**MODEL EMPLOYEE HANDBOOK PROVISIONS**

**SECTION 1.**

**GENERAL EMPLOYMENT POLICIES AND PRACTICES**

1. Introduction and Nature of the Employment Relationship.

This Employee Handbook contains information about the employment policies and practices of the Road Commission. We expect each employee to read this Employee Handbook carefully, as it is a valuable reference for understanding your job and management’s expectations. The Road Commission retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Road Commission. This Employee Handbook supersedes and replaces any and all prior Employee Handbooks and inconsistent verbal or written policy statements. Except for the policy of at-will employment, which can only be changed by the Board in writing, the Road Commission reserves the right to revise, delete and add to the provisions of this Employee Handbook. All such revisions, deletions or additions must be in writing and signed by the Managing Director. No oral statements or representations can change the provisions of this Employee Handbook.

The provisions of this Employee Handbook are not intended to create contractual obligations with respect to any matters it covers, nor is this Employee Handbook intended to create a contract guaranteeing that you will be employed for any specific time period.

The Road Commission is an at-will employer. This means that, regardless of any provision in this Employee Handbook, either you or the Road Commission may terminate the employment relationship at any time, for any reason, with or without cause or notice. Nothing in this Employee Handbook or in any document or statement, written or oral, shall limit the right to terminate employment at-will. No officer, employee or representative of the Road Commission is authorized to enter into an agreement—express or implied—with any employee for employment other than at-will unless those agreements are in a written contract signed by the Managing Director.

This Employee Handbook refers to current benefit plans maintained by the Road Commission. Refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plan. Those documents are controlling.

The employment policies and benefit summaries found in this Employee Handbook do not supersede the provisions of any collective bargaining agreement.

If there are any discrepancies between any employment contract and the Employee Handbook, the provisions of the employment contract are controlling.

1. Equal Employment Opportunity.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Road Commission will be based on merit, qualifications, and abilities. Except where required or permitted by law, employment practices will not be influenced or affected by an applicant’s or employee’s religion, race, color, national origin, age, sex (including gender identity, sexual orientation, and pregnancy), height, weight, marital status, genetic information, or disability.

The Road Commission will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. **Any employee who believes he/she needs a reasonable accommodation must submit a written request for that accommodation to the Road Commission within 182 days after the date the employee knew or reasonably should have known that an accommodation was needed.** Failure to do so will prevent the employee from alleging that the Road Commission failed to accommodate him/her in violation of the Michigan Persons with Disabilities Civil Rights Act.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Managing Director. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

1. Policy Against Unlawful Harassment.

The Road Commission is committed to providing a work environment that maintains employee equality, dignity, and respect. In keeping with this policy, the Road Commission strictly prohibits discriminatory practices, including harassment, sexual or otherwise. Any unlawful harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated. It is the responsibility of all employees of the Employer to nurture and maintain work environments in which employees, citizens, and vendors are valued, welcomed, and treated with respect.

Harassment of or discrimination against Road Commission employees based on race, color, religion, national origin, age, sex (including gender identity, sexual orientation, and pregnancy), height, weight, marital status, genetic information, or disability is prohibited. The Road Commission resolves to provide:

* A workplace free from discrimination based on an individual’s race, color, religion, national origin, age, sex (including gender identity, sexual orientation, and pregnancy), height, weight, marital status, genetic information, or disability, and the provision of public services on the same basis.
* A workplace free from harassment and hostility due to race, color, religion, national origin, age, sex (including gender identity, sexual orientation, and pregnancy), height, weight, marital status, genetic information, or disability.
* Equal employment opportunities in all phases of employment through recruitment, retention, and advancement of diverse qualified people, and utilization of job-related criteria in making employment decisions.

Sexual harassment is illegal under federal and state laws. It is defined by the Equal Employment Opportunity Commission as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

a. submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or,

c. the conduct has the purpose or effect of substantially interfering with the individual’s performance or of creating an intimidating, hostile or offensive working environment.

Harassment on the basis of religion, race, color, national origin, age, sex (including gender identity, sexual orientation, and pregnancy), height, weight, marital status, genetic information, or disability is illegal under federal and/or state laws. Such harassment is defined as unwelcome conduct or communication on the basis of a protected category when the conduct or communication has the purpose or effect of substantially interfering with an employee’s work performance or of creating an intimidating, hostile or offensive working environment.

Violations of this policy shall subject the offending employee to disciplinary measures, up to and including discharge.

Management is responsible for addressing all reports of discrimination, including racial and gender harassment. Any employee who has a complaint must bring the problem to the attention of responsible Road Commission officials. Employees may bring their complaint to the Managing Director. If the complaint is about the Managing Director, the employee shall register his/her complaint with the Road Commission Board Chair. The Road Commission shall designate appropriate personnel to investigate the complaint.

The success of this policy will be dependent upon communications between an employee, his or her co-employees and those charged with enforcing the Policy. The Road Commission cannot respond or react to harassment conditions that are unknown to it and/or cannot be documented. Therefore, a significant responsibility will be incumbent upon the employee who believes he or she has been harassed by another employee(s) to advise the offending employee to put him/her on notice of the offending behavior and that such activity must stop. Further, any employee who believes he or she has been harassed in violation of this Policy should promptly report such harassment to Road Commission management for investigation.

Management is responsible to objectively investigate reports of any harassment by or between employees of the Road Commission. All harassment complaints should be reduced to writing and include all appropriate information in order to facilitate investigation of the complaint. Specifically, the complaint should contain:

* The full name and address of the person filing;
* The full name and address (if known) of the person against whom the charge is being made; and
* A short summary of the allegedly harassing action or conduct.

