

CODIFIED ORDINANCES OF WHITE OAK

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CODIFIED ORDINANCES OF WHITE OAK

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions
 Art. 101. Codified Ordinances.
 Art. 103. Official Standards.

ARTICLE 101
Codified Ordinances

101.01	Designation; citation; headings.	101.05	Sections and ordinances repealed.
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CROSS REFERENCES

Codification of Borough Ordinances - see Borough Code Sec. 1008(b)(53 P.S. Sec. 46008(b))

Maximum penalty - see Borough Code Sec. 3307 et seq. (53 P.S. Sec. 48307 et seq.)

101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Borough as revised, codified, rearranged, renumbered and consolidated into component codes, titles, articles and sections shall be known and designated as the Codified Ordinances of White Oak, Pennsylvania, 1987, for which the designation "Codified Ordinances" may be substituted. Code, title, article and section headings do not constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, titles, articles and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 101.01".

101.02 AMENDMENTS AND SUPPLEMENTS: NUMBERING.

(a) The Codified Ordinances of White Oak, Pennsylvania, 1987, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of White Oak, Pennsylvania, 1987 and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each Code shall be subdivided into titles; each title shall be subdivided into articles, and each article shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections except penalty sections, shall be consecutive within each article commencing with the first section of Article 101, which shall be numbered 101.01 the first "1" signifying Code 1, and the two figures "01" before the decimal signifying the article within the Code, and the two figures "01" after the decimal signifying the first section in Article 101 of the Code. Penalty sections shall be designated "99" and shall be the last section of the article.

101.03 DEFINITIONS AND INTERPRETATION.

In the construction of the Codified Ordinances, the following rules shall control, excepting those inconsistent with the manifest intent of Council as disclosed in a particular provision, section or article:

- (a) Adopting Ordinance. "Adopting Ordinance" means the ordinance of the Borough adopting the Codified Ordinances of White Oak, Pennsylvania, 1987, in conformity with this Article 101.
- (b) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.
- (c) Borough and Municipality. "Borough" and "Municipality" mean the Borough of White Oak, Pennsylvania.
- (d) Borough Code. "Borough Code" means the Act of the General Assembly No. 581, of February 1, 1966 (P.L. 1656) as amended (53 P.S. 45101 et seq.).
- (e) Calendar-Computation of Time. "Month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, except if the last be Sunday, it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.

- (f) Conjunctions. "And" includes "or" and "or" includes "and", if the sense so requires.
- (g) Council. "Council" means the Council of the Borough of White Oak, Pennsylvania.
- (h) County. "County" means the County of Allegheny, Pennsylvania.
- (i) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- (j) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.
- (k) Imprisonment. means incarceration in the County Jail.
- (l) Joint Authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (m) Keeper or Proprietor. "Keeper" or "proprietor" mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- (n) Land or Real Estate. "Land" or "real estate" include rights and easements of incorporeal nature.
- (o) Number. Words in the plural include the singular and words in the singular include the plural number.
- (p) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath.
- (q) Owner. "Owner" when applied to property includes a part owner, joint owner or tenant in common of the whole or any part of such property.
- (r) Person. "Person" extends and applies to associations, clubs, corporations, firms, partnerships and bodies politic, as well as to individuals.
- (s) Premises. "Premises" when used as applicable to property extends to and includes land and buildings.
- (t) Property. "Property" includes real and personal property and any mixed and lesser estates or interests therein; the words "personal property" include every kind of property except real property, and the words "real property" include lands, tenements and hereditaments.
- (u) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or giving of such notice.
- (v) Sidewalk. "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- (w) State or Commonwealth. "State" or "Commonwealth" means the Commonwealth of Pennsylvania.

- (x) Street. "Street" shall be construed to include alleys, avenues, boulevards, lanes, roads, streets and other public ways in the Borough.
- (y) Tenant or Occupant. "Tenant" or "occupant" as applied to buildings or land shall extend and be applied to any person holding a written or oral lease of or who occupies the whole or any part of a building or land, alone or with others.
- (z) Tenses. The use of any verb in the present tense includes the future.
- (aa) Time. Whenever any time established in the Codified Ordinances for the taking of any act expires on a Sunday or legal holiday, such time shall not expire on such day but shall expire on the next week day. All times established in the Codified Ordinances shall be the times currently in effect in the Borough.

