Ohio Township Personnel Management Sourcebook

Center for Public Management and Regional Affairs
Miami University

Prepared by:
Center for Public Management and Regional Affairs at Miami University in cooperation with the Ohio Township Association

Ohio Township Association

Civil leave, or jury duty, may require employees to be absent from the workplace for several weeks. A policy addressing timely township notification of an employee's selection for jury service may be desired. Depending upon the township, jury duty leave may be paid or unpaid time away from work. If paid, the township may wish to pay the difference between the employee's regular compensation and the remuneration received for jury service.

EMPLOYEE CONDUCT (Articles IV, XV)

The essentials of good personnel management include the need to properly manage and control employee conduct to prevent improper or inappropriate behavior. Townships should recognize that general guidelines for employee conduct are necessary to create a work environment that is conducive to achieving effective service delivery and governance goals. Detrimental employee conduct (such as failure to complete assigned tasks, refusal to work with fellow employees, or the creation of a hostile working environment for some employees) not only impedes organizational goal attainment, but can also breed unhealthy working conditions for other employees. Townships thus should adopt general guidelines that govern employee conduct. These policies should create order, maintain discipline and facilitate smooth operations of township business by structuring the work behavior and interpersonal relations between township employees, elected officials, and township residents.

Articles IV and XV of the example policies and procedures include a number of conduct rules that should be considered by township officials. These range from:

1. ***work focused policies*** – includes requirements that employees report to work on time and are ready for work, acceptance of supervisory direction and avoidance of insubordination, and careful and conscientious performance of duties;
2. ***general employee conduct policies*** – includes prohibitions against unethical conduct on township time, restrictions on fighting, malicious mischief, discourteous or unprofessional behavior, avoidance of consumption of alcoholic beverages while working, and places limits on the use of township equipment and property for personal use (ORC 124.34); and
3. ***policies governing criminal/illegal activities*** – includes theft of township property, falsifying personnel records or reports, use, distribution, or sale of illicit habit

forming drugs, and incurring financial obligations to the township without authority or prior approval (ORC 2921.41).

In addition, townships should indicate that they expect all employees to comply with the rules of conduct specified in Sections 124.34, 505.491, and 2921.41 of the Ohio Revised Code.

DISCIPLINE AND GRIEVANCE (Articles IV, XV)

Personnel policies serve as a guide and reference for employee behavior and written documentation of employer expectation. *Research has demonstrated that the lack of clear, consistent, and enforced rules, regulations, and disciplinary procedures can have a negative impact on employee morale.* Employees generally expect employers to enforce thoughtfully developed work rules that provide not only instruction and guidance for employee behavior but also procedures that protect and reward employees. Similarly, employees expect that those who do not comply with work rules and regulations will be properly disciplined. While the disciplining of employees can be an unpleasant and sometimes stressful supervisory task, avoiding the enforcement of work rules through proper disciplinary procedures can, in the long run, create an unpleasant work environment throughout the township.

Disciplinary action should be taken in the event of a violation of employee conduct rules. Disciplinary procedures should be developed to facilitate the need to provide constructive corrective action and not simply to mete out a sanction or punishment. Generally, we recommend a **progressive disciplinary** system as specified in Article IV of the example township policies and procedures. A progressive disciplinary system applies a combination of factors including the severity of the offense, past history of the township employee, and a record of previous disciplinary actions taken against the township employee. Disciplinary actions in this type of system may range progressively from a verbal warning up to dismissal.

It is of paramount importance that the township policies formalize a set of procedures that facilitate the implementation of disciplinary actions, apply equally to all employees, and protect the individual rights of employees. Policies concerning assignment of responsibility for administering discipline, notification of employees, and employees' ***due process*** rights for a fair and impartial hearing or review, and grievance procedure should all be addressed.

Townships should note the removal or suspension of a township constable or police chief must follow the procedures set forth in Sections 505.491 through 505.495 of the Ohio Revised Code.

