

ALBURTIS CODIFIED ORDINANCES

Chapter 12

Personnel Policies

Chapter 12 — Personnel Policies

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Article I — Title and Scope

§ 12-101 Short Title.

This Chapter shall be known, and may be cited, as the “Alburtis Personnel Ordinance”.

§ 12-102 Scope.

(a) **In General.** This Chapter shall apply to all non-uniformed employees of the Borough of Alburtis. This Chapter shall also apply to uniformed police department employees of the Borough of Alburtis except to the extent of any conflict with Chapter 13 (relating to Police Civil Service), any applicable collective bargaining agreement, or any applicable law, regulation, or final court decision, or unless specifically stated to the contrary in this Chapter.

(b) **Chief of Police.** The following provisions of the collective bargaining agreement for police employees for 2022-2024, to the extent applicable to full-time police officers, shall apply to the Chief of Police notwithstanding the fact that the Chief of Police is not in the bargaining unit covered by that collective bargaining agreement, and shall supersede any contradictory provisions of this Chapter, *except* that, since the Chief of Police is a salaried position, any such provisions of the collective bargaining agreement providing for paid time off only apply to excuse the Chief of Police from working such days or hours, and do *not* apply to the extent they would provide any payments to the Chief in addition to his/her annual salary:

- (1) § 1 (relating to Definitions);
- (2) [RESERVED]
- (3) § 5A (relating to Longevity Pay);
- (4) § 6(c) (relating to Witness Fees at Hearings);
- (5) [RESERVED]
- (6) [RESERVED]
- (7) § 10(f), (g), (h), and (i) (relating to Vacations—scheduling and use);
- (8) § 11 (relating to Personal Days);
- (9) § 12 (relating to Sick or Injury Leave);

- (10) § 13 (relating to Bereavement Leave);
- (11) § 17 (relating to Life Insurance);
- (12) § 17A (relating to Funeral Cost Donation Campaign);
- (13) § 19A (relating to Educational Merit Award);
- (14) § 21 (relating to Uniforms and Equipment);
- (15) § 21A (relating to Voluntary Payroll Deductions); and
- (16) § 22 (relating to Physical and Mental Examinations).

Article II — General Working Time & Pay Rules

§ 12-201 Working Hours.

(a) **Office Employees.** The Borough Manager shall work a minimum of forty (40) hours per week (except for authorized paid or unpaid time off under Article III); deductions from salary for working fewer hours may be made only to the extent permitted for employees paid on a salary basis under the federal Fair Labor Standards Act. Other full-time office employees (including the Borough Treasurer) shall work from 8:30 AM to 4:30 PM from Monday through Friday (except for authorized paid or unpaid time off under Article III). The working hours of the part-time Administrative Assistant shall be scheduled by the Borough Manager as needed, and need not be the same from day-to-day or week-to-week, but shall not exceed twenty (20) hours in any calendar week (except in the event of an emergency).

(b) **Maintenance Employees.** Full-time maintenance department employees shall work from 7:00 AM to 3:00 PM from Monday through Friday (except Borough holidays), except for three (3) ten (10) minute paid breaks per day which must be taken when directed by the Maintenance Supervisor. During the summer months, if so directed by the Borough Manager or Council, work hours may be changed to 6:00 AM to 2:00 PM on work days. Part-time employees shall not work more than twenty (20) hours during any one calendar week unless authorized by Council or the Borough Manager (in case of an emergency).

(c) **Chief of Police.** The Chief of Police shall work a minimum of forty (40) hours per week (except for authorized paid or unpaid time off under Article III or § 12-102(b)), ordinarily from 7:00 AM to 3:00 PM from Monday through Friday (including one-half hour of paid lunch when possible). Deductions from salary for working fewer hours may be made only to the extent permitted for employees paid on a salary basis under the federal Fair Labor Standards Act. The Chief of Police shall also work additional hours as he/she deems necessary, unless explicitly directed to the contrary by the Mayor or Council.

§ 12-202 Time Clock.

(a) **Use of Clock.** All Borough employees shall punch in and out on the Borough time clock, at the beginning and end of the work day. Employees called out for extra work shall go to the Borough Hall first and punch in.

(b) **Payment for Time Worked.** No employee shall be paid for any time not shown on his punch time card, unless actual time worked and not shown on the card is authorized by the Borough Manager. No pay shall be provided for time not worked due to late arrivals or early departures. Unless authorized by the Borough Manager, no employee shall work before or after his scheduled work time. An employee may punch in up to ten (10) minutes before the beginning of a scheduled shift or after the end of a scheduled shift to account for preliminary and postliminary activities, but shall not be paid for any time before the beginning or after the end of shift unless authorized by the Borough Manager.

§ 12-203 Overtime and Compensatory Time Off.

(a) **Office Employees.** Compensation for any call-out time under § 12-204, working holiday time under § 12-301(d), and any Additional Overtime under subsection (d) in any calendar week, when such time is authorized by the Borough Manager, shall be paid as overtime pay (at the rate of 1.5 times base compensation), or, with the consent of the employee and the approval of the Borough Manager, shall be credited as compensatory time off (at the rate of 1.5 hours of compensatory time off for each overtime hour worked). Compensatory time off with pay (at the regular base compensation rate) may be used by the employee when authorized by the Borough Manager. Nor more than forty (40) hours of compensatory time off may be accumulated at any one time by any employee. The Borough Manager shall provide a monthly report to the President and Vice President of Council of the amount of accumulated compensatory time off by each office employee.

(b) **Maintenance Department Employees.** Compensation for any call-out time under § 12-204, working holiday time under § 12-301(d), and any Additional Overtime under subsection (d) in any calendar week, when such time is authorized by the Executive Secretary, shall be paid as overtime pay (at the rate of 1.5 times base compensation).

(c) **All Employees.** All authorized overtime worked by any employee (including Police Department employees) shall be so designated on the employee's time card, together with a brief statement of the reason the overtime was necessary.

(d) **Definition of "Additional Overtime."** For purposes of this section, the term "Additional Overtime" for any calendar week shall mean the amount of time actually worked by an employee during the calendar week, plus the amount of paid time-off for the employee during the calendar week (including paid vacation time, compensatory time off, personal days, sick leave, and/or funeral leave), minus forty (40) hours, minus the amount of call-out time under § 12-204(a) during the calendar week, and minus the amount of working holiday time under § 12-301(d) during the calendar week. The amount of Additional Overtime for any calendar week shall not be less than zero (0) hours.

(e) **Salaried Employees.** Notwithstanding anything to the contrary in this Section, salaried employees (including the Borough Manager and the Chief of Police) shall not be paid overtime pay or credited with compensatory time off.

(f) **Part-time Employees.** Notwithstanding anything to the contrary in this Section, part-time employees shall be paid overtime pay (at the rate of 1.5 times base hourly compensation) for all hours worked over forty (40) hours in a calendar week, and at their straight-time base hourly rate of compensation for the first forty (40) hours worked in a calendar week, without regard to whether any particular time worked was during the employee's regularly scheduled hours, was call-out time under § 12-205, was during a holiday, or otherwise.

§ 12-204 On Call Duty.

(a) **Maintenance Department Employees.** One maintenance department employee shall be on call during all nights, holidays, weekends, and all other times when the maintenance department is not regularly in operation. The Borough Manager shall prepare and maintain a schedule of on-call assignments, which shall be allocated equally among all full-time maintenance department employees. The schedule shall assign on call duty for periods of one week, beginning on a Friday at 3:00 PM and ending the following Friday at 2:59 PM. An employee who is on call shall be prepared to respond to a call to service made to his/her designated cell phone number at any time, and shall be able to report to the Maintenance Department in an alert and sober condition within thirty (30) minutes after being called out.

(b) **Compensation.** Effective June 28, 2019 at 3:00 PM, an employee shall be compensated in the amount of One Hundred Dollars (\$100.00) for each week that he/she is on call under this Section.