The recipient of the complaint and/or appropriate designee shall conduct an independent investigation and evaluation of the validity of the complaint. Investigations and evaluations shall be completed in a timely fashion. Anonymous complaints will not be pursued. Complaints will be resolved in the best interests of both the complainant and the Road Commission.

The Road Commission will take appropriate corrective action, including disciplinary measures, to remedy all violations of this policy. There will be no discrimination or retaliation against any employee because the employee has filed a complaint, testified, assisted, or participated in an investigation under this policy. If both a harassment complaint and a union grievance are filed by an employee concerning the same alleged discriminatory conduct, the grievance procedure contained in the Collective Bargaining Agreement will be utilized to resolve that complaint. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

1. Prohibition of Unlawful Retaliation in the Workplace.

The Road Commission takes unlawful retaliation very seriously and is committed to a policy prohibiting its occurrence. Unlawful retaliation will not be tolerated. Any complaint of unlawful retaliation will result in an investigation and appropriate corrective action. Any employee found in violation of this policy will be subject to disciplinary action which may include termination.

It shall be a violation of this policy for any Road Commission employee to ridicule, threaten, discipline or otherwise discriminate or retaliate against another Road Commission employee because that employee has:

1. Opposed a discriminatory practice by the Road Commission; or

2. Made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding or hearing with respect to a discriminatory practice by the Road Commission.

A discriminatory practice is one in which the employee alleges that the Road Commission has treated an employee differently from other similarly situated employees, and/or harassed an employee, on the basis of race, age, color, sex (including gender identity, sexual orientation, and pregnancy), religion, national origin, marital status, height, weight, genetic information, or disability.

The Road Commission prohibits unlawful retaliation by the Road Commission, its supervisors, managers, and employees. Retaliatory conduct includes any conduct or communication which has the purpose or effect of substantially interfering with an individual’s job performance or creates an intimidating, hostile, or offensive working environment. The purpose of this policy is not, however, to insulate employees from warranted discipline. Any employee whose conduct legitimately warrants discipline will still be subject to such discipline, even if the employee tries to prevent same by making a complaint of discrimination.

All employees should know, and are herewith placed on notice, that the Road Commission will not tolerate or permit unlawful retaliation to occur in the workplace. **Employees who are found to be in violation of this policy will be considered to have violated a serious Road Commission policy and will be subject to a variety of disciplinary measures up to and including discharge.** Under this policy it is the Road Commission’s position that responsible personnel will take affirmative action or actions, as may be necessary and appropriate, to prevent unlawful retaliation from occurring in the workplace and to investigate all reported incidents in a fair, objective, impartial manner and within a reasonable time frame. In those instances where a violation of the policy is verified through investigation, action or actions will be taken to discipline those involved where appropriate and to prevent reoccurrence of the unlawful retaliation.

Under the policy, the Road Commission’s management is responsible for objectively investigating reports of any unlawful retaliation by or between employees of the Road Commission. Incidents of retaliation shall be reported to the Managing Director. If the complaint is against the Managing Director, the employee shall register his complaint with the Road Commission Board Chair. The Road Commission shall designate appropriate personnel to investigate the complaint. All retaliation complaints should be reduced to writing and include all appropriate information in order to facilitate investigation of the complaint. Specifically, the complaint should contain:

1. The full name and address of the person filing;

2. The full name and address (if known) of the person against whom the charge is being made; and,

3. A short summary of the alleged retaliatory action or conduct.

The recipient of the complaint and/or an appropriate designee shall conduct an independent investigation and evaluation of the validity of the complaint. Investigations and evaluations shall be completed in a timely fashion. Anonymous complaints will not be pursued. Complaints will be resolved in the best interests of both the complainant and the Road Commission.

This policy is intended to facilitate the elimination of unlawful retaliation against employees in the workplace. Employees who believe they have been subjected to unlawful retaliation are encouraged to report same in order that all employees may have a fair and objective environment in which to work. If both a retaliation complaint and a union grievance are filed by an employee concerning the same alleged retaliatory conduct, the grievance procedure contained in the Collective Bargaining Agreement will be utilized to resolve the complaint. This policy, however, does not supersede existing statutes and should not be construed to preclude any employee’s alternative course of action for redress of unlawful retaliation.

1. Categories of Employment.

FULL-TIME EMPLOYEES regularly work at least a forty (40) hour workweek.

PART-TIME EMPLOYEES work less than forty (40) hours per week. They are considered “regular” if they work a relatively consistent schedule and/or number of hours each week.

In addition to the preceding, employees are also categorized as “exempt” or “non-exempt.”

NON-EXEMPT EMPLOYEES – are entitled to overtime pay as required by applicable Federal and State law.

EXEMPT EMPLOYEES – Pursuant to applicable Federal and State laws, exempt employees are not entitled to overtime pay, and are not subject to certain deductions to their weekly salary under the Road Commission’s policies.

Upon hire, your supervisor will notify you of your employment classification.

1. Immigration Reform and Control Act.

In compliance with the Federal Immigration Reform and Control Act of 1986 (IRCA), as amended, the Road Commission is committed to employing only individuals who are authorized to work in the United States.

Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

If an employee is authorized to work in this country for a limited time period, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the Road Commission.

1. Position Description and Pay Administration.

The Road Commission maintains a job description for each position in the Road Commission. The job description outlines the essential duties and responsibilities of the position, as well as the required qualifications and working conditions affecting the job. When the duties and/or responsibilities of a position change, the job description is revised to reflect those changes. The Road Commission shall have discretion to modify the job description to meet its needs at any time.

Paychecks are distributed every two (2) weeks on \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Timesheets must be completed within two days of each pay period. All deductions from pay are itemized and presented to employees with the paycheck. Approved pay deductions may include: federal and state income taxes; Social Security and Medicare; medical and group hospitalization insurance premiums (if paid by the employees); and other benefits (e.g. required employee pension contributions, etc.).