101.04 SEPARABILITY OF PROVISIONS.

Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections or parts of a section so held to be invalid.

101.05 SECTIONS AND ORDINANCES REPEALED.

All ordinances and parts of ordinances in conflict with the provisions of the Codified Ordinances of White Oak, Pennsylvania, 1987 are hereby repealed.

101.06 EXEMPTIONS FROM REPEAL.

The repeals provided for in Section 101.05 shall not affect:

- (a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the adoption of these Codified Ordinances.
- (b) Any ordinance or resolution promising or guaranteeing the payment of money by or to the Borough, or authorizing the issuance of any bonds of the Borough, or any evidence of the Borough's indebtedness, or any contract or obligation assumed by the Borough.
- (c) The administrative ordinances or resolutions of Council not in conflict or inconsistent with the provisions of the Codified Ordinances.
- (d) Any right, license or franchise conferred by any ordinance or resolution of Council or any person or corporation.
- (e) Any ordinance establishing, naming, relocating or vacating any street or public way.
- (f) Any ordinance or part thereof providing for the establishment of positions, for salaries or compensation.

- (g) Any prosecution, suit or other proceeding pending, or any judgment rendered on or prior to the adopting of these Codified Ordinances.
- (h) Any ordinance levying or imposing taxes or assessments.
- (i) Any ordinance establishing or changing the boundaries of the Borough.
- (j) Any ordinance or resolution adopted by Council after the adoption of the Codified Ordinances.

101.99 GENERAL CODE PENALTY.

Whoever violates any provision of the Codified Ordinances for which no penalty is otherwise provided shall be fined not more than fifty dollars (\$50.00).

ARTICLE 103
Official Standards

EDITOR'S NOTE: There are no sections in Article 103. This article has been established to provide a place for cross references and future legislation.

CROSS REFERENCES

Borough Seal - see Borough Code 1201(3) (53 P.S. Sec. 45201)

TITLE THREE - Legislative
Art. 111. Council.
Art. 113. Ordinances and Resolutions.

ARTICLE 111
Council

111.01 Open records policy.

CROSS REFERENCES

Election of Councilmen - see Borough Code Sec. 811 et seq. (53 P.S. Sec. 45811 et seq.)
Vacancies in office - see Borough Code Sec. 817 (53 P.S. Sec. 45817); Sec. 901 et seq. (53 P.S. Sec. 45901 et seq.)
Organization; quorum; compensation; eligibility - see Borough Code Sec. 1001 (53 P.S. Sec. 46001)
Election of President and Vice-President - see Borough Code Sec. 1001 (53 P.S. Sec. 46001)
Oath or affirmation required - see Borough Code Sec. 1002 (53 P.S. Sec. 46002)
Mayor may vote in case of tie - see Borough Code Sec. 1003 (53 P.S. Sec. 46003)
Failure to organize - see Borough Code Sec. 1004 (53 P.S. Sec. 46004)
Authority to appoint certain officials - see Borough Code Sec. 1005(1) (53 P.S. Sec. 46005(1))
Powers and duties - see Borough Code Sec. 1005, 1006 (53 P.S. Sec. 46005, 46006)
Ordinances; passage, approval and veto - see Borough Code Sec. 1007 (53 P.S. Sec. 46007)
Recording, advertising, proof and codification of ordinances - see Borough Code Sec. 1008 (53 P.S. Sec. 46008)

111.01 OPEN RECORDS POLICY.

The Borough of White Oak adopts the Open Records Policy and Request for Public Records form attached to Resolution 3470 and incorporated herein.
(Res. 3470. Passed 3-19-07.)

ARTICLE 113
Ordinances and Resolutions

EDITOR'S NOTE: There are no sections in Article 113.
This article has been established to provide a place for cross
references and any future legislation.