EMPLOYEE TRAINING AND EVALUATION, WORK CONDITIONS (Articles X, XV)

An important personnel function for an employer is the training of employees in order to assure quality performance. The training function may be traditional on-the-job training, but should also serve as an important process for employee integration, adaptability, and improving employee competence, commitment, and motivation. Furthermore, training can be used to correct deficiencies found in employee performance. For these reasons, townships should consider training policies as an essential component of any policies and procedures manual. For instance, the Auditor of State conducts training programs on accounting, budgeting, and finance for Township Clerks.

Another essential personnel function of any employer is to provide periodic, appropriate, and relevant feedback to its employees in regard to their performance on the job. The purpose of employee evaluations is to provide both positive and negative feedback. With this in mind, performance appraisals can be used to reward and/or promote township employees with high performance, retain those with satisfactory performance, correct unsatisfactory performance, and terminate those township employees whose performance cannot be corrected. The benefits of a properly constructed performance evaluation system can be seen at three levels: organizational, supervisory/management, and individual employee. For the township as a whole, an evaluation system can improve overall service delivery and productivity. On the supervisory/management level, performance evaluations can effectively improve communication between supervisors and subordinates. Furthermore, it provides township trustees or supervisors with an additional control over the performance of individual employees. Finally, the individual township employee will receive periodic, structured feedback on the performance of their duties, which will enable them to focus on improving aspects of the job in which they are lacking. It will also provide employees the ability to view their improvement and progress over time in regards to their various job skills.

From a practical standpoint, a performance appraisal system will allow the employer to establish a system of service ratings based upon standards of performance. For example, Article

ARTICLE IV – DISCIPLINE *(recommended)*

4.1 Offenses *(recommended)*

Every employee in the service of the Township shall be expected to exhibit good behavior, and perform efficient and effective service. Any employee of the township may be disciplined for any of the following offenses:

Note: this list is provided only as an example and is not exhaustive.

A. Conviction of any criminal offense.
B. Fighting, threatening or attempting bodily injury to another; stealing, malicious mischief resulting in the injury or destruction of property of other employees or Example Township.
C. Consumption of alcohol while on the job or during work hours.
D. Use, or possession, of habit-forming drugs or hallucinogens.
E. Unethical conduct on Township time.
F. Insubordination, including but not limited to, refusal or failure to perform work assignments and the use of profane or abusive language to supervisors, employees or officers of the Township, and absence from duty without notice or permission of the supervisor.
G. Willful neglect in the care or use of Township property and equipment.
H. Failure to satisfactorily perform the duties for which employed.
I. Gross or habitual carelessness or recklessness, playing of tricks, jokes or other dangerous pranks upon others. Disregard for safety and comfort of fellow employees.
J. Engaging in outside employment without notification and approval of the Board of Trustees.
K. Repeated failure to report to work on time and ready for work.
L. Incurring costs or obligations in the name of the Township without the authority or prior approval.
M. Discourteous and/or unprofessional treatment of the public.
N. Failure to comply with the provisions of this document.
O. Any violation of Sections 124.34 or 505.491 of the Ohio Revised Code.
P. Any violation of Township Work Rules, Regulations or Standard Operation Procedures documents.
Q. Engaging in sexual harassment.
R. Inappropriate use of township equipment.

4.2 Types of Discipline *(recommended)*

Disciplinary action shall consist of one or more of the following:

1. Verbal warning.
2. Written warnings.
3. Suspension from duty without pay.
4. Demotion in rank and/or salary.
5. Dismissal.

4.3 Disciplinary Procedure *(recommended)*
The Board of Trustees or the department head concerned shall be responsible for the discipline of employees within their departments. Discipline may be progressive in nature and shall be applied based upon a combination of factors, including the severity of the offense, past history of the employee and past disciplinary actions against the employee. (The provisions of a bargaining agreement may effect disciplinary procedures.)

4.3.1 Department Head Disciplinary Authority and Responsibility *(recommended)*
Department Heads may issue verbal warnings and written warnings to members of their departments and should provide any documentation to the Board of Trustees.

4.3.2 Board of Trustees Disciplinary Authority *(recommended)*
The Board of Trustees may enforce any of the types of discipline, including termination.

4.3.3 Employee Notification *(recommended)*

(A) For disciplinary measures that are more severe than a verbal warning, the disciplined employee will be informed in writing of the right to appeal the disciplinary action to the Board of Trustees.