§ 12-205 Call-out Time.

(a) **Definition.** For purposes of this Chapter, the term "call-out time" shall mean time worked by a Borough employee when requested to begin a new period of active service outside of regular work hours, after already having departed the location where the most recent paid work time occurred, and without the expectation that the new period of service will continue through the beginning of the next scheduled work period. This subsection does not apply to additional time worked immediately after or immediately before a scheduled work period.

(b) **Minimum Period of Payment.** A Borough employee shall be credited with no less than two (2) hours of work for each period of call-out time worked.

(c) **Overtime Rate.** Compensation for call-out time is governed by the provisions of § 12-203 (relating to Overtime and Compensatory Time Off).

(d) **Borough Meetings.** Any employee who is requested to attend a meeting of Council or is requested to attend a meeting of another Borough commission or board will be credited with time worked from the start of the meeting (or, if later, from the time the employee appears at the meeting) until the time the employee is excused from the meeting. The Borough Manager (or his/her designate) will note these times on the employee's time card the next business day.

When time worked at a meeting qualifies as “call-out time” under subsection (a), the provisions of subsections (b) and (c) shall apply to meeting time.

§ 12-206 Pay Periods.

(a) **Full-time Employees.** All full-time employees of the Borough shall be paid every two weeks.

(b) **Part-time Employees.** All part-time office, maintenance, or police employees of the Borough shall be paid every two weeks.

(c) **Monthly Payments.** The Mayor, the Fiscal Consultant, the Zoning Officer, and members of Council shall be paid their salaries in monthly installments.

(d) **UCC and Property Maintenance Code Officials.** The Code Officials, plan reviewers, and inspectors engaged by the Borough in its administration of the Uniform Construction Code (*see* Chapter 30), the Property Maintenance Code (*see* Chapter 35), and, where applicable, the Building Code (*see* Chapter 31) and the Plumbing Code (*see* Chapter 32), shall be paid at such times as provided in the terms of their engagement by the Borough.

Article III — Paid or Unpaid Time Off

§ 12-301 Holidays.

(a) **In General.** The following ten (10) days are Borough holidays, during which the Borough offices shall not be open:

- (1) New Year’s Day
- (2) Presidents Day
- (3) Good Friday
- (4) Memorial Day
- (5) Independence Day
- (6) Labor Day
- (7) Thanksgiving Day
- (8) Day after Thanksgiving
- (9) Christmas Day

(10) Day before or day after Christmas Day (as designated by the Executive Secretary from year to year).

(b) **Holidays on Saturday or Sunday.** If a Borough holiday falls on a Saturday or Sunday, the Borough Manager shall designate the nearest Friday or Monday as the date of the holiday for that year.

(c) **Holiday Pay.** Full-time Borough employees shall not regularly be scheduled to work on a Borough holiday. Nonetheless, they shall receive pay for eight (8) hours of work at their base rate of compensation for the holiday.

(d) **Working Holiday Time.** An employee who works on a Borough holiday shall be compensated for the working holiday time in accordance with the provisions of § 12-203 (relating to Overtime and Compensatory Time Off), in addition to Holiday Pay under subsection (c).

(e) **Salaried Employees.** Notwithstanding anything to the contrary in this Section, salaried employees (including the Borough Manager and the Chief of Police) shall be excused from working eight (8) hours for a Borough holiday, but shall not be paid any amount in addition to their annual salary if they work on a Borough holiday.

§ 12-302 Vacations.

(a) **In General.** During each calendar year, each full-time employee shall be entitled to paid vacations for the number of days indicated in subsections (b) and (c). For each vacation day granted to and taken by a full-time employee, the employee shall be paid Vacation Pay in an amount equal to the employee's base hourly rate of compensation *multiplied by* eight (8).

(b) **Number of Vacation Days—Employees Hired Before June 1, 1996.** The number of vacation days available during any given calendar year to a full-time employee who was first hired by the Borough as a full-time employee before June 1, 1996 shall be determined as follows:

(1) If the full-time employee is first hired as a full-time employee during that calendar year: zero (0) days.

(2) If the first anniversary of the date the full-time employee was first hired as a full-time employee (hereinafter, the "**First Day**") occurs during that calendar year: zero (0) days until said first anniversary, and ten (10) days thereafter, if he is a full-time employee on the first anniversary.

(3) For all other calendar years: ten (10) days *plus* one (1) additional day for each year of service completed by the full-time employee as of the anniversary of his First Day in the immediately preceding calendar year; *plus* one (1) additional day which may only be used after the anniversary of the full-time employee's First Day which occurs during that calendar year. Notwithstanding the preceding sentence, the maximum number of paid vacation days which shall be available to a full-time employee in any calendar year shall be thirty (30).

(c) **Number of Vacation Days—Employees Hired After May 31, 1996.** The number of vacation days available during any given calendar year to a full-time Borough employee who was first hired by the Borough as a full-time employee after May 31, 1996 shall be determined as follows:

(1) Except as provided in paragraph (5), if the full-time employee is first hired as a full-time employee during that calendar year:

(A) zero (0) days. initially, but

(B) if the day six (6) months after the employee commenced such employment also occurs during that calendar year, five (5) days at any time thereafter, if he a full-time employee at that time.

(2) Except as provided in paragraph (5), if the first anniversary of the date the full-time employee was first hired as a full-time employee (hereinafter, the “**First Day**”) occurs during that calendar year:

(A) zero (0) days initially,

(B) if the day six (6) months after the employee commenced such employment also occurs during that calendar year, five (5) days at any time thereafter, if he a full-time employee at that time, and

(C) ten (10) additional days after the first anniversary of the employee’s First Day, if he is a full-time employee on the first anniversary.

(3) Except as provided in paragraph (5), if the second, third, fourth, fifth, or sixth anniversary of the full-time employee’s First Day occurs during that calendar year: ten (10) days.

(4) Except as provided in paragraph (5), if the seventh anniversary of the full-time employee’s First Day occurs during that calendar year: ten (10) days, *plus* an additional five (5) days at any time after said seventh anniversary if he is a full-time employee on the seventh anniversary.

(5) In the case of the Borough Manager—

(A) If the Borough Manager’s First Day occurs during that calendar year *and* the ninety-first (91st) day after the Borough Manager commenced employment as the Borough Manager also occurs during that calendar year: ten (10) days at any time after the ninety-first (91st) day after the Borough Manager commenced employment as the Borough Manager, if he is Borough Manager at that time.

(B) If the first, second, third, fourth, or fifth anniversary of the Borough Manager’s First Day occurs during that calendar year: ten (10) days.

(C) If the sixth or seventh anniversary of the Borough Manager’s First Day occurs during that calendar year: fifteen (15) days.

(3) Except as provided in paragraph (5), if the second, third, fourth, fifth, or sixth anniversary of the full-time employee’s First Day occurs during that calendar year: ten (10) days.

(4) Except as provided in paragraph (5), if the seventh anniversary of the full-time employee’s First Day occurs during that calendar year: ten (10) days, *plus* an additional five (5) days at any time after said seventh anniversary if he is a full-time employee on the seventh anniversary.

(6) If the eighth, ninth, tenth, eleventh, twelfth, thirteenth, or fourteenth anniversary of the full-time employee's First Day occurs during that calendar year: fifteen (15) days.

(7) If the fifteenth anniversary of the full-time employee's First Day occurs during that calendar year: fifteen (15) days, *plus* an additional five (5) days at any time after said fifteenth anniversary if he is a full-time employee on the fifteenth anniversary.

(8) If the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, or twenty-fourth anniversary of the full-time employee's First Day occurs during that calendar year: twenty (20) days.

(9) If the twenty-fifth anniversary of the full-time employee's First Day occurs during that calendar year: twenty (20) days, *plus* an additional five (5) days at any time after said twenty-fifth anniversary if he is a full-time employee on the twenty-fifth anniversary.

