it were the prime contractor.

F. INSPECTIONS

DOT, any entity utilizing the laboratory, DHHS, or any organization performing laboratory certification on behalf of DHHS reserves the right to inspect the laboratory at any time. Contracts with laboratories for drug testing, as well as contracts for collection site services, shall permit the Township and the DOT (directly or through an agency) to conduct unannounced inspections.

G. DOCUMENTATION

The drug testing laboratories shall maintain and make available for at least 2 years documentation of all aspects of the testing process. This 2-year period may be extended upon written notification by DOT or by the Township. The required documentation shall include personnel files on all individuals authorized to have access to specimens; chain-of-custody documents; quality assurance/quality control records; procedure manuals; all test data (including calibration curves and any calculations used in

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determining test results); reports; records on performance testing; performance on certification inspections; and hard copies of computer-generated data. The laboratory shall maintain documents for any specimen known to be under legal challenge for an indefinite period.

H. PROTECTION OF EMPLOYEE RECORDS

1. Employer contracts with laboratories shall require that the laboratory maintain employee test records in confidence, as provided in the DOT regulations.
2. The contracts shall provide that the laboratory shall disclose information related to a positive drug test of an individual to the individual, the employer, or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a certified positive drug test.

3. BLIND PERFORMANCE TEST PROCEDURES

A. GENERAL

1. The Township shall use blind testing quality control procedures as provided in this section.
2. The Township shall submit three blind performance test specimens for each 100 employee specimens it submits, up to a maximum of 100 blind performance test specimens submitted per quarter. The Department of Transportation may increase this per quarter maximum number of samples if doing so is necessary to ensure adequate quality control of employers or consortiums with very large numbers of employees.

B. COVERED EMPLOYEES

1. Under the governing Federal Regulations, employers with 2,000 or more covered employees, approximately 80 percent of the blind performance test samples shall be blank (i.e., containing no drugs or otherwise as approved by DOT) and the remaining samples shall be positive for one or more drugs per sample in a distribution such that all the drugs to be tested are included in approximately equal frequencies of challenge. The positive samples shall be spiked only with those drugs for which the employer is testing. This

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paragraph shall not be construed to prohibit spiking of other (potentially interfering) compounds, as technically appropriate, in order to verify the specificity of a particular assay.

2. Since the Township employs fewer than 2,000 employees, it may submit blind performance test specimens as provided in the above paragraph. However, the Township may also submit only blank samples or may submit two separately labeled portions of a specimen from the same non-covered employee.

C. INVESTIGATIONS AND FALSE POSITIVE

1. The Department of Transportation shall investigate, or shall refer to DHHS for investigation, any unsatisfactory performance testing result and, based on this investigation, the laboratory shall take action to correct the cause of the unsatisfactory performance test result. A record shall be made of the investigative findings and the corrective action taken by the laboratory, and that record shall be dated and signed by the individual responsible for the day-to-day management and operation of the drug testing laboratory. The Department of Transportation shall send the document to the Township as a report of the unsatisfactory performance testing incident. The Department of Transportation shall ensure notification of the finding, to DHHS.
2. Should a false positive error occur on a blind performance test specimen and the error is determined to be an administrative error (clerical, sample mix-up, etc.), the Township shall promptly notify the Department of Transportation. The Department of Transportation and the Township shall require the laboratory to take corrective action to minimize the occurrence of the particular error in the future, and, if there is reason to believe the error could have been systemic, The Department of Transportation may also require review and reanalysis of previously run specimens.
3. Should a false positive error occur on a blind performance test specimen and the error is determined to be a technical or methodological error, The Township shall instruct the laboratory to submit all quality control data from the batch of specimens which included the false positive specimen to the Department of Transportation. In addition, the laboratory shall retest all specimens analyzed positive for that drug or metabolite from the

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time of final resolution of the error back to the time of the last satisfactory performance test cycle. This retesting shall be documented by a statement signed by the individual responsible for day-to-day management of the laboratory's urine drug testing. The Department of Transportation may require an on-site review of the laboratory which may be conducted unannounced during any hours of operation of the laboratory. DHHS has the option of revoking or suspending the laboratory's certification or recommending that no further action be taken if the case is one of less serious error in which corrective action has already been taken, thus reasonably assuring that the error will not occur again.

4. REVIEW OF DRUG TESTING RESULTS

A. GENERAL

1. The Township shall have on staff or contract the services of an MRO. The MRO shall be a licensed physician with knowledge of drug abuse disorders. The MRO shall review all negative and positive drug test results and interview individuals tested positive to verify the laboratory report before the Township is notified. The review of a negative test may be an administrative process to ensure the chain-of-custody procedures were intact. The MRO shall also recommend to the Township whether and when an employee who refused to take or did not pass a drug test may return to work and schedule follow-up unannounced drug testing for a period of 60 months.
2. The MRO has contracted with the Township to provide the services of an MRO for this drug testing policy in accordance with the requirements of §40.33.

B. REPORTING AND REVIEW OF RESULTS

1. The MRO shall review confirmed positive results. An essential part of the drug testing program is the formal review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of a DOT regulation. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the MRO

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prior to the transmission of results to the Township's administrative officials. The MRO review shall include review of the chain-of-custody to ensure that it is complete and sufficient on its face.