(B) The written order will be provided to the employee prior to the effective time of the order for all disciplinary actions.

4.4 Appeal Procedures *(recommended)*
Disciplinary actions need not be deferred pending the possible submission of an appeal.

4.4.1 Employee's Responsibility *(recommended)*
Employees, with the exception of Department Heads, feeling aggrieved by either a suspension of more than three (3) days or a change of status (e.g., dismissal or demotion) may, in writing, appeal the disciplinary action to the Board of Township Trustees.

(A) The appeal must be filed in writing with the Township Clerk and Board of Trustees within ten (10) days of the employee's receipt date of the written notification of the disciplinary action from the Board of Trustees. If the ten (10) day appeal filing time is exceeded, the Board of Township Trustees will take no action in the matter. This appeal:

1. Must be signed by the individual who is appealing and include both his or her department and grade therein; and
2. Must have attached thereto a copy of the disciplinary order.

(B) The employee will present the written request for an appeal hearing in dispassionate language and shall not vilify the character or motivation of the Department Head or Board of Trustees. The written request should specify either or both of the following grounds for appeal:

1. There was a failure on the part of a Township official to observe or correctly apply the provisions of the Personnel Rules or the terms of the subject's appointment; and/or
2. There was not a complete consideration of the facts regarding the disciplinary action taken against the appellant.

ARTICLE XV – SPECIFIC RULES AND REGULATIONS *(recommended)*

15.1 Attendance Policy *(recommended)*
Example Township defines an absence as failure to report for and remain at work as scheduled; this includes late arrival at work and leaving early. Absence then includes all time lost from the job whether excused or unexcused, avoidable or unavoidable. The only exceptions to this definition of absence are holidays, vacations, death in the immediate family, Worker's Compensation cases, approved leaves of absence, and days for which no work is scheduled.

15.2 General Requirements

15.2.1 Ohio Ethics Law (required)
The Ohio Ethics Law applies to all township officers and employees. The township will provide a copy of the Ohio Ethics Law to all officers and employees within 15 days after they begin service to the township. No township officer or employee may take any action to purchase or acquire services or property for the township where they, their family, or their business associates have a financial interest in the service or property. No township officer or employee may take any action to employ their spouses, parents, grandparents, children, grandchildren, brothers, or sisters and any relatives who live with the officers or employees. No township officers or employees may take any official action on matters that will result in a benefit to themselves, their family members, or their business associates. For additional information and assistance with the Ohio Ethics Law, township officers and employees should contact the Ohio Ethics Commission at (614) 466-7090.

15.2.2 Character and Workplace Behavior *(recommended)*

(A) Each employee shall be held accountable for their personal appearance; friendly, courteous, and helpful attitude toward the public; loyalty to the Township; and willingness to cooperate with their superiors and fellow employees. Improper language is in extremely poor taste and displays an unsatisfactory attitude.

(B) Each employee should be especially careful that they do not engage in gossip, half-truths, or the release of confidential information pertaining to the Township or its operations, employees, customers and residents. The close association of the business and home lives of people in the community makes it necessary that employees use the utmost consideration and good judgment when speaking to others about their work and daily contacts.

15.2.3 Bonds *(recommended)*
Township officers and employees are required to post bonds, paid by the township, prior to assuming the duties of their respective positions. The Board of Trustees may increase the bond amount to match the amount of cash handled during one year if he or she determines that the employee is handling more cash than the approved amounts.

15.2.4 Political and Religious Tests; Memberships in Organizations *(recommended)*
Consideration of political or religious opinions as a test for employment or promotion in any position of the Township service shall be prohibited. Township employees will not be required to be members of any organization, unless it is a professional organization

and directly connected with employment duties. The township may pay membership fees required by professional organizations and/or licenses.

15.3 Acceptance of Gifts and Gratuities *(recommended)*
An employee may not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he/she has official relationships of business with the township. These limitations are not intended to prohibit employees from accepting articles of negligible value which are widely distributed to the general public nor from accepting social courtesies which promote good public relations. It is particularly important that township employees guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. The securing of a loan by an employee from a financial institution doing business with the township does not constitute a conflict of interest.