(10) If the anniversary of the full-time employee's First Day which occurs during that calendar year is greater than the twenty-fifth: twenty-five (25) days.

(c.1) **Number of Vacation Days—Chief of Police.** Notwithstanding subsection (c), the number of vacation days available during any given calendar year to the Chief of Police shall be determined as follows:

(1) If the Chief is first hired as a full-time Borough employee during that calendar year: twenty (20) days, *provided* that if the date the Chief first worked as a full-time Borough Employee (hereinafter, the “**First Day**”) is on or after July 1 and before October 1, the number of days shall be ten (10), and if the Chief's First Day is on or after October 1, the number of days shall be five (5).

(2) If the first anniversary of the Chief's First Day occurs during that calendar year: fifteen (15) days.

(3) If the second anniversary of the Chief's First Day occurs during that calendar year: fifteen (15) days, *plus* an additional five (5) days at any time after said second anniversary if he/she is the Chief of Police on the second anniversary.

(4) If the third or fourth anniversary of the Chief's First Day occurs during that calendar year: twenty (20) days.

(5) If the fifth anniversary of the Chief's First Day occurs during that calendar year: twenty (20) days, *plus* an additional five (5) days at any time after said fifth anniversary if he/she is the Chief of Police on the fifth anniversary.

(6) If the anniversary of the Chief's First Day which occurs during that calendar year is greater than the fifth: twenty-five (25) days.

(d) **Use During Calendar Year.** All vacation days granted to a full-time employee for any calendar year must be used within that calendar year, or they are forfeited.

(e) **Scheduling.** All vacation time shall be approved by the Borough Manager (or, in his/her absence, the President of Council) at least two weeks in advance, unless the approving officer grants special consideration for cause shown.

§ 12-303 Personal Days.

All full-time Borough employees shall receive two paid personal days off per calendar year (beginning after the 60th day of full-time Borough employment). These days may be taken in increments of a whole day (8 hours of pay at the base hourly rate of compensation) or a half day (4 hours of pay at the base hourly rate of compensation). Employees shall give reasonable notice of personal days or half-days taken, but the time off need not be approved in advance.

§ 12-304 Sick Leave.

(a) **Number of Sick Days.** The number of paid sick days (8 hours each) available during any given calendar year to a full-time Borough employee shall be determined as follows:

(1) If the full-time employee is first hired as a full-time employee during the first six months of that calendar year: zero (0) days until the 61st day of employment, and five (5) days thereafter. If the full-time employee is first hired as a full-time employee during the last six months of that calendar year: zero (0) days.

(2) If the first anniversary of the date the full-time employee was first hired as a full-time employee (hereinafter, the “**First Day**”) occurs during that calendar year: six (6) days.

(3) If the second or any subsequent anniversary of the full-time employee’s First Day occurs during that calendar year: seven (7) days.

(b) **Unused Sick Days.**

(1) Any sick days from calendar year 2006 (and/or from previous years which were carried over into 2006 under the rules then applicable) which were not used by December 31, 2006, up to a maximum of fifteen (15) such days, may be used in calendar year 2007 or succeeding years. Such sick days need not be used in a calendar year until all sick days available for that calendar year under subsection (a) have already been used.

(2) Except as provided in paragraph (1), any sick days available for a calendar year under subsection (a) may only be used, as necessary and appropriate, in that calendar year; unused sick days may not be accumulated, carried over, and used in subsequent calendar years.

(c) **Proof of Illness.** Any employee absent from work for three (3) or more consecutive work days due to illness or injury shall produce a doctor’s certificate of illness in order to receive payment for sick leave and to return to work. The doctor’s certificate shall also certify that the employee is now physically and mentally able to return to work and perform the essential functions of the employee’s job. Council or the Borough Manager may require a doctor’s certificate for any absence due to illness or injury which is less than three (3) days.

(d) **Calling Off.** Full-time employees who call off from work due to illness or injury (whether the leave is paid or unpaid), shall call the Borough Hall to report off from work to the Executive Secretary. In the absence of the Borough Manager, the employee shall call the person in charge of the office and also the President or Vice President of Council. Part-time, summer, or temporary employees who call off from work due to illness or injury shall call their immediate supervisor at the Borough Hall, and shall not be paid for such time not worked.

§ 12-305 Funeral Leave.

(a) **Immediate Family.** All full-time Borough employees shall be granted up to three (3) consecutive scheduled work days off with pay (for 8 hours each) for the death of a mother, father, spouse, child, brother, sister, mother-in-law, father-in-law, grandmother, or grandfather.

(b) **Other Relatives.** All full-time Borough employees shall be granted one (1) day off with pay (for 8 hours) to attend the funeral of a daughter-in-law, son-in-law, aunt, uncle, grandchild, brother-in-law, or sister-in-law.

§ 12-306 Salaried Employees.

Notwithstanding anything to the contrary in this Article III, for salaried employees (including the Borough Manager and the Chief of Police) the provisions of this Article III which provide for paid time off (*e.g.*, vacation days, personal days, sick days, and funeral leave) only apply to excuse the salaried employee from working such days or hours, and do *not* apply to the extent they would provide any payments to the salaried employee in addition to his/her annual salary.

Article IV — Benefits

§ 12-401 Uniforms.

All full-time maintenance department employees shall be furnished with uniforms by the Borough, including eleven (11) pairs of pants, eleven (11) short sleeve shirts, eleven (11) long sleeve shirts, and two (2) coats. The employees shall wear the uniforms when working and shall keep them clean and maintained. The Borough shall also reimburse each full-time maintenance department employee up to Three Hundred Dollars (\$300.00) per calendar year for work boots, to be paid upon presentation of a paid receipt.

§ 12-402 Life Insurance.

The Borough shall provide each full-time employee with life insurance in the amount of Fifteen Thousand Dollars (\$15,000.00) if the employee dies while employed as a full-time employee of the Borough and after at least sixty (60) days of employment. This life insurance protection is subject to the terms, restrictions, exclusions, conditions, and requirements of the life insurance policies obtained by the Borough from time to time with the approval of Council.

§ 12-403 Health & Hospitalization.

(a) **In General.** Subject to the payment of employee premium contributions as set forth in subsection (b.1), medical coverage is provided to full-time Borough employees effective the first day of the third calendar month following the calendar month in which the person commences employment as a full-time Borough employee. The employee may elect, from time to time, whether this coverage is to be provided to the employee alone or to the employee and the employee's spouse and/or one or more of the employee's eligible family members, except as otherwise provided in subsection (d). The terms, conditions, limitations, restrictions, deductibles, co-payments, scope of coverage, as well as the persons eligible for coverage, are described in the summary plan descriptions distributed from time to time to employees and in the health policies and contracts obtained by the Borough from time to time. Nothing in this Chapter shall provide any specific medical benefits; all such benefits shall be provided by policies as authorized from time to time by action of Council. As of January 1, 2023, the coverage provided under this Section is the product known as Gold PPO 2000/0/15, Rx 0, as offered and renamed from time to time by Capital Advantage Assurance Company (or other affiliate of Capital Blue Cross which takes over that product). To the extent this Section is inconsistent with the provisions of the current collective bargaining agreement for police officers, the provisions of the collective bargaining agreement shall apply with respect to full-time police officers other than the Chief of Police.

(b) **Continuation of Coverage in the Event of Disability.** Full-time employees who were hired before June 1, 1996 who become disabled due to a work-related illness or injury shall continue to be covered under the Borough's group health and hospitalization coverage so long as they remain disabled, but no longer than one year after the date of disability. Full-time employees who are hired after May 31, 1996 who become disabled due to a work-related illness or injury shall continue to be covered under the Borough's group health and hospitalization coverage so long as they remain disabled, but no longer than for three months after the date of disability (if the employee has not been employed for at least five years as a full-time employee), six months after the date of disability (if the employee has been employed for at least five years but has not been employed for at least ten years as a full-time employee), or one year after the date of disability (if the employee has been employed for at least ten years as a full-time employee).