1. Performance Evaluations.

The Road Commission is under no obligation to conduct performance evaluations. Neither the fact that they are or are not conducted, nor the manner in which they may be conducted, should be construed as altering the “at-will” nature of the employment relationship. That being said, the Road Commission strives to conduct performance evaluations of each employee on an annual basis.

The annual performance review is a formal opportunity for the supervisor and employee to exchange ideas that will strengthen their working relationship, review the past year, and anticipate the Road Commission’s needs in the coming year. The purpose of the review is to encourage the exchange of ideas in order to create positive change within the Road Commission. To that end, it is incumbent upon both parties to have an open and honest discussion concerning the employee’s performance. Both supervisor and employee should attempt to arrive at an understanding regarding the objectives of the coming year.

**SECTION 2.**

**HOURS OF WORK, ATTENDANCE AND PUNCTUALITY**

1. Hours of Work.

The workweek is generally from [*Monday through Friday*], with normal operating hours from [*7:00 a.m. to 4:00 p.m.*], with one hour for lunch.

1. Overtime.

Because of the nature of our business, your job may periodically require that you work beyond normal operating hours. You will be given advance notice of this when feasible, but this is not always possible. Overtime pay, which is applicable only to Non-Exempt Employees, is for any time worked in excess of 40 hours in a workweek. You should not work overtime hours without prior approval by your immediate supervisor. Violations of this policy will result in disciplinary action, up to and including termination from employment.

Non-Exempt Employees will be paid at a rate of time and one-half their regular hourly rate for hours worked in excess of forty (40) hours in a workweek. Only actual hours worked count toward computing weekly overtime.

1. Attendance and Punctuality.

It is important for you to report to work on time and avoid unnecessary absences. The Road Commission recognizes that illness or other circumstances beyond your control may cause you to be absent from work from time to time. However, excessive absenteeism or frequent tardiness may result in disciplinary action, up to and including termination of employment. Excessive absenteeism or frequent tardiness puts an unnecessary strain on your coworkers and can have a negative impact on the success of the Road Commission.

You are expected to work when scheduled. If you are absent for any reason or plan to arrive late or leave early, you must notify your supervisor as far in advance as possible and no later than one hour before the start of your scheduled work day. In the event of an emergency, you must notify your supervisor as soon as possible.

For all absences extending three (3) or more consecutive days, you should indicate the reason for the absence and your expected return-to-work date. A physician’s statement may be required as proof of the need for any illness-related absence regardless of the length of the absence.

An employee who is absent from work for three (3) consecutive days without notification to the Road Commission will be considered to have voluntarily terminated his or her employment. The employee’s final paycheck will be mailed to the last mailing address on file with the Road Commission.

**SECTION 3.**

**LEAVE BENEFITS**

1. Vacation.

Full-time and regular part-time employees are eligible for paid vacation.

Vacation is calculated according to the Road Commission’s fiscal year, which begins \_\_\_\_\_\_\_ 1 and ends \_\_\_\_\_\_\_ 31.

During your initial year of employment, you earn vacation on a pro-rated basis to be taken the following year. You will be eligible to use earned vacation after \_\_\_\_ consecutive days of employment. Thereafter, you receive vacation as follows:

* After one (1) full fiscal year, you shall be entitled to one (1) week of paid vacation annually.

* After two (2) full fiscal years, you shall be entitled to two (2) weeks of paid vacation annually.

* After six (6) full fiscal years, you shall be entitled to three (3) weeks of paid vacation annually.

* After fifteen (15) full fiscal years, and each year thereafter, you shall be entitled to four (4) weeks of paid vacation annually.

* After twenty (20) full fiscal years, and each year thereafter, you shall be entitled to five (5) weeks of paid vacation annually.

Regular part-time employees receive paid vacation time in proportion to the number of hours they normally are scheduled to work.

To be eligible for full vacation pay, a full-time employee must have received pay for ninety-five percent (95%) of his or her normally scheduled work hours during the preceding fiscal year. If a full-time employee does not meet the ninety-five percent (95%) requirement in the preceding year, the vacation time and pay shall be pro-rated accordingly.

Vacation pay shall be computed on the basis of the full-time employee’s normal straight time wage at the time the vacation is taken.

Use of vacation is subject to approval by the Road Commission and must be requested in daily increments, using the appropriate leave request form. Vacations must be used in the fiscal year earned and cannot be carried over. The Road Commission will purchase one week of vacation per fiscal year from an employee in lieu of taking time off, at the employee’s request.

Upon termination, eligible employees will be paid for accrued but unused vacation. A full-time employee, with less than one (1) year of service at the time of termination, will not be paid for and waives all rights to any accrued but unused vacation.

1. Personal Days.

Full-time employees are eligible, immediately upon hire, for three (3) paid personal days each year. During the initial year of employment, you will receive personal days on a pro-rated basis.

Personal days are calculated according to the Road Commission’s fiscal year, which begins \_\_\_\_\_\_\_ 1 and ends \_\_\_\_\_ 31. Personal days can be used as vacation, sick time or to take care of personal matters. Requests for planned personal days must be given to your supervisor for approval.

Personal days cannot be carried over to the following year. Employees are not paid in lieu of taking the actual time off. Upon termination, employees are not paid for earned but unused personal days.

1. Holidays.

Holidays are established by the Board each year and posted. A copy will be furnished to each employee.

Eligible employees receive a paid holiday only if the holiday falls on a day they are normally scheduled to work.

Full-time and regular part-time employees are eligible for paid holidays after completing ninety (90) days of employment. Regular part-time employees are eligible for holiday pay in proportion to the number of hours they normally are scheduled to work.

Exempt employees will receive holiday pay in compliance with State and Federal wage and hour laws.