15.4 Drug and Alcohol Free Workplace *(recommended)*
Example Township prohibits the manufacturing, distribution, possession and use of alcohol, drugs, controlled substances, drug paraphernalia or any combination thereof, on any Township premises or work site; including Example Township vehicles or private vehicles parked on Example Township's property or work sites. Work site is defined to mean the site for the performance of work done in connection with employment by Example Township.

Employees taking prescribed or over-the-counter medications, that may alter their work behavior or ability to perform their duties, must report the use of these substances to their supervisors. Any employee taking prescribed medication that leaves him or her unable to perform their job responsibilities satisfactorily should request a leave of absence.

> ***Note: Townships may choose to adopt the following paragraphs if their group health insurance coverage contains drug or alcohol treatment provisions.***
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> The Township has, through its health insurance, an existing Employee Assistance Plan (EAP) to assist employees to find suitable treatment for drug and alcohol abuse. The EAP provides that (1) the EAP does not excuse participating employees from meeting performance standards while on the job, (2) the employer will not immunize a successful employee enrolled from future discipline if their problems recur, and (3) the program itself may be handicapped "accommodation" and unsuccessful employees may be discharged.
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> Treatment of drug and alcohol use may be sought by voluntary referral. An employee who feels that he or she may have an alcohol and/or drug problem is encouraged to seek advice and help through the Employee Assistance Program (EAP). This type of referral will be done in a confidential manner.

Treatment may also be obtained through mandatory referral. Management may refer any employee to EAP because of deteriorating job performance or excessive absenteeism associated with the use of alcohol or drugs.

Any employee of Example Township, who is convicted of a drug or alcohol related offense, must report their conviction to the Board of Trustees within five (5) days of that conviction. The convicted employee will be required to take part in a rehabilitation program that has been approved by the Board of Trustees, such as a program offered through the EAP.

Failure to follow prescribed medical or psychological treatment and/or to improve work performance to an acceptable level will be justification for termination of employment on the same basis as any other employee whose work performance is unsatisfactory.

Example Township views a violation of this policy as a serious offense that will be investigated. The employee is expected to cooperate with that investigation. Violating this policy or refusing to cooperate in an investigation may result in discipline up to and including termination.

15.5 Sexual Harassment (required)

The work place is for work, and conduct which is not part of, or directly related to, work should be left outside the work place. Sexual harassment of employees in the work place is unacceptable and will not be tolerated. The township will provide a non-hostile environment.

Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." Sexual harassment may include such actions as: sex-oriented verbal kidding, teasing or jokes; physical contact such as patting, pinching, or brushing against another's body; coercion, intimidation, or other pressure to engage in sexual activity; physical assault; and demands for sexual favors.

The key element to harassment is the unwelcomeness of the conduct. Conduct which is unrelated to the Township's business and which is offensive to other employees should not take place.

IF AN EMPLOYEE IS THE RECIPIENT OF OFFENSIVE CONDUCT, THE EMPLOYEE SHOULD POLITELY, CLEARLY AND FIRMLY TELL THE PERSON ENGAGING IN THE OFFENSIVE CONDUCT TO CEASE. Offensive conduct is improper if:

(A) Submission to the conduct is either an explicit or implicit term or condition of employment;
(B) Submission to, or rejection of, the conduct is used as the basis for employment decisions affecting the person involved; or
(C) The conduct has the purpose or effect of substantially interfering with an individual's work performance or environment.

An employee who believes that he or she has been subjected to sexual harassment by a co-worker, supervisor, or other agent of Example Township, should report the facts to the

Board of Trustees for Example Township immediately. The employee's complaint will be promptly and discretely investigated to determine if it is justified. If the complaint is found to be valid, all involved parties will be notified, and corrective actions will be implemented. Depending upon the circumstances, as determined by the Board of Trustees, corrective action can include discipline up to and including termination.