(b.1) Employee Contributions to Premiums.

(1) **In General.** Except as provided in subsection (c), each full-time Borough employee must contribute each calendar month towards the premium cost for the medical coverage provided for that month under subsection (a) as elected by the employee (*e.g.*, coverage for the employee alone or for the employee and the employee's spouse and/or one or more of the employee's eligible family members). The monthly amount shall be a percentage of the premium charged to the Borough by the carrier/organization for the medical coverage option selected by the employee as set forth in paragraph (2). One-half of the monthly employee contribution shall be deducted from the first paycheck in the month, and one-half of the monthly employee contribution shall be deducted from the second paycheck in the month.

(2) **Amount of Employee Contributions.** The percentage of the monthly premium charged to the Borough which must be contributed by the full-time Borough employee is—

- (A) 2012. Five percent (5.0%) for months in calendar year 2012.
- (B) 2013. Five and one-half percent (5.5%) for months in calendar year 2013.
- (C) 2014. Zero percent (0.0%) for months in calendar year 2014.
- (D) 2015-2018. Five percent (5.0%) for months in calendar years 2015 through 2018.
- (E) 2019. Six percent (6.0%) for months in calendar year 2019.
- (F) 2020. Seven percent (7.0%) for months in calendar year 2020.
- (G) 2021-2024. Eight percent (8.0%) for months in calendar years 2021 through 2024.
- (H) 2025+. Ten percent (10.0%) for months beginning on or after January 1, 2025.

(3) **Insufficient Paycheck.** If the amount of a paycheck for an employee is less than the amount of the required payment for that payday, the employee must pay the deficiency on or before the next payday (together with the amount due on that next payday), either through an additional deduction from the next paycheck, or by a direct payment to the Borough. Otherwise, the health coverage will terminate as of the day after the next payday. However, if the deficiency occurs in the paycheck for last payday of a calendar year, the deficiency may not be paid on a pre-tax basis through the Cafeteria Plan in the following calendar year, but must be paid on an after-tax basis, either by after-tax payroll deduction or by direct payment to the Borough.

(4) **Attribution of Contributions.** All employee contributions due during a particular calendar month are used to provide health coverage for that particular calendar month, and not for a previous or succeeding calendar month, regardless of whether there are two or three paydays in that calendar month.

(c) **Waiver of Coverage.**

(1) **In General.** Except as provided in paragraph (3), a full-time Borough employee may elect to waive the medical coverage provided under subsection (a) if he/she has alternative medical coverage and provides written proof of such coverage to the Borough at the time of the election and from time to time thereafter whenever requested by the Borough. A full-time Borough employee who so waives coverage shall not be required to make the premium contributions described in subsection (b.1), and shall receive a monthly cash payment in the amount set forth in paragraph (2) for each calendar month that medical coverage is waived. Payment for any given month shall be made with the first paycheck in that month.

(2) **Monthly Cash Payment.** The amount to be received for a given month by a full-time Borough employee who waives the medical coverage provided under subsection (a) shall be thirty-five percent (35.0%) of the premium which would have been charged to the Borough for that month by the carrier/organization providing the medical coverage under subsection (a) to cover that full-time Borough employee and all of his/her eligible dependents (not including a working spouse for whom coverage may not be elected pursuant to subsection (d)).

(3) **Preference Rules.** It is understood that the minimum participation requirements of the carrier/organization providing the medical coverage under subsection (a) may require a certain minimum number or percentage of Borough employees to be covered, and that certain employees might not be counted for purposes of that calculation (such as a rule that would not count employees who decline coverage because they are covered under the plan of their spouse's employer). If the minimum participation requirements would permit an election under this subsection (c) for some, but not all, of the full-time Borough employees who must be counted for purposes of such a calculation and who desire to make the election, then as among those employees—

(A) the Chief of Police shall have the first right to make this election;

(B) the remaining full-time police officers shall have the next preference to make this election, in order of seniority (as established in the Collective Bargaining Agreement between the Borough and the collective bargaining representative of the police officers);

(C) finally, the nonuniformed full-time Borough employees shall have preference to make this election in order of their seniority, determined based on their first date of employment as a full-time employee of the Borough which has continued without interruption thereafter.

(c.1) **Cafeteria Plan.** Elections under subsections (a) and (c) to select a medical coverage option or to waive medical coverage election shall be made in accordance with the provisions of Chapter 14 (relating to Cafeteria Plan). All medical coverage benefits and cash payments in lieu of coverage shall be provided through the Cafeteria Plan, and employee contributions shall be made, where possible, through the Cafeteria Plan.

(d) **Working Spouses.** Notwithstanding anything to the contrary in this Section, no health coverage may be elected or provided under this Section for any period after December 31, 2014 with respect to a spouse of a full-time Borough employee for any month in which such spouse is eligible to participate as an employee in a group health plan sponsored by another employer, *unless* (1) no coverage for which the spouse is eligible under his/her employer's group health plan(s) provides "minimum value" within the meaning of the Patient Protection and Affordable Care Act and the regulations thereunder, *or* (2) the spouse is not reasonably expected to work an average of a least thirty (30) hours per week or at least one hundred twenty (120) days per year for the employer sponsoring the group health plan. A full-time Borough employee who desires to cover a spouse must provide, from time to time upon request, proof that the spouse is not employed, or, if employed, that the spouse is either not eligible for "minimum value" coverage under a group health plan of his/her employer or is not reasonably expected to work an average of at least thirty (30) hours per week or at least one hundred twenty (120) days per year for his/her employer.

(e) **Health Reimbursement Arrangements.** Certain deductibles and/or co-payments payable under the medical coverage provided by this Section may be reimbursable to the employee under the Health Reimbursement Arrangements provided by the Borough under Chapter 20A (relating to Health Reimbursement Arrangement for Non-Uniformed Employees) or Chapter 20B (relating to Health Reimbursement Arrangement for Police Employees).

(f) Retired Former Chief of Police.

(1) In General. If the Chief of Police retires after March 11, 2015 with entitlement to receive an immediate normal retirement benefit or disability retirement benefit under the Borough of Alburdis Police Pension Plan (Chapter 17), the Borough shall offer medical coverage for the retired former Chief of Police during his/her retirement (until terminated under paragraph (3) below) which is the same as the coverage then being provided from time to time to full-time Borough employees (*cf.*, subsection (a)), *except* that the coverage shall provide benefits for the retired former Chief of Police, and, if he/she so elects, his/her spouse (if the spouse is not yet eligible to receive Medicare), but *not* any other dependents, and the coverage shall *not* include any benefits which are reimbursed directly by the Borough (whether through a health reimbursement arrangement or otherwise) rather than through an insurance carrier, health maintenance organization, paid provider organization, or other third party. The retired former Chief of Police must elect coverage under this subsection (f) at or before the time of retirement, to take effect immediately after his/her coverage as an active employee terminates.

(2) Payments by Former Chief. If a retired former Chief of Police elects coverage under this subsection (f), the Borough shall contribute an amount each month equal towards the coverage which is equal to the *lesser* of—

(A) the monthly premium, under the rate structure in effect for the month in which the former Chief of Police retired, to provide the medical coverage in effect at that time under subsection (a) to a person who had no spouse or dependents, *less* the amount which the former Chief of Police would be required to contribute under subsection (b.1)(2) for the month in which the former Chief of Police retired if the former Chief of Police received self-only coverage for that month; or

(B) the full cost of the coverage under this subsection (f) for the given month.

However, if the former Chief of Police has become eligible to receive Medicare but coverage continues for his/her spouse who is not yet eligible to receive Medicare, the Borough shall not contribute any amount towards the spouse's coverage. Each month, the retired former Chief of Police shall pay to the Borough the difference, if any, between the amount contributed by the Borough for that month and the cost of the coverage under this subsection (f) for that month. Payment for the coverage for any given month must be received at the office of the Borough Manager on or before the first day of that month. A late fee of Twenty-five Dollars (\$25.00) shall be paid for every fifteen (15) calendar days that all or any part of any monthly payment shall remain unpaid; all payments shall be applied first to unpaid late fees.