Non-exempt employees must work their scheduled workday before and after the holiday in order to be paid for the holiday, unless they are absent with prior permission from their supervisor.

1. Paid Medical Leave.

Full-time employees accrue, immediately upon hire, one paid medical leave day (8 hours) each month to a maximum of one hundred twenty (120) days (960 hours). New hires may begin using paid medical leave after ninety (90) consecutive days of employment.

Exempt employees will receive paid medical leave in compliance with State and Federal wage and hour laws.

Employees may use accrued paid medical leave for any of the following:

* Physical or mental illness, injury, or health condition of the employee or his or her family member;
* Medical diagnosis, care, or treatment of the employee or employee’s family member;
* Preventative care of the employee or his or her family member;
* Closure of the employee’s primary workplace by order of a public official due to a public health emergency;
* The employee’s or his or her family member’s exposure to a communicable disease that would jeopardize the health of others as determined by health authorities or a health care provider;
* In domestic violence and sexual assault situations, for medical care, psychological or other counseling, receiving services from a victim services organization, relocation and obtaining legal services, and participation in civil or criminal proceedings.

Paid medical leave may be used in 1-hour increments. To receive paid medical leave, employees must report the absence to their supervisor prior to the beginning of their shift, except when the failure to notify is due to circumstances beyond the control of the employee. The notice will include the reason for and expected duration of the absence. Evidence of illness or injury acceptable to the Road Commission may be required at any time as a condition for qualifying for paid medical leave, including absences due to family care responsibilities.

It is also understood that employees whose employment is terminated with the Road Commission for whatever reason, other than retirement, are not entitled to pay for unused accrued medical leave. Employees who retire directly from active duty (i.e., not deferred retirement) shall be entitled to one fourth (1/4) of their unused accrued medical leave in pay at their present straight time hourly rate. An employee on extended sick leave (more than thirty (30) consecutive calendar days) will not continue to accumulate benefits.

1. Family and Medical Leave Act (FMLA).

The Road Commission complies with the Family and Medical Leave Act (FMLA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave). The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

**Employee Eligibility**

To be eligible for leave under this policy, an employee must meet **all** of the following requirements:

* Have worked for the Road Commission for at least twelve (12) months.
* Have worked at least 1,250 hours for the Road Commission over the twelve (12) months preceding the date the leave would commence.
* Currently work at a location where there are at least fifty (50) employees within seventy-five (75) miles.

The 12 months of employment do not have to be consecutive. All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility.

**Leave Entitlement**

To qualify as FMLA leave under this policy, the leave must be for one of the following reasons:

* The birth of a child or placement of a child with the employee for adoption or foster care.
* To care for a spouse, child or parent who has a serious health condition.
* For a serious health condition that makes the employee unable to perform the essential functions of his or her job.
* For any qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or on call to covered active duty status.
* To care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, or next of kin of the servicemember (military caregiver leave).

For all but military caregiver leaves, an eligible employee can take up to 12 weeks of FMLA during any 12-month period. The Road Commission will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Road Commission will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee may be entitled to take at that time.

An eligible employee can take up to 26 weeks for FMLA military caregiver leave during a single 12-month period. FMLA leave already taken for other FMLA circumstances during the preceding 12 months will be deducted from the total of 26 weeks available.

Spouses employed by the Road Commission are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition. Both may only take a combined total of 26 weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member).

Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.

A qualifying exigency arising out of covered active duty includes short-notice deployment, military events and activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities that arise out of active duty, provided that the Road Commission and employee agree, including agreement on timing and duration of the leave.

**Intermittent Leave or a Reduced Work Schedule**

Under some circumstances, employees may take FMLA leave intermittently - which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

* If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the Road Commission’s approval.
* FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

The Road Commission may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee’s family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.

When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the company’s operations.

**Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee’s own serious health condition or the serious health condition of a family member, as well as for FMLA military caregiver leave, must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave must run concurrently with FMLA leave if the reason for FMLA leave is covered by the established sick leave policy.

An employee who is taking leave for the adoption or foster care, as well as military FMLA leave for a qualifying exigency, must use all paid vacation and personal leave prior to being eligible for unpaid leave.

**Employee Notice Requirement**

All employees requesting FMLA leave must provide written notice of the need for leave to the Road Commission. When the need for leave is foreseeable, the employee must provide the Road Commission with at least 30 days’ notice. When an employee becomes aware of a need for FMLA leave fewer than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the Road Commission’s usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Employees seeking to use FMLA leave due to a serious health condition affecting the employee or an immediate family member will be required to provide a medical certification supporting the need for leave.

**Continuation of Health Benefits During Leave**

The Road Commission will continue an employee’s health benefits during the leave period at the same level and under the same conditions as if the employee was continuously at work.

While on paid leave, the Road Commission will continue to make payroll deductions to collect the employee’s share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the Road Commission by the \_\_\_\_ day of each month. If the payment is more than 30 days late, the employee’s health care coverage may be dropped for the duration of the leave. The Road Commission will provide 15 days’ notification prior to the employee’s loss of coverage.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee’s family member or a circumstance beyond the employee’s control, the Road Commission will require the employee to reimburse the Road Commission the amount it paid for the employee’s health insurance premiums during the leave period.

**Return to Work After Leave**

The Road Commission may require an employee on FMLA leave to report periodically on the employee’s status and intent to return to work. If an employee is on FMLA leave due to his or her own serious health condition, the employee will be required to submit a fitness-for-duty certification prior to his or her return to work.

Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. In addition, an employee’s use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

The Road Commission may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time the FMLA leave is requested of his or her status as a key employee.