2. The duties of the MRO with respect to negative results are purely administrative.

C. QUALIFICATIONS AND RESPONSIBILITIES

1. The MRO shall be a licensed physician with knowledge of substance abuse disorders and may be an employee of the Township or a private physician retained for this purpose. The MRO shall not be an employee of the laboratory conducting the drug test unless the laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest including assuring that the MRO has no responsibility for, and is not supervised by or the supervisor of, any persons who have responsibility for the drug testing or quality control operations of the laboratory.
2. The role of the MRO is to review and interpret confirmed positive test results obtained through the Township testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action could include conducting a medical interview with the individual and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with DOT regulations.
3. The MRO may require the original specimen be reanalyzed to determine the accuracy of the test result. The MRO may verify that the laboratory report and assessment are correct.

D. POSITIVE TEST RESULTS

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1. Prior to making a final decision to verify a positive test result, the MRO shall give the individual an opportunity to discuss the test result with them.
2. The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the MRO's supervision may make the initial contact, and a medically licensed or certified staff person may gather information from the employee. Except as provided in paragraph 5 of this section, the MRO shall talk directly with the employee before verifying a test as positive.
3. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated management official who shall direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the individual through the designated management official, such official shall employ procedures that ensure, to the maximum extent practicable, that the requirement of the employee to contact the MRO is held in confidence.
4. If, after making all reasonable efforts, the designated management official is unable to contact the employee, the Township may place the employee on temporary medically unqualified status or medical leave.
5. The MRO may verify a test as positive without having communicated directly with the employee about the test in three circumstances:
 - a) The employee expressly declines the opportunity to discuss the test;
 - b) The designated Township representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO (See paragraphs D.3 and D.4 of this section), and more than five days have passed since the date the employee was successfully contacted by the designated Township representative; or
 - c) Neither the MRO nor the designated Township representative, after making all reasonable efforts, has been

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able to contact the employee within 14 days of the date on which the MRO received the confirmed positive result from the laboratory; or

d) Other circumstances provided for in The Department of Transportation's Drug Testing Regulations.

6. If a test is verified positive under the circumstances specified in paragraph 5 of this section, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances which unavoidably prevented the employee from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.
7. Following verification of a positive test result, the MRO shall, as provided in the Township's policy, refer the case to the Township (or its designee) for action.

E. VERIFICATION FOR OPIATES; REVIEW

FOR PRESCRIPTION MEDICATION

1. Before the MRO verifies a confirmed positive result for opiates, the MRO shall determine that there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine).
2. This requirement does not apply if the Township's GC/MS confirmation testing for opiates confirms the presence of 6-monoacetylmorphine.

F. RECONFIRMATION ANALYSIS AUTHORIZATION

The MRO shall notify each individual who has a confirmed positive test that they have 72 hours in which to submit a request to the MRO for a test of the split specimen. The MRO will then direct in writing that the split specimen be provided to another DHHS certified laboratory for analysis. If the reanalysis fails to confirm the presence of the drug(s) or drug metabolite(s), or if the split specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation

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and the reasons for it to the DOT, the employer and employee. If an employee has not contacted the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that the reanalysis be performed. The employee/applicant must pay the total cost of shipment (if any) and reanalysis of the sample at the time the request for retesting is made. If the retest is negative, the Township will reimburse the employee for these costs. The laboratory performing the retest shall follow approved chain of custody procedures when handling the sample during the retesting procedure.

G. RESULTS CONSISTENT WITH LEGAL DRUG USE

If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall report the test result to the Township as negative.

H. RESULTS SCIENTIFICALLY INSUFFICIENT

1. The MRO, based on review of inspection reports, quality control data, multiple samples, and other pertinent results, may determine that the result is scientifically insufficient for further action and declare the test specimen negative. In this situation the MRO may request reanalysis of the original sample before making this decision. The MRO may request that reanalysis be performed by the same laboratory or, as provided in paragraph F above, that an aliquot of the original specimen be sent for reanalysis to an alternate laboratory which is certified in accordance with the DHHS guidelines.
2. The laboratory shall assist in this review process as requested by the MRO by making available the individual responsible for day-to-day management of the urine drug testing laboratory or other employee who is a forensic toxicologist or who has equivalent forensic experience in urine drug testing, to provide specific consultation as required by the Township. The Township shall include in any required annual report to the Department of Transportation a summary of any negative findings based on

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scientific insufficiency but shall not include any personal identifying information in such reports.

I. DISCLOSURE OF INFORMATION

1. Except as provided in this paragraph, the MRO shall not disclose, to any third party, medical information provided by the individual to the MRO as a part of the testing verification process.
2. The MRO may disclose such information to the Township, DOT or other Federal safety agency, or a physician responsible for determining the medical qualification of the employee under the appropriate DOT regulation, as applicable, only if:
 - a. An applicable DOT regulation permits or requires such disclosure;
 - b. In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable DOT rule; or
 - c. In the MRO's reasonable medical judgment, in a situation in which there is no DOT rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his or her covered function could pose a significant safety risk.
3. Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties as provided in this paragraph and the identity of any parties to whom information may be disclosed.

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ACKNOWLEDGMENT

_____, certifies that they have received a copy of Waterford Township's Manual on Drug and Alcohol Testing under the Omnibus Transportation Workers Testing Act of 1991.

Employee Signature