(3) Termination of Coverage. The coverage provided under this subsection (f) for any given retired former Chief of Police will terminate upon the occurrence of the earliest of the following events:

(A) The date the retired former Chief of Police becomes eligible to receive Medicare, except that coverage for the spouse of the retired former Chief of Police may continue until the earliest of the date the spouse becomes eligible to receive Medicare or the date of an event described in subparagraphs (B), (C), or (D);

(B) The date the retired former Chief of Police becomes eligible to participate in any other group medical insurance program as a result of employment;

(C) The date the retired former Chief of Police elects to terminate the coverage provided under this subsection (f);

(D) The date that any amount required to be paid by the retired former Chief of Police under paragraph (2) is more than sixty (60) days past due.

Once the coverage provided under this subsection (f) terminates, it cannot be elected again at a later time.

§ 12-404 Disability.

The Borough provides disability income benefits in accordance with Chapter 16 (relating to Disability Benefits).

§ 12-405 Dental and Vision Coverage.

(a) **Dental Coverage.** Dental coverage is provided to full-time Borough employees effective the first day of the third calendar month following the calendar month in which the person commences employment as a full-time Borough employee. The employee may elect, from time to time, whether this coverage is to be provided to the employee alone or to the employee and one or more of the employee's eligible family members. As of January 1, 2023, the coverage provided under this subsection is the product known as Capital Blue Cross Dental PPO Plus 1500 Plan, as offered and renamed from time to time by Capital Advantage Assurance Company (or other affiliate of Capital Blue Cross which takes over that product). Effective April 1, 2015, this dental coverage is no longer provided automatically to full-time Borough police officers, other than the Chief of Police. However, effective January 1, 2022, full-time Borough police officers may elect to obtain this coverage, either through the Cafeteria Plan (*see* Chapter 14) or by paying for the coverage at the rate charged to the Borough on an after-tax basis by check (due two business days before the Borough must pay the premium) or through an authorized payroll deduction (deducted in the last paycheck before the Borough must pay the premium).

(b) **Vision Coverage.** Vision coverage is provided to full-time Borough employees effective the first day of the third calendar month following the calendar month in which the person commences employment as a full-time Borough employee. The employee may elect, from time to time, whether this coverage is to be provided to the employee alone or to the employee and one or more of the employee's eligible family members. As of January 1, 2023, the coverage provided under this subsection is the product known as Capital Blue Cross Vision 12/10 Plus Plan, as offered and renamed from time to time by Capital Advantage Assurance Company (or other affiliate of Capital Blue Cross which takes over that product). Effective April 1, 2015, this vision coverage is no longer provided automatically to full-time Borough police officers, other than the Chief of Police. However, effective January 1, 2022, full-time Borough police officers may elect to obtain this coverage, either through the Cafeteria Plan (*see* Chapter 14) or by paying for the coverage at the rate charged to the Borough on an after-tax basis by check (due two business days before the Borough must pay the premium) or through an authorized payroll deduction (deducted in the last paycheck before the Borough must pay the premium).

(c) **Miscellaneous.** The terms, conditions, limitations, restrictions, deductibles, co-payments, and scope of the dental and vision coverage provided under this Section, as well as the persons eligible for coverage, are described in the summary plan descriptions distributed from

time to time to employees and in the policies and contracts obtained by the Borough from time to time. Nothing in this Chapter shall provide any specific dental or vision benefits; all such benefits shall be provided by policies as authorized from time to time by action of Council. To the extent this Section is inconsistent with the provisions of the current collective bargaining agreement for police officers, the provisions of the collective bargaining agreement shall apply with respect to full-time police officers.

(d) **Health Reimbursement Arrangement.** Effective April 1, 2015, certain dental and vision expenses are reimbursable to full-time Borough police officers other than the Chief of Police under the Health Reimbursement Arrangement provided by the Borough under Chapter 20C (relating to Health Reimbursement Arrangement for Dental and Vision Expenses).

§ 12-405.1 Medical Expense Reimbursement Plan.

The Borough offers a Medical Expense Reimbursement Plan (*see* Chapter 20) to provide a means (together with the Cafeteria Plan described in Chapter 14) for eligible employees to elect to make contributions to the Plan with pre-tax dollars and receive reimbursements from the Plan for certain qualifying medical care expenses, rather than paying for such expenses with after-tax dollars.

§ 12-406 Retirement Plans.

The Borough provides retirement benefits in accordance with Chapter 17 (relating to Police Pension Plan) and Chapter 18 (relating to Nonuniformed Employees Pension Plan).

§ 12-407 Mileage Cost Reimbursement.

The Borough shall reimburse an employee for the use of a personal vehicle on authorized Borough business at the same rate as allowed by the Internal Revenue Service.

§ 12-408 Meal Reimbursement.

The Borough shall reimburse an employee up to Five Dollars (\$5.00) for any meal eaten by the employee during a meal period while the employee is away from the Borough on Borough business.

§ 12-409 Tuition Reimbursement.

A non-uniformed full-time Borough employee who desires to obtain reimbursement for tuition costs for an educational course in an area related to the employee's Borough employment must first receive approval from Council prior to enrolling in the course. (Approval may be given or withheld in the complete discretion of Council.) If the course is approved for reimbursement, the employee must pay for the course initially, but will be reimbursed by the Borough up-

on successful completion with a grade of C (or its equivalent) or better. All such courses must be taken during nonworking hours.

§ 12-410 Bonus for State Water License Certification.

Each full-time maintenance department employee who passes the Pennsylvania state certification for a water license for the first time shall receive a one-time bonus of One Thousand Dollars (\$1,000.00) less applicable deductions.

§ 12-411 Amendment or Termination.

The Borough reserves the right to alter, amend, or terminate any benefits provided to employees under this Chapter or otherwise, except to the extent of benefits vested by the occurrence of an event triggering the payment of benefits prior to the date of the alteration, amendment, or termination, or as otherwise required by law.

Article V — Miscellaneous Employment Policies

§ 12-501 Use of Borough Vehicles and Equipment.

No employee shall use any Borough vehicles or other equipment for personal use unless approved in advance by the Borough Manager. The Borough Manager shall not use any Borough vehicles or other equipment for personal use unless approved in advance by the President of Council.

§ 12-502 Insurance Policies and Other Contracts or Documents.

No employee shall authorize any changes, deletions, or additions to any Borough insurance or benefits policies, or any other Borough contracts or documents, without prior approval by Council. Quotes may be received by employees.

§ 12-503 Zoning Complaints.

Zoning complaints may be taken anonymously by the Borough Manager or by the Zoning Officer directly. The Borough Manager shall keep a log of complaints received and their final disposition. The Zoning Officer shall review and investigate all complaints weekly, and provide a written monthly report to Council on all complaints received by the first of that month and the action taken by the Zoning Officer.

§ 12-504 Photocopies.

(a) **In General.** Except as provided in subsection (b), the Borough shall not photocopy any documents which are not public documents of the Borough of Alburtis for any person or organization, whether a fee is tendered or not.

(b) **Nonprofit Organizations.** Borough employees may photocopy, at no charge, a *de minimus* number of documents for nonprofit organizations qualified under Section 501(c)(3) of the U.S. Internal Revenue Code, so long as the performance of this task does not interfere with the timely completion of other duties.

§ 12-505 Meals Out of the Borough During Work Hours for Police.

By the nature of their employment, police officers must remain on duty, and are paid for work, during a one-half hour meal period each eight-hour shift. Council hereby authorizes Borough police officers to eat this meal at any place within the Borough of Alburtis, or to take a Borough police vehicle outside of the Borough and eat this meal at any of the following locations:

(a) The Bear Swamp Restaurant in Macungie;

(b) The 7-11 Store in Macungie;

(c) The Trivet Restaurant on Hamilton Boulevard in Breinigsville;

(d) Any restaurant or eating establishment in the Trexler Mall, Trexlertown, and related outbuildings;

(e) Any restaurant or eating establishment in the newer shopping center adjacent to and to the west of the Trexler Mall, Trexlertown, and related outbuildings.

§ 12-506 Drug and Alcohol Policy for CDL Employees.

Each maintenance department employee who maintains a commercial driver's license (CDL) as a condition of employment shall conform to the Borough's drug and alcohol policy for CDL employees, as adopted and amended by Council from time to time.

§ 12-507 Prohibition of Sexual Harassment.

(a) **In General.** It is the Borough's policy to provide a positive, discrimination-free work environment, and therefore, sexual harassment in the workplace is unacceptable conduct that will not be tolerated.

(b) **Definition.** For purposes of this Section, "sexual harassment" is unsolicited, nonreciprocal behavior by an officer, elected official, or employee who is in a position to control or affect another person's job status with the Borough and who uses the power or authority of that

position to cause that person to submit to sexual activity, or to fear that he or she would be punished for refusal to submit.

“Sexual harassment” also includes any conduct by an officer, elected official, or employee which unreasonably interferes with another’s work performance for the Borough by creating an intimidating, hostile, or offensive work environment. Sexual harassment consists of a variety of behaviors, including, but not limited to:

- (1) subtle pressure for sexual activity;
- (2) inappropriate touching;
- (3) inappropriate language;
- (4) demands for sexual favors; and
- (5) physical assault.

(c) **Reports of Sexual Harassment.** The Borough strongly encourages all officers, elected officials, and employees to report all situations which they believe may constitute sexual harassment or other violations of this Section, including both actions against them personally and actions against others. Where appropriate, reports should initially be made to the reporting individual’s immediate supervisor. However, the Borough recognizes that a person may not be comfortable making such a report to his/her immediate supervisor or may not believe that such a report will be effective. Accordingly, in those situations, reports may be made to the Borough Manager, the President of Council, or the Borough Solicitor.

(d) **Investigation and Remedy.** All reports of sexual harassment or other violations of this Section shall be promptly investigated. The Borough shall take prompt and effective action to remedy any violation of this Section.

(e) **Limited Disclosures.** No disclosures shall be made of any reports under subsection (c) except to the extent necessary to investigate the report appropriately or remedy the problem, or as required by law.

(f) **Retaliation.** No officer, elected official, or employee shall take any action against any person for making a good faith report under subsection (c) or for cooperating with any investigation under subsection (d).

(g) **Disciplinary Action.** The Borough will treat sexual harassment, and retaliation for reporting sexual harassment or cooperating with an investigation of sexual harassment, as forms of misconduct. Employees who engage in harassing or retaliating behavior shall be disciplined appropriately, up to and including dismissal.

§ 12-508 Access to Borough Hall.

(a) **Access to Administration Offices.** No employee shall permit any person access to, or permit any person to be present in, any Borough administration offices outside of normal administration office hours, except Borough employees, the Mayor, and members of Council.

(b) Keys to Borough Hall. The following individuals, and only the following individuals, shall have keys to Borough Hall:

- (1) the Borough Manager, Borough Treasurer, and any other full-time office employees of the Borough;
- (2) all full-time Borough maintenance department employees;
- (3) all full-time and part-time Borough police officers;
- (4) the President of Council;
- (5) the Vice President of Council;
- (6) the Mayor.

If a Borough board, commission, or committee intends to conduct a meeting at Borough Hall at a time when none of the individuals described in paragraphs (1), (4), (5), or (6) above are expected to be present, then any individual described in paragraph (1) is authorized to allow the chair, president, or other head of the Borough board, commission, or committee (or, if the head individual is not expected to attend the meeting, the next ranking member) to sign out a key for a short period to allow entry to Borough Hall and the public meeting room to conduct the meeting and lock up Borough Hall after all participants have left.

(c) Keys to the Administration Office Section of Borough Hall. The following individuals, and only the following individuals, shall have keys to the administration office section of Borough Hall:

- (1) the Borough Manager, Borough Treasurer, and any other full-time office employees of the Borough;
- (2) all full-time Borough maintenance department employees;
- (3) the Chief of Police;
- (4) the President of Council;
- (5) the Vice President of Council;
- (6) the Mayor.

(d) Keys to the Police Department Section of Borough Hall. The following individuals, and only the following individuals, shall have keys to the Police Department section of Borough Hall:

- (1) all full-time and part-time Borough police officers;
- (2) the Mayor;
- (3) the Maintenance Supervisor;
- (4) the President of Council.

(e) Access Codes for Entrance to Borough Hall. In the event the Borough shall implement a security system at Borough Hall which requires access codes for entrance to Borough Hall, the following provisions shall apply:

(1) **Persons with Codes.** The following individuals, and only the following individuals, shall possess valid access codes to the security system at Borough Hall:

- (A) the Borough Manager, Borough Treasurer, and any other full-time office employees of the Borough;
- (B) all full-time Borough maintenance department employees;
- (C) all full-time and part-time Borough police officers;
- (D) all members of Council;
- (E) the Mayor.

If a Borough board, commission, or committee intends to conduct a meeting at Borough Hall at a time when none of the individuals described in subparagraphs (A), (D), or (E) above are expected to be present, then any individual described in subparagraph (A) is authorized to grant a temporary access code to the chair, president, or other head of the Borough board, commission, or committee (or, if the head individual is not expected to attend the meeting, the next ranking member) valid only for a short period to allow entry to Borough Hall and the public meeting room to conduct the meeting and lock up Borough Hall after all participants have left.

(2) **Individual Codes.** Each individual identified in paragraph (1) shall have his/her own individual code.

(3) **Deactivation of Codes.** The security access code of any person who is no longer actively employed or serving in a position described in paragraph (1) (whether due to retirement, resignation, involuntary termination or removal, extended leave, or otherwise), or who is suspended from a position described in paragraph (1), shall be deactivated immediately.

§ 12-509 Applications for Grants.

(a) **Purpose.** Council recognizes the importance of applying for and receiving grant money to help provide equipment and services for the Borough. Council is also aware of the enormous amount of man-hours that are sometimes required for these grant proposals, and that the Borough frequently must participate in the cost of grant programs. With these factors in mind, Council has adopted the policy set forth in this Section.

(b) Prior Approval Required.

(1) No person shall apply for any grants in the name of the Borough without the express prior approval of the Approving Authority.

(2) No employee shall expend any working time paid by the Borough to complete any part of any application for a grant, or undertake any other activity in support of any application for a grant, without the express prior approval of the Approving Authority.

(c) **Approving Authority.** For purposes of this Section, the term “Approving Authority” shall mean—

- (1) Council, except in the case of an Emergency Application;

(2) Both the Mayor and the President of Council, in the case of an Emergency Application for a grant for property and/or services to be used exclusively by the Police Department; and

(3) Both the President and the Vice President of Council, in the case of an Emergency Application not described in paragraph (2).

(d) **Emergency Applications.** For purposes of this Section, an “Emergency Application” means an application for a grant where the person proposing the application first becomes aware of the grant after the last regular meeting of Council prior to the deadline for submitting the application. Emergency Applications should be extremely rare and will be subject to an especially high degree of scrutiny.

(e) **Supporting Information.** Any person who requests approval to apply for any grant in the name of the Borough shall provide the Approving Authority with all of the following information, in writing:

(1) the purpose of the grant;

(2) the amount of money expected to be received under the grant;

(3) the amount of money the Borough will be expected to contribute towards the project covered by the grant;

(4) the deadline schedule for the grant application; and

(5) in the case of an Emergency Application, the reason why the application could not have been submitted to Council.

§ 12-510 Borough Hall Office Hours.

Except as directed by the Borough Manager or the President of Borough Council in response to an emergency, the Borough Hall office shall be open from 8:30 AM to 4:00 PM from Monday through Friday (except Borough holidays). Additional hours may be made available by the Borough Manager by appointment only.

Article VI — Employment Duties

§ 12-601 In General.

All employees of the Borough shall perform the duties of their offices and/or positions of employment as provided by law, regulation, ordinance, resolution, action of Council, direction by the Borough Manager (or, in the case of the Police Department, by the Mayor), or direction by their supervisor. Some of these duties are described or identified in the following sections of

this Article VI. The Borough Manager (or, in the case of the Police Department, the Mayor), shall have general supervisory responsibility and authority over all Borough employees.

§ 12-602 Employment is At Will.

As required by Section 1005(1) of the Borough Code, 53 PA. STAT. ANN. § 46005(1), all Borough officers and employees who are not elected by the people shall serve for an indefinite term at the pleasure of Council (unless under state law they are under civil service or have a definite term of office), and may be transferred, suspended, or terminated at any time for any reason or no reason at all. Any reference in this Chapter or any other Borough document to a probationary period for employees means only a period of heightened scrutiny. The completion of a probationary period without termination does not create any rights to continued employment; an employee may be terminated at any time with or without cause, whether during or after any probationary period. All newly-hired employees shall be subject to special scrutiny for a period of six (6) months, which may be extended or reinstated at any time thereafter.

§ 12-603 Borough Manager.

Effective January 28, 2015, Council hereby creates the position of Borough Manager in accordance with § 1141 of the Borough Code, 8 PA. CONS. STAT. § 1141. The Borough Manager shall be elected by a vote of a majority of all members of Council, and shall serve at the pleasure of Council, subject to any contractual rights that may arise under an employment agreement entered into by Council and the Borough Manager which satisfies the requirements of Borough Code § 1142(b), 8 PA. CONS. STAT. § 1142. The Borough Manager shall succeed to all powers and obligations of the position formerly titled “Executive Secretary” under any contract of the Borough. In addition to all other powers, duties, responsibilities, and functions of the Borough Manager set forth in the Codified Ordinances, the Borough Manager shall:

(a) Be responsible for the direction, supervision, and administration of all departments and the employees of all departments of the Borough, except the Police Department.

(b) Make recommendations to Council for the hiring of new employees and administer the hiring process, except with respect to the Police Department.

(c) Suspend employees (except Police Department employees) with or without pay when warranted, consistent with the ordinances, resolutions, and policies of the Borough, subject to review by Council, and make recommendations to Council for other disciplinary action against employees when warranted.

(d) Review the performance of all employees (except Police Department employees) at least annually, and whenever directed by Council.

(e) Formulate, recommend to Council, maintain, and implement as approved by Council job descriptions, personnel policies, and other policies.

(f) Interact with the public and investigate and respond to complaints of residents (or direct residents to the appropriate persons to respond to such complaints).

(g) Execute all ordinances and resolutions approved by Council, except to the extent such responsibility is assigned to another person or position.

(h) Carry out all policies and programs established by Council, except to the extent such responsibility is assigned to another person or position.

(i) Serve as the procurement and purchasing officer for the Borough.

(j) Administer bids and contracts approved by Council.

(k) Prepare grant applications as directed by Council, and administer all federal, state, and county grants.

(l) Insure compliance with all franchises, permits, leases, and privileges granted by Council, except to the extent such responsibility is assigned to another person or position.

(m) File all state forms and reports required to be filed by the Borough, unless such responsibility is assigned to another person or position by Council or state law.

(n) Serve as the Borough's compliance officer, except to the extent any such responsibility is assigned to another person or position by Council. The Borough hereby designates the Borough Manager as the Borough's compliance officer for all matters unless expressly provided otherwise by action of Council. For purposes of this subsection, the term "compliance officer" means a person responsible for implementing or administering some or all of the requirements imposed on the Borough under any federal, state, or county laws, programs, grants or contracts, whether identified as a compliance officer, coordinator, complaint official, or otherwise.

(o) Serve as the Chief Administrative Officer of the Borough's pension plans for the purposes of the Municipal Pension Plan Funding Standard and Recovery Act, 53 PA. STAT. ANN. § 895.101 *et seq.* The Borough hereby designates the Borough Manager as the Chief Administrative Officer under § 17-702(c) (relating to Police Pension Plan—Administration—Powers & Duties—Designation of Chief Administrative Officer) and § 18-1702(c) (relating to Nonuniformed Employees Pension Plan—Administration—Powers & Duties—Designation of Chief Administrative Officer), unless another person is expressly designated by the Plan Administrator under those sections.

(p) Perform all of the duties and responsibilities of the borough secretary under the Borough Code, 53 PA. STAT. ANN. § 45101 *et seq.*, and other state laws.

(r) Take charge of the office during working hours.

(s) Collect payments and record the Cash Sheet (duty shared with Borough Treasurer).

(t) Check mail daily for incoming bills and pass the same on to the Borough Treasurer for action.

(u) Keep a file for each household in the Borough to record all amounts paid or owed to the Borough.

(u.1) Bill and collect quarterly water, sewer, and garbage bills. All prepaid bills must be listed on the monthly bills for payment report.

(v) Obtain estimates of revenues and expenditures from the heads of all Borough departments, boards, agencies, and committees for the purpose of preparing the budget.

(w) Prepare and submit to Council in a timely fashion the annual budget and monthly financial reports.

(x) Approve the disbursement of funds appropriated by Council, and report such disbursements to Council at its regularly scheduled meetings.

(y) Take overall responsibility for the administration of the Borough's financial affairs, and keep Council informed of the Borough's financial condition.

(z) Assist in all audits.

(aa) Prepare agendas for, attend, and prepare draft minutes of all meetings of Council, Council Committees, the Planning Commission, and the Pension Committee, unless excused.

(bb) Take telephone calls and forward information to the appropriate person(s).

(cc) Keep a separate book in chronological order for minutes.

(dd) Distribute permits as required.

(ee) Update ordinance books.

(ff) Maintain custody of all Borough records required by law, except to the extent such responsibility is assigned to another person or position by law or action of Council.

(gg) Review the accuracy of time sheets and pass them along to the Borough Treasurer for action.

(hh) Monitor and maintain knowledge of wage tax collections and payments, and the disbursement of the Borough payroll.

(ii) Perform general secretarial duties.

(jj) Perform such other duties as are assigned by Council or the President of Council.

§ 12-604 Borough Treasurer.

In addition to all other required duties, the Borough Treasurer shall:

(a) Perform all general bookkeeping and clerical duties.

(b) Perform all duties of the Income Tax Officer for the Borough under Chapter 82 (relating to Earned Income Tax). Council hereby designates the Borough Treasurer as the person to collect and administer the tax on earned income and net profits imposed under Chapter 82.

(c) Prepare a monthly receipts and expenditures report and a detailed monthly budget report for distribution to members of Council.

(d) Perform all of the duties and responsibilities of the borough treasurer under the Borough Code, 53 PA. STAT. ANN. § 45101 *et seq.*, and other state laws.

(e) Perform such other duties as are assigned by Council or the Borough Manager.

§ 12-604.1 Administrative Assistant.

In addition to all other required duties, the Administrative Assistant shall:

(a) Bill and collect per capita taxes; track and provide the Borough Treasurer with a monthly report of any delinquencies.

(b) Perform general clerical duties as assigned, including, but not limited to:

(1) retrieving, checking, opening, and distributing mail;

(2) typing and data entry;

(3) filing;

(4) photocopying, scanning, and faxing;

(5) taking telephone calls and forwarding information to the appropriate person(s).

(c) Assist residents and others who present themselves at the counter at Borough Hall.

(d) Maintain and keep up-to-date all records relating to residential rental units.

(e) Perform such other duties as are assigned by Council or the Borough Manager.