1. Jury Duty.

Full-time employees summoned for jury duty are paid the difference between their normal rate of pay and the jury duty pay, up to a maximum of ten (10) days. Employees must provide the Road Commission with a copy of the court payment records in order to be compensated. If an employee is required to serve more than ten (10) days of jury duty, the Road Commission will provide the employee with unpaid leave.

Exempt employees may be provided time off with pay when necessary to comply with State and Federal wage and hour laws.

The Road Commission reserves the right to request proof of jury service issued by the Court upon return.

1. Military Leave.

Employees who are required to fulfill military obligations in any branch of the Armed Forces of the United States or in State military service will be given the necessary time off and reinstated in accordance with Federal and State law.

The time off will be unpaid, except where State law dictates otherwise. Exempt employees may be provided time off with pay when necessary to comply with State and Federal wage and hour laws.

Accrued vacation may be used for this leave if the employee chooses. Military orders should be presented to your supervisor and arrangements for leave made as early as possible before departure. Employees are required to give advance notice of their service obligations to the Road Commission unless military necessity makes this impossible. You must notify your supervisor of your intent to return to employment based on requirements of the law. Your benefits may continue to accrue during the period of leave in accordance with State and Federal law.

1. Witness Leave.

Employees are given the necessary time off without pay to attend or participate in a court proceeding in accordance with State law. We ask that you notify your supervisor of the need to take witness leave as far in advance as is possible.

Exempt employees may be provided time off with pay when necessary to comply with State and Federal wage and hour laws.

1. Bereavement Leave.

Full-time employees are eligible immediately upon hire for five (5) paid days for time required to be absent from their scheduled work week as a result of making arrangements or attendance at the funeral of his/her immediate family. These days are to be taken on consecutive working days. The day after the funeral may be included as one of the days. Members of the immediate family include spouses, parents and children.

Full-time employees are eligible immediately upon hire for one paid day to attend the funeral of brothers, sisters, mother-in-law, father-in-law, grandparents, grandchildren, sisters-in-law, brothers-in-law and stepchildren.

The Employer reserves the right to request written verification of an employee’s familial relationship to the deceased and his or her attendance at the funeral service as a condition of the bereavement pay.

1. Victims of Crime Leave.

The Employer will grant reasonable and necessary leave from work, without pay, to employees who are victims of a crime or employees who are representatives of victims of a crime to attend or participate in legal proceedings pertaining to the crime. Affected employees must give the Employer reasonable notice that leave under this policy is required.

Exempt employees may be provided time off with pay when necessary to comply with State and Federal wage and hour laws.

**SECTION 4.**

**INSURANCE AND OTHER ECONOMIC BENEFITS**

1. Employee Benefits.

The Road Commission has developed a comprehensive set of employee benefit programs to supplement its employees’ regular wages. This Employee Handbook describes the current benefit plans maintained by the Road Commission. Refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plan. Those documents are controlling.

The Road Commission reserves the right to modify its benefits at any time. We will keep you informed of any changes.

1. Medical Insurance.

The Road Commission currently provides individual health and dental insurance benefits for eligible full-time employees and their dependents, beginning after the first full month of employment. Eligible employees may elect to participate in the available health plan(s) offered by the Road Commission. The Road Commission presently pays the insurance premium for all eligible employees. The Road Commission may require employees to pay a portion of insurance premium in the future. Information about the Road Commission health plan(s) will be provided to the employee at the time of hire.

1. Life Insurance.

Eligible full-time and regular part-time employees are enrolled in this plan immediately upon hire. You must complete an insurance form and designate your beneficiary. The cost of this insurance is fully paid by the Road Commission. Participating employees may also be covered under the plan’s Accidental Death and Dismemberment rider.

1. Workers’ Compensation.

On-the-job injuries are covered by our Workers’ Compensation insurance policy. This insurance is provided at no cost to you. If you are injured on the job, no matter how slightly, report the incident immediately to your supervisor. Consistent with applicable State law, failure to report an injury within a reasonable period of time could jeopardize your claim. We ask for your assistance in alerting management to any condition which could lead to or contribute to an employee accident.

1. Retirement Plan.

The Road Commission provides eligible employees hired prior to \_\_\_\_\_\_\_\_\_ 1, 20\_\_, with a defined benefit retirement plan. For those employees hired on or after \_\_\_\_\_\_\_\_\_ 1, 20\_\_, the Road Commission provides eligible employees with a defined contribution retirement plan. These

plans are intended to be used in combination with your Social Security benefits and personal resources to provide you with supplemental income upon retirement.

**SECTION 5.**

**ON THE JOB**

1. Social Security Number Privacy.

To ensure to the extent practicable the confidentiality of our employees’ Social Security Numbers (SSN’s), no employee may acquire, disclose, transfer or unlawfully use the Social Security Number of any other employee except in accordance with this policy. The release of employee SSN’s is restricted to employees with a legitimate business need for the information.

Except where permitted by State or Federal law, we will not: 1) publicly display all or more than four sequential digits of an employee’s SSN; 2) use all or more than four sequential digits of an employee’s SSN as a primary account number for an individual; 3) visibly print all or more than four sequential digits of an employee’s SSN on any identification badge or card; 4) require an individual to use or transmit all or more than four sequential digits of their SSN to gain access to an internet web site or computer system or network unless the connection is secure, the transmission is encrypted, or a password or unique pin is also required to gain access; 5) include all or more than four sequential digits of an employee’s SSN in or on any document or information mailed or otherwise sent to an individual if it is visible on or without manipulation from outside the envelope or packaging; or 6) include all or more than four sequential digits of an employee’s SSN in any document or information mailed to a person.

Employee Social Security Numbers may be collected in the ordinary course of business for the purpose of identity verification or to administer benefits in accordance with State and Federal laws. Any documents, which include employee SSNs that are discarded, are to be shredded.

Any violation of this policy will result in disciplinary action up to and including discharge.

