

**HAMILTON TOWNSHIP, WARREN COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL**

**HOURS OF WORK, LUNCH PERIODS,
AND BREAKS**

SECTION 7.01

A. Full-time Township employees shall normally work forty (40) hours per week. Career Fire / EMS Personnel shall normally work forty-eight (48) hours per week. However, due to the nature of Township operations, employees may be required to work overtime.

B. The length and timing of an employee's lunch period shall be determined by the employee's department head. Lunch periods of at least thirty (30) minutes shall generally not be considered as time worked and shall be excluded from compensable time. Exceptions exist, however, when an employee is required to remain on duty throughout his/her lunch period, or his/her lunch period is interrupted by a call to duty.

C. The length and timing of employee breaks shall be determined by the employee's department head.

USE OF TOWNSHIP VEHICLES

SECTION 7.02

A. DEFINITIONS

1. Township Vehicle: As used in this regulation Township vehicle means any vehicle, which is owned, leased or otherwise hired by the Township.

2. Driving as a necessary part of routine job duties: The phrase "driving as a necessary part of routine job duties" or phrases of similar import, as used in these regulations, refers to those employees whose job description, or whose essential functions require the operations of a motor vehicle in order to perform those functions.

3. Incident: An incident as used in these regulations refers to an event, which results in any damage to a Township vehicle or personal vehicle while performing Township business, where the vehicle is not disabled.

4. Accident: An accident is defined for purposes of these regulations as an event in which disabling damage to a Township vehicle or personal vehicle while performing Township business occurs or where an injury is treated away from the scene. Disabling damage occurs when any vehicle involved is towed from the scene or receives damage, which prohibits its use for a period of time. Whether or not disabling damage has occurred will be determined on a case, by case basis by the Hamilton Township Risk Management Committee.

B. GENERAL REGULATIONS

1. The driving of a Township vehicle is a privilege and the driving of a private vehicle while on Township business is an event of trust and impacts upon the risk management of the Township. The Township recognizes that it must take steps to decrease the risk of those employees who have poor driving histories driving on Township business.

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Employees must continuously recognize that they are a constant, and visible, official representative of the Township and that they should drive and conduct themselves so as to enhance the good reputation of the Township.

2. When driving a vehicle on Township business is not a necessary part of routine job duties, the Employer or the appropriate departmental official has the authority to reassign driving duties when he/she determines that such reassignment is in the best interest of the Township.

3. Township vehicles and personal vehicles being used while conducting Township business are not to be used other than to transport individuals transacting Township business. Passengers and third persons not on official Township business are not permitted in Township vehicles nor in personal vehicles being used in the course of Township business without prior written authorization from the Employer or the appropriate departmental official.

4. All applicable motor vehicle laws must be adhered to at all times. Seat belts are to be worn while either operating or riding as a passenger in the vehicle. Traffic fines and arrest for illegal or improper use or operation of vehicles are the sole responsibility of the employee. Failure of any employee to operate a Township vehicle or personal vehicle while conducting Township business in a safe and prudent manner or involvement of such employee in preventable motor vehicle accident for which he/she is at fault, may subject such employee to disciplinary action.

5. The Township is insured for liability resulting from bodily injury and/or property damage caused by a driver of a Township-owned or Township-leased vehicle. A privately-owned vehicle being operated on behalf of the Township, Ohio law requires the owner of the vehicle, not the Township, to assume "primary liability." Without limitation of the rights of the Township to deny defense and indemnification of the Township employees involved in motor vehicle accidents pursuant to Ohio Revised Code Chapter 2744, employees involved in motor vehicle accidents are required to pay any insurance deductibles for damages sustained to Township vehicles if such accident occurred while the employee was not engaged in the performance of official job duties or other activity authorized by the employee's Appointing Authority.

6. Operation of a Township vehicle or personal vehicle while conducting Township business is strictly prohibited within four (4) hours after having consumed an alcoholic beverage or controlled substance, or anytime one's ability to safely operate may be adversely affected due to the use of alcoholic beverages or controlled substances. A physician's approval is required for an employee's use of prescribed medication prior to the use of a Township vehicle or personal vehicle while conducting Township business. Employees shall inform their supervisor of the use of all prescription medications which may affect the employee's ability to operate a vehicle. If any employee is one of whom driving is a necessary part of routine job duties, such employee shall, at the request of his/her Department Head or designee, be required to take sick leave if a physician's approval is not obtained.

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7. Any employee or prospective employee whose Ohio driver's license has been suspended or revoked must immediately notify his/her Supervisor who will inform the Human Resource Manager and provide a copy of any court or administrative order of suspension or revocation. Failure to so report such suspension and revocation shall be considered an act of dishonesty and subject the employee to disciplinary action. Any employee whose driver's license has been suspended or revoked shall not be permitted to operate a Township vehicle or personal vehicle while conducting Township business for the period of such suspension or revocation without regard to whether or not occupational driving privileges have been granted.

8. Any employee involved in an incident or an accident, as defined in Section A, shall report such incident/ accident immediately to his/her supervisor. A written report of the incident/ accident shall be completed by the employee as soon as practicable, but in no event later than twenty-four (24) hours following the incident/ accident, unless the employee is physically unable to do so. The employee shall submit the written report to his/her immediate supervisor. Failure to report a motor vehicle incident or accident as required herein may subject such employee to disciplinary action pursuant to this policy and Section 8 of this manual.

Vehicle accident packets may be found in the glove box (or other appropriate location) of each Township vehicle. These packets contain instructions and forms to be used in the event of an incident or accident.