§ 12-605 Fiscal Consultant.

In addition to all other required duties, the Fiscal Consultant shall:

(a) Review the Treasurer's Report.

(b) Monitor money in all accounts.

(c) [RESERVED]

(d) Make recommendations to Council and the Borough Treasurer.

(e) Perform such other duties as are assigned by Council or the Borough Manager.

§ 12-606 Maintenance Department Employees.

(a) **Maintenance Supervisor.** In addition to all other required duties, the Maintenance Supervisor shall:

(1) Supervise and schedule general maintenance duties for maintenance department employees.

(2) Prepare a written progress report for Council each month. Tentative scheduling shall be included, after consultation with the President of Council.

(3) Possess a current, valid Class A or Class B commercial driver's license (CDL) issued by the Commonwealth of Pennsylvania.

(b) Maintenance Full Time A. In addition to all other required duties, a level A full time maintenance department employee shall:

(1) Carry out work assignments as directed by the Maintenance Supervisor.

(2) Assume the duties of the Maintenance Supervisor when he/she is on sick leave or vacation or is otherwise unavailable

(3) Possess a current, valid Class A or Class B commercial driver's license (CDL) issued by the Commonwealth of Pennsylvania.

(c) Maintenance Full Time B. In addition to all other required duties, a level B full time maintenance department employee shall:

(1) Carry out work assignments as directed by the Maintenance Supervisor and/or a level A maintenance department employee.

(2) Possess a current, valid Class A or Class B commercial driver's license (CDL) issued by the Commonwealth of Pennsylvania.

(d) Maintenance Full Time C. In addition to all other required duties, a level C full time maintenance department employee shall:

(1) Carry out work assignments as directed by the Maintenance Supervisor and/or a level A or B maintenance department employee.

(2) Obtain a Class A or Class B commercial driver's license (CDL) issued by the Commonwealth of Pennsylvania by the date six months after his/her first day of employment as a level C maintenance department employee, and maintain such a license continuously thereafter.

(e) General Maintenance Duties. In addition to all other required duties, maintenance department employees shall perform the following services:

(1) **Highway.** Inspection and repair of Borough streets, snow removal, cindering/salting when required, removal of leaves from street gutters, inspection and maintenance of dump truck, backhoe, pickup, and all other highway equipment.

(2) **Water.** Inspection and maintenance of reservoir, chlorinator, and pressure regulator; flushing of water system; reading of water meters; maintenance of water mains and pipes and wells.

(3) **Property.** Cleaning and maintenance of Borough Hall, recreation areas, and all other properties owned by the Borough.

(4) **Sewer.** Inspection and maintenance of sanitary sewer lines and pump stations; maintenance of storm sewers clean and free of debris.

(5) **Paperwork.** Completion of all necessary forms, reports, and other paperwork. After training, all maintenance department employees must be able to complete all department paperwork properly.

(f) **Snow Emergency Plowing Procedure.** In the event of a declared snow emergency, the Maintenance Supervisor (or, in his/her absence, the President of Council) will be responsible to deploy authorized snow removal equipment.

(g) **Safety Equipment.** All maintenance department employees shall wear safety boots, safety glasses, ear plugs, hard hats, and other safety equipment when required by law, when directed by a supervisor, or when reasonably necessary for their own protection.

§ 12-607 Zoning and Code Officials

(a) **Zoning Officer.** In addition to all other required duties, the Zoning Officer shall perform the duties set forth in § 21-2001 (relating to Zoning—Administration, Fees, Permits, and Penalties—Zoning Officer).

(b) **UCC and Property Maintenance Code Officials.** The Code Officials, plan reviewers, and inspectors engaged by the Borough in its administration of the Uniform Construction Code (*see* Chapter 30), the Property Maintenance Code (*see* Chapter 35), and, where applicable, the Building Code (*see* Chapter 31) and the Plumbing Code (*see* Chapter 32), shall perform all of the duties for which they were engaged as provided in the respective Codes, and such other duties as may be agreed from time to time with Council.

Article VII — Essential Job Functions

§ 12-701 In General.

All employees of the Borough must be able to perform all of the essential functions of their positions of employment, either with or without reasonable accommodation.

§ 12-702 Office Staff.

Each of the following are essential job functions for an office staff position of employment with the Borough, including the Borough Manager, Borough Treasurer, and Administrative Assistant:

- (a) Withstanding long periods of sitting.
- (b) Communicating effectively with the public.
- (c) Hearing.

- (d) Mobility.
- (e) Operating office machines, including telephones, fax machines, computers, and photocopiers.
- (f) Operating office machines for long periods of time.
- (g) Typing at a rate of at least thirty (30) words per minute.
- (h) Access paperwork while working on office machines.
- (i) Seeing.

§ 12-703 Maintenance Personnel

Each of the following are essential job functions for a maintenance personnel position of employment with the Borough:

(a) Possessing a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania. Except as described in § 12-606(d)(2) (concerning newly hired Maintenance Personnel level C positions), it is also essential for maintenance department employees to possess a Class A or Class B commercial driver's license issued by the Commonwealth of Pennsylvania.

- (b) Withstanding prolonged periods of standing and sitting.
- (c) Communicating effectively with the public.
- (d) Operating a motor vehicle for long periods of time.
- (e) Completing written reports in a clear and concise manner.
- (f) Hearing.
- (g) Walking.
- (h) Using hands and fingers to handle or operate objects, controls, tools, telephones, copiers, pagers, first aid equipment, and maintenance equipment.
- (i) Reaching with hands and arms.
- (j) Lifting objects weighing up to fifty (50) pounds.
- (k) Balancing.
- (l) Smelling.
- (m) Stooping and bending.
- (n) Seeing, including close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.
- (o) Working in an environment with a noise level that is generally moderate, although occasionally louder.

- (p) Working near moving mechanical parts and objects.
- (q) Working in high, precarious places.
- (r) Working with explosives, such as diesel fuel, gasoline, acetylene, chemical cleaners, and lubricators.
- (s) Withstanding prolonged periods of exposure to wet and/or humid conditions, extreme heat, or extreme cold.
- (t) Withstanding periods of time in confined spaces.

Appendix

¶ 12-A Disposition of Ordinance 343.

<u>Ordinance 343</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ xx § 801 (repealer)	never codified to 1981 Code “	§ 12-xx deleted; <i>see</i> § 12-703

¶ 12-B Source Ordinances.

Ordinance 343	12-30-1996
Ordinance 349	02-26-1997
Ordinance 353	06-25-1997
Ordinance 358	06-24-1998
Ordinance 363	12-30-1998
Ordinance 381	10-25-2000
Ordinance 412	09-24-2003
Ordinance 415	10-29-2003
Ordinance 417	12-29-2003
Ordinance 429	12-29-2004
Ordinance 430	12-29-2004
Ordinance 441	12-28-2005
Ordinance 454	01-10-2007

Ordinance 455	01-10-2007
Ordinance 458	02-28-2007
Ordinance 463	11-14-2007
Ordinance 469	12-26-2007
Ordinance 484	08-12-2009
Ordinance 493	12-29-2010
Ordinance 501	12-28-2011
Ordinance 502	12-28-2011
Ordinance 509	12-26-2012
Ordinance 515	12-23-2013
Ordinance 524	12-29-2014
Ordinance 525	01-14-2015
Ordinance 526	01-28-2015
Ordinance 528	03-11-2015
Ordinance 536	12-28-2016
Ordinance 539	07-12-2017
Ordinance 546	07-11-2018
Ordinance 554	01-09-2019
Ordinance 556	04-10-2019
Ordinance 568	12-08-2021
Ordinance 570	12-29-2021
Ordinance 571	03-09-2022
Ordinance 577	12-28-2022
Ordinance 578	02-08-2023
Ordinance 579	03-08-2023
Ordinance 587	07-31-2024
Ordinance 592	12-23-2024