1. Standards of Conduct.

Each employee has an obligation to observe and follow the Employer’s policies and to maintain proper standards of conduct at all times. If an individual’s behavior interferes with the orderly and efficient operation of the Road Commission, corrective disciplinary measures will be taken. **Nothing in this policy is designed to modify the Road Commission’s at-will employment policy.**

Disciplinary action may include a verbal warning, written warning, suspension with or without pay, and/or discharge. The appropriate disciplinary action imposed will be determined by the Road Commission. The Road Commission does not guarantee that one form of action will necessarily precede another.

The following may result in disciplinary action, up to and including discharge: violation of the Employer’s policies or safety rules; insubordination; unauthorized or illegal possession, use or sale of alcohol or controlled substances on work premises or during working hours, while engaged in Employer activities or in Employer vehicles; unauthorized possession, use or sale of weapons, firearms or explosives on work premises; theft or dishonesty; fighting or physical harassment; sexual harassment; disrespect toward fellow employees, visitors or other members of the public; performing outside work while on Employer time or use of Employer property, equipment or facilities in connection with outside work; destroying or willfully damaging the personal property of another, including the Employer’s property; negligence in the performance of duties likely to cause or actually causing personal injury or property damage; poor attendance, tardiness, or poor performance. These examples are not all inclusive.

1. Access to Personnel Files.

Upon written request, employees will be allowed to review their personnel records up to two (2) times each year or as otherwise permitted by law, during normal business hours. If a review during normal office hours would require an employee to take time off from work with the Road Commission, then the Road Commission shall provide some other reasonable time for review. The record may be copied, and a reasonable fee may be charged for duplication of the personnel record. If there is a disagreement as to the information in the record, employees may ask to have it corrected or removed and may submit a statement explaining their position. Such statement becomes part of the personnel record.

1. Changes in Personal Data.

For benefit purposes, changes in name, address, telephone number, marital status, number of dependents or changes in next of kin and/or beneficiaries should be given to the Road Commission promptly.

1. Care of Equipment.

Employees are expected to demonstrate proper care when using the Road Commission’s property and equipment. No property may be removed from the premises without the proper authorization of management. If you lose, break or damage any property, report it to your supervisor at once.

1. Road Commission Vehicles.

Operators of Road Commission vehicles are responsible for the care, operation, and cleanliness of the vehicle. Accidents involving a Road Commission vehicle must be reported to your immediate supervisor immediately.

Employees are responsible for any moving and parking violations and fines which may result when operating a Road Commission vehicle.

Road Commission vehicles must be operated by the employee only. Smoking is prohibited in Road Commission vehicles. The use of seat belts is mandatory for operators of and passengers in Road Commission vehicles.

1. Travel/Expense Accounts.

The Road Commission will reimburse employees for reasonable expenses incurred through pre-approved business travel. Mileage or transportation, parking fees, and meal costs when required are all illustrative of reasonable expenses. Expense receipts are required. Employees authorized to use their personal cars for Road Commission business are reimbursed at the Internal Revenue Service approved rate.

1. Electronic Mail Monitoring and Internet Usage.

The Road Commission recognizes its employees’ need to be able to communicate efficiently with fellow employees and residents. Therefore, the Road Commission has installed an internal electronic mail (e-mail) system to facilitate the transmittal of business-related information within the Road Commission and with our residents.

The e-mail system is intended for business use only. The use of the Road Commission’s e-mail system to solicit fellow employees or distribute non-job-related information to fellow employees is strictly prohibited.

Management reserves the right to enter, search and/or monitor the Employer’s e-mail system and the files/transmission of any employee without advance notice and consistent with applicable State and Federal laws. Employees should expect that communications that they send and receive by the Employer’s private e-mail system will be disclosed to management. Employees should not assume that communications that they send and receive by the Employer’s e-mail system are private and confidential.

The Road Commission’s policies against sexual and other types of harassment apply fully to the e-mail system. Therefore, employees are also prohibited from the display or transmission of sexually explicit images, messages, ethnic slurs, racial epithets or anything which could be construed as harassment or disparaging to others.

Employees shall not use unauthorized codes or passwords to gain access to others’ files. All e-mail passwords must be made available to the Road Commission at all times.

Access to the internet is provided by the Road Commission to facilitate the assigned duties and responsibilities of Road Commission personnel. The use of the internet facilities by an employee must be consistent with the following:

Internet users are required:

* To respect the privacy of other users; for example, users shall not intentionally seek information on, obtain copies of, or modify files or data, belonging to other users, unless explicit permission to do so has been obtained.
* To respect the legal protection provided to programs and data by copyright and license.
* To protect Road Commission data from unauthorized use or disclosure.
* To respect the integrity of the computing systems.
* To safeguard their accounts and passwords.

Unacceptable Use:

* Activities unrelated to Road Commission business.
* Activities unrelated to official assignments and/or job responsibilities.
* For any illegal purpose.
* To transmit threatening, obscene or harassing materials or correspondence.
* To receive materials construed as harassing or embarrassing to others.
* For unauthorized distribution of Employer data and information.
* To interfere with or disrupt network users, services or equipment.
* For private purposes of any nature.
* For solicitation for religious and political causes.
* For private advertising for products or services.
* For activity to foster personal gain.

Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are NO facilities provided by the Road Commission’s system for sending or receiving private or confidential electronic communications. Employees are hereby notified they have no expectation of privacy when using the Road Commission’s information systems.

The Road Commission will have access to all mail and user access requests and will monitor messages as necessary to assure efficient performance and appropriate use. The Road Commission reserves the right to log network use and monitor file server space utilization by users and assumes no responsibility or liability for files deleted. This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the internet facilities and is not necessarily exhaustive.