9. Employees assigned or authorized to use Township vehicles or using personal vehicles while conducting Township business are subject to having their driving record periodically checked. At minimum an annual check will be conducted through the Bureau of Motor Vehicles and as such will require Form(s) AB [BMV #1173] - AC [BMV #5008] to be completed in January of each calendar year by each employee.

10. An employee's driving privileges on behalf of the Township may be suspended, revoked, or the duties reassigned as provided in Section B(2) above anytime for reasons such as, but not limited to, a poor driving record revealed by a records check, non-insurability of the employee, or involvement in at-fault or preventable incidents or accidents while on Township business.

11. The Risk Management Committee will review all incident and accident reports and make a determination as to whether the event was an at-fault or preventable incident or accident.

12. All employees should consult departmental policies which may be in addition to those contained herein, as well as those policies which pertain to those employees who are required to maintain a Commercial Driver's License as a requirement of their job duties.

13. The provisions of the Township's Vehicle Fleet Safety Policy, which may be amended from time to time, are adopted and incorporated herein by reference.

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14. Unless prior approval is granted from Appointing Authority no Township Employee residing outside of Hamilton Township shall be permitted to drive a Township vehicle home.

C. ADDITIONAL REGULATIONS PERTINENT TO THOSE EMPLOYEES FOR WHOM DRIVING IS A NECESSARY PART OF ROUTINE JOB DUTIES:

In addition to the requirements set out above, those employees for whom driving is an essential function or a “necessary part of routine job duties” are subject to the following rules and regulations.

1. It is the responsibility of each employee who is required or assigned to operate a Township vehicle or personal vehicle while conducting Township business to maintain a driving record that allows the employee to be fully covered by any liability or other insurance policy whether maintained by the Township or personally. All employees for whom driving is a necessary part of routine job duties, must maintain and will be required to offer proof of insurance, with minimum limits of liability of one of the following:

- a. \$100,000 per person and \$300,000 per occurrence for bodily injury liability and minimum limits of \$50,000 for property damage liability; or
- b. Combined single limit for bodily injury and property damage of \$300,000

All current employees for whom driving is a necessary part of routine job duties are strongly encouraged to maintain insurance with the aforesaid minimum limits of liability. Injury to Township personnel while on Township business is covered by Workers’ Compensation. If the Township is notified by an insurance carrier that the driving record of any such employee is not acceptable for full insurance and/ or liability coverage, such employee may be suspended without pay until his/her driving record is acceptable to the insurance carrier. Prolonged periods of un-insurability may result in the employee’s discharge.

2. Failure of an employee to obtain, renew, and / or maintain a current and valid Ohio driver’s license with proper endorsements (e.g., CDL) may subject such employee to suspension or discharge.

3. In addition to the provisions of this policy, the Township shall retain the right to implement disciplinary action for any events that create the non-insurability of the employee.

4. All employees subject to this Section are required to submit a written report to the Human Resources Manager when the employee has accumulated more than four (4) points charged against the employee’s driver’s license as per Ohio Revised Code Section 4507.021 prior to operating a Township or personal vehicle on Township business. When an employee accumulates more the four (4) points, he/she shall report each additional point as it is received to the Human Resources Manager. Failure to report such accumulation shall be grounds for disciplinary action.

5. Employees subject to this Section who are involved in incidents or accidents as defined in Section A shall be assessed two (2) Township-assigned points for each at-fault or preventable incident, and four (4) Township assigned points for each at-fault or preventable accident. Such points shall be effective for a period of two (2) years from the date of the incident

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and /or accident. Such points accumulated under this subsection will be added to those reported under Section C (4), above. In the event that the incident or accident is one in which points would be assessed by both the State and the Township, the greater of the two shall be assessed, but not both.

Employees must report in writing any and all incidents and accidents to their immediate supervisor, who shall forward said written report to the Human Resources Manager.

6. Any employee who accumulated more than four (4) points under Sections C (4) and C (5) of this policy will be required to complete a certified remedial driving course approved by the Employer at the employee's expense. Any employee who accumulates more than seven (7) points will be required to complete a certified remedial driving course, approved by the Employer at the employee's expense, and may be suspended from driving on Township business for up to thirty (30) days.

Any employee who accumulates more than nine (9) points will be required to complete a certified remedial driving course, approved by the Employer at the employee's expense, and will be suspended from driving on Township business for up to ninety (90) days.

If any one of the offenses involved a conviction of use of alcohol or drugs, or a refusal to submit to a drug or alcohol test, the employee's Township driving privileges shall be suspended for one hundred eighty (180) days, unless the court imposes a greater suspension, in which case the court imposed suspension shall apply. If any two (2) or more of the offenses involved a conviction of use of alcohol or drugs, the employee's driving privileges shall be suspended for up to one (1) year, unless the court imposes a greater suspension, in which case the court imposed suspension shall apply, and the employee shall complete a drug/ alcohol rehabilitation program.

7. Should an employee subject to this Section have his/ her Ohio driver's license suspended or revoked by any court or administrative agency, he/she may be suspended without pay until such suspension or revocation is rescinded. Prolonged periods of driver's license suspension or revocation may result in the employee's discharge.

D. IMPLEMENTATION:

For current employees the reporting requirements under Section C (4) and the accumulation of points under Section C (5) will begin thirty (30) days after the adoption of this policy. The reporting requirements in Section C (4) shall apply to applicants for employment. Any applicant who has accumulated more than five (5) points are not to be hired for positions in which driving on behalf of the Township is a necessary part of routine job duties.

**USE OF TOWNSHIP TOOLS, EQUIPMENT,
AND BUILDINGS**

SECTION 7.03

A. When tools, supplies, and equipment needed to perform job duties are provided by the Township, it is the responsibility of each employee to properly use and maintain the provided tools and equipment. It is the responsibility of the department head, supervisor, or designee to ensure