15.6 Political Activity *(recommended)*

15.6.1 Employees May Not *(recommended)*

(A) Use official authority or influence for the purpose of interfering with an election or nomination to office, or affecting the results thereof; or

(B) Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary or compensation or anything of value to any party or committee, organization, agency, or person for political purposes; or

(C) Become a candidate for any political or appointed office exclusive to the township (e.g., office of Trustee or Clerk); or

(D) Take any action, including an active part in a political campaign, or an office in a political party, which will place the township in a partisan position, and interfere with the employee's ability to perform the duties of their position.

(E) Circulate official nominating petitions for any candidate, or

(F) Campaign by writing for publications, by distributing political material or by making speeches on behalf of (or against) a candidate for elective office.

(G) Soliciting the sale of or selling political party tickets (e.g. raffles or special functions).

(H) Include information pertaining to the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or a bond issue in a township newsletter.

15.6.2 Employees May *(recommended)*

Employees may join or affiliate with civic organizations of a partisan or political nature, serve as precinct election officials, give financial contributions to political candidates and organizations, circulate petitions on legislation relating to their employment, attend political meetings, vote, and advocate or support the principles or policies of civic or political organizations.

15.7 Outside Employment *(recommended)*

Full-time employees may not carry on, concurrently with their Township employment, any private business or undertaking, the attention to which affects their working hours or the quality of their Township work. Further, the performance of outside work of full-time employees should be reported to the Department Head or Board of Trustees for approval to ensure that no conflict of interest may arise.

When an employee is seeking part-time employment, he or she must submit an "Outside Employment Request" prior to beginning work.

If a question arises as to the compatibility of multiple positions, a request from the State Attorney General may be made for an opinion as to the compatibility of such positions.

15.8 Public Relations - Open Records Act (required)
Employees shall conduct their activities and actions, both on and off the job, so as to improve relations between the Township and the public. In every contact, whether it is in the nature of trouble, service complaint, or request for information, the employee represent the Township. The employees' manners and attitudes toward the residents, as well as their competence in handling matters, are the basis for good public relations. The township will meet all open records requirements with requests for information directed to the Board of Trustees.

15.9 Identification Cards (optional)
All Township employees shall be issued an identification card upon their hiring. The card will have a picture of the employee and signatures of the employee and Chairman of Board of Trustees. The identification card will be laminated. It will be updated annually and surrendered upon termination. The card is to be used only in conjunction with Township duties.

15.10 Use of Township Equipment *(recommended)*
The use of Township equipment, uniforms, or supplies for personal business or private use is strictly prohibited without prior permission of the Department Head and/or a majority of Board of Trustees. Violators are subject to disciplinary action. Such equipment includes, but is not limited to, office and telecommunications equipment, computers, automobiles, trucks, cruisers, tools, uniforms, and supplies.

Only firefighters and or township employees are authorized to ride in any and or all fire emergency trucks of the Example Township.

A key must be given to the Example Township Trustees to any and or all things that are locked on township property, which includes but is not limited to: cabinets, drawers, file cabinets, etc. Anyone violating this policy will face immediate termination by the Example Township Trustees.

15.11 Use of Fax Machines, Internet, and E-mail (optional)
The availability of fax machines, Internet, e-mail, and on-line services is for township purposes. The following uses are strictly prohibited: any uses that interfere with normal township activities; any uses that involve solicitations; any uses in connection with a business activity that operates for-profit; or, any use that could possibly bring embarrassment or harm to the township.

Employees of the township shall not use the fax machine, Internet, e-mail, or on-line services in a manner that would violate any federal, state, or local laws. Township employees shall not use the fax machine, Internet, e-mail, or on-line services to transmit, download, or print obscene, pornographic, threatening, or racially, sexually, or religiously harassing materials. Nor shall township employees use the fax machine, Internet, e-mail, or on-line services to distribute or copy copyrighted materials, which includes articles and software, in violation of the copyright laws.

Employees of the township shall not use the fax machine, Internet, e-mail, or on-line services for the purpose of operating a business for personal gain, sending chain letters, or soliciting money for religious or political organizations or causes or any reasons unrelated to the business of the township.

Employees of the township shall not use the fax machine, Internet, e-mail, or on-line services to violate the privacy rights of the township, other employees, or citizens. No township employee shall provide access to confidential information through the fax machine, Internet, e-mail, or on-line services. The transmission of confidential information shall only be in accordance with the current procedures and regulations. All employees of the township shall use all reasonable safeguards when using the fax machine, Internet, e-mail, or on-lines services to avoid mistaken distribution of information.

All township employees are hereby put on notice that all Internet browsers furnish a trail to trace all site visits on that terminal.

15.12 Safety *(recommended)*

The township intends to make everyone's job safe in all respects and requires employees to report any hazardous conditions at once to his or her immediate supervisor or the Board of Trustees. The following is a list of general safety rules and regulations. Additional safety operating procedures for specific work may be provided in an employee Safety Document.

(A) Learn the right way to do your job. Never hesitate to ask questions about things you do not understand, especially on new jobs.
(B) Use and maintain in safe condition the correct equipment and tools for your work.
(C) Observe the recommended work procedures developed for your job.
(D) Keep your work area in good order. Cluttered floors, aisles, storage, and work areas all make your job more difficult as well as more dangerous.
(E) Always work at a safe speed. Never hurry foolishly, such as running in aisles or down stairs, taking short cuts through dangerous areas, or trying to speed up by removing machine guards.
(F) Avoid horseplay and practical jokes.
(G) Call your supervisor's attention to any unsafe conditions. Make suggestions when you feel they will improve the safety or performance of an operation.
(H) If you are injured, report promptly for first aid treatment. Even minor cuts and scratches can become infected unless proper care is taken.
(I) Learn first aid. Encourage your fellow workers to have a working knowledge of it.
(J) Respect moving machinery and equipment, electricity, ice on walks and excavated areas. Never operate equipment with guards removed. Never operate equipment while under the influence of drugs or alcohol.
(K) Wear protective equipment where appropriate.
(L)

15.13 Standing Orders *(recommended)*

The Board of Trustees may from time to time issue "Standing Orders", which will have the same force as if included in these regulations.

15.14 Appointment of Relatives (optional)
Example Township may not hire individuals who have relatives who are employees of Example Township. Employees shall be defined as all full-time employees and all part-time employees, consultants, members of the Township Trustees, and members of trustee-appointed bodies having direct oversight on expenditures. Persons involved in husband/wife, parent/child, parent/child-in-law, first cousins, aunt-uncle/niece, aunt-uncle/nephew, siblings, grandparents/ grandchild relationships shall be considered relatives for the purposes of this regulation. It shall be incumbent upon applicants to make known such relationships. If existing employees become relatives one with another or a related employee changes to a job classification which conflicts with this policy after commencement of their employ, the Township shall allow a choice to the persons involved as to who will resign. However, in the case where such a decision is not voluntarily made by the employees, then that person with the greatest seniority will be given an opportunity to remain employed by the Township. **The Board reserves the right to make decisions concerning the hiring of relatives on a case-by-case basis.**

15.14.1 Exceptions (optional)

(A) Existing Appointments;

(B) Appointments where neither individual involved is employed in a supervisory or management position and where neither individual involved, or the work performed, or the employment of either individual, is or may be directly influenced by the other individual. The determination of such influence shall be at the discretion of the Board of Trustees. To be eligible for this second exemption, employees must make application to the Board of Trustees prior to any event which would require exemption to allow continued employment. Failure to notify may result in the discharge of both parties.

15.15 Violence in the Workplace (optional)
Example Township is committed to maintaining a workplace that is free from the threat of violence. Any violent behavior or behavior that creates a climate of violence, hostility, or intimidation will not be tolerated, regardless of its origin.

Any form of violence or threat of violence, actual or perceived, by a township employee or member of the public that threatens a township employee or family member must be reported. Violent behavior by an employee, regardless of classification or position, may result in discipline, including termination. Violence, threats, or intimidation towards employees of the township will be met with an immediate response, including calling the police or taking legal action.

This policy includes, but is not limited to the following behaviors and situations:

- Violent or threatening physical contact (e.g., fight, pushing, physical intimidation),
- Direct or indirect threats,
- Threatening, abusive, or harassing telephone calls,
- Possession of a weapon on township property or personal property,
- Stalking,

- Violation of a restraining order, and
- Threats of suicide.