Violation of this policy will result in disciplinary action, up to and including discharge.

1. Professional Appearance.

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times.

1. Reference Requests.

The Road Commission will not honor any oral requests for references. All requests must be in writing, and all responses will be provided on Road Commission letterhead. Generally, we will only confirm our employees’ dates of employment, salary history and job title.

An employee should not under any circumstances provide another individual with information regarding current or former employees of the Road Commission. If you receive a request for reference information, please forward it to your supervisor.

1. Protecting Road Commission Information.

Protecting the Road Commission’s information is the responsibility of every employee, and we all share a common interest in making sure it is not improperly or accidentally disclosed. Do not discuss the Road Commission’s confidential business with anyone who does not work for us.

Any third-party requests for Road Commission information must be in writing and directed to the Road Commission’s Freedom of Information Act (FOIA) Coordinator for response.

1. Bulletin Board.

Information of interest and importance to you is regularly posted on our bulletin board. We suggest that you look at it regularly. This bulletin board is for administrative use only; employees may not post or remove any information.

1. Cellular Telephones.

Employees in certain positions are issued Road Commission cellular telephones so they may maintain contact with others when they are out of the office on business.

Employees are encouraged to take appropriate safety precautions when using their cellular telephone. Employees are expected to comply with applicable state laws regarding the use of cellular telephones while driving.

The use of cellular telephones is not a work requirement for most employees. Employees who are not issued a Road Commission cellular telephone will not be reimbursed for the use of their personal cellular telephones and are expected to make business calls from the office.

Employees are expected to demonstrate proper care of their cellular telephones. If you lose, break or damage your Road Commission cellular telephone, report it to your supervisor at once. All cellular telephones issued by the Road Commission must be returned upon leaving the Road Commission or upon transferring to a position that does not require a Road Commission cellular telephone.

1. Contact with the Media.

All media inquiries regarding the Road Commission and its operations must be referred to the Managing Director. Only the Managing Director is authorized to make or approve public statements pertaining to the Road Commission or its operations. No other employees, unless specifically designated by the Board, are authorized to make those statements.

1. Separation from Employment.

Should you decide to leave your employment with the Road Commission, we ask that you provide your supervisor with at least two weeks’ advance written notice. If you do so, this will be noted favorably should you ever wish to reapply for employment with the Road Commission.

In the event of separation from employment, or immediately upon request by the Managing Director or his or her designee, employees must return all Road Commission property that is in their possession or control.

Employees who are rehired following a break in service exceeding six (6) months, other than an approved leave of absence, are considered new employees from the effective date of their re-employment for all purposes, including for purposes of measuring benefits.

You should notify the Road Commission if your address changes during the calendar year in which termination occurs so that your tax information will be sent to the proper address.

**SECTION 6.**

**SAFETY IN THE WORKPLACE**

1. Each Employee’s Responsibility.

Safety can only be achieved through teamwork at our Road Commission. Each employee must practice safety awareness by thinking defensively, anticipating unsafe situations, and reporting unsafe conditions immediately.

Please observe the following precautions:

1. Notify your supervisor of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must inform your immediate supervisor immediately.

2. The use of alcoholic beverages or illegal substances during working hours will not be tolerated. The possession of alcoholic beverages or illegal substances on the Road Commission’s property is forbidden.

3. Use, adjust and repair machines and equipment only if you are trained and qualified.

4. Know the proper lifting procedures. Get help when lifting or pushing heavy objects.

5. Understand your job fully and follow directions. If you are not sure of the safe procedure, don’t guess; ask your supervisor.

6. Know the locations, contents, and use of first aid and firefighting equipment.

7. Wear personal protective equipment in accordance with the job you are performing.

8. Comply with OSHA standards and/or applicable State job safety and health standards as written in our safety procedures manual.

9. Unauthorized possession, use or sale of weapons, firearms, or explosives on work premises is forbidden.

A violation of a safety precaution is in itself an unsafe act. A violation will lead to disciplinary action, up to and including discharge.

1. Workplace Violence.

Violence by an employee or anyone else against an employee, supervisor or member of management will not be tolerated. The purpose of this policy is to minimize the potential risk of personal injuries to employees at work and to reduce the possibility of damage to Road Commission property in the event someone, for whatever reason, may be unhappy with a Road Commission decision or action by an employee or member of management.

If you receive or overhear any threatening communications from an employee or outside third party, report it to your supervisor at once. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to an employee or visitor to our premises, contact an emergency agency (such as 911) immediately.

All reports of work-related threats will be investigated and documented. Employees are expected to report and participate in an investigation of any suspected or actual cases of workplace violence.

Violations of this policy, including your failure to report or fully cooperate in the Employer’s investigation, will result in disciplinary action, up to and including discharge.

1. Workplace Searches.

To protect the property and to ensure the safety of all employees, residents and the Road Commission, the Road Commission reserves the right to conduct personal searches consistent with State law. Specifically, the Road Commission reserves the right to search any employee’s office, desk, files, locker, equipment or any other area or article on our premises. In this regard, it should be noted that all offices, desks, files, lockers, equipment, etc. are the property of the Road Commission, and are issued for the use of employees only during their employment. Inspection may be conducted at any time at the discretion of the Road Commission.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. Employees working on or entering or leaving the premises who refuse to cooperate in an inspection as well as employees who after the inspection are believed to be in possession of stolen property or illegal substances, will be subject to disciplinary action, up to and including discharge.

1. Smoking in the Workplace.

Smoking, including the use of any tobacco or vapor product, is prohibited in any enclosed, indoor area owned or operated by the Road Commission, including the main building and offices, and in any Road Commission vehicle. Smoking shall be allowed, while on break time, in designated outdoor areas. Employees who smoke should treat nonsmoking co-workers with courtesy. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

Employees who violate this policy will be subject to disciplinary procedures. Any complaint concerning a violation of this policy should be submitted to the Managing Director for investigation and appropriate resolution.

1. Weapons.

Possession, use or sale of weapons, firearms, or explosives on work premises, while operating Road Commission machinery, equipment or vehicles for work-related purposes or while engaged in Road Commission business off premises is forbidden except where expressly authorized by the Road Commission and permitted by State and local laws. This policy applies to all employees, including but not limited to, those who have a valid permit to carry a firearm.

Employees who are aware of violations or threats of violations of this policy are required to report such violations or threats of violations to your supervisor immediately.

Violations of this policy will result in disciplinary action, up to and including discharge.

1. Drug and Alcohol-Free Workplace.

The Road Commission has vital interests in ensuring a safe, healthy, and efficient working environment for our employees, their co-workers and residents we serve. The unlawful or improper use of controlled substances or alcohol in the workplace presents a danger to everyone. In addition, we have a duty to comply with the requirements of the Drug-Free Workplace Act of 1988. For these reasons, we have established, as a condition of employment and continued employment with the Road Commission, a drug and alcohol-free workplace policy.

The Road Commission has implemented a drug testing program in compliance with local, State and Federal laws. Employees are prohibited from reporting to work or working while using illegal or unauthorized substances. Employees are prohibited from reporting to work or working when the employee uses any drugs, except when the use is pursuant to doctor’s orders and the doctor has advised the employee that the substance does not adversely affect the employee’s ability to safely perform his or her job duties. Employees are also prohibited from reporting for duty or remaining on duty with any alcohol in their systems and from consuming alcohol during working hours, including meal and break periods.

In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale or possession of illegal or unauthorized substances and alcohol in the workplace including on Road Commission paid time, on Road Commission premises, in Road Commission vehicles or while engaged in Road Commission activities.

In accordance with the Drug-Free Workplace Act of 1988, employees must notify the Road Commission of any criminal drug statute conviction for a violation occurring within the workplace within five days of such conviction.

Your employment or continued employment with the Road Commission is conditioned upon your full compliance with the foregoing drug and alcohol-free workplace policy. Any violation of this policy will result in disciplinary action, up to and including discharge.

The Road Commission further reserves the right to take any and all appropriate and lawful actions necessary to enforce this drug and alcohol-free workplace policy including, but not limited to, the inspection of Road Commission-issued lockers, desks or other suspected areas of concealment, as well as an employee’s personal property when the Road Commission has reasonable suspicion to believe that the employee has violated this drug and alcohol-free workplace policy.

1. Drug and Alcohol Awareness Program.

In order to maintain a drug and alcohol free workplace, the Road Commission has established a drug and alcohol free awareness program to educate employees on 1) the danger of drug abuse and alcohol in the workplace; 2) the Employer’s drug and alcohol free workplace policy; 3) the availability of any drug and alcohol counseling, rehabilitation, and employee assistance programs; and 4) the penalties that may be imposed upon employees for drug abuse and alcohol violations and violations of the Employer’s drug and alcohol free workplace. Such education includes: the distribution of our drug and alcohol-free workplace policy at the employment interview and inclusion of the Employer’s drug and alcohol-free workplace policy in the Employee Handbook and any other personnel policy publications.

**RECEIPT OF EMPLOYEE HANDBOOK AND EMPLOYMENT-**

**AT-WILL STATEMENT (NON-UNION EMPLOYEES)**

This is to acknowledge that I have received a copy of the Employee Handbook and understand that it sets forth the terms and conditions of my employment as well as the duties, responsibilities, and obligations of employment with the Road Commission. I understand and agree that it is my responsibility to read the Employee Handbook and to abide by the rules, policies and standards set forth in the Employee Handbook.

I also acknowledge that my employment with the Road Commission is not for a specified period of time and can be terminated at any time for any reason, with or without cause or notice, by me or by the Road Commission. I acknowledge that no oral or written statements or representations regarding my employment can alter the foregoing. I also acknowledge that no manager or employee has the authority to enter into an employment agreement—express or implied—providing for employment other than at-will.

I also acknowledge that, except for the policy of at-will employment, the Road Commission reserves the right to revise, delete and add to the provisions of this Employee Handbook. All such revisions, deletions or additions must be in writing and must be signed by the Managing Director of the Road Commission. No oral statements or representations can change the provisions of this Employee Handbook. I also acknowledge that, except for the policy of at-will employment, terms and conditions of employment with the Road Commission may be modified at the sole discretion of the Road Commission, with or without cause or notice, at any time. No implied contract concerning any employment-related decision, term of employment or condition of employment can be established by any other statement, conduct, policy, or practice.

I understand that the foregoing agreement concerning my at-will employment status and the Road Commission’s right to determine and modify the terms and conditions of employment is the sole and entire agreement between me and the Road Commission concerning the duration of my employment, the circumstances under which my employment may be terminated and the circumstances under which the terms and conditions of my employment may change. I further understand that this agreement supersedes all prior agreements, understandings and representations concerning my employment with the Road Commission.

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**RECEIPT OF EMPLOYEE HANDBOOK AND EMPLOYEE**

**ACKNOWLEDGEMENT (UNION EMPLOYEES)**

This is to acknowledge that I have received a copy of the Employee Handbook. I understand and agree that it is my responsibility to read the Employee Handbook and to abide by the rules, policies and standards set forth in the Employee Handbook.

I also acknowledge that the Road Commission reserves the right to revise, delete and add to the provisions of this Employee Handbook. All such revisions, deletions or additions must be in writing and must be signed by the Managing Director of the Road Commission. No oral statements or representations can change the provisions of this Employee Handbook. However, all Union contracts will take precedence over any item in this Employee Handbook that may conflict with them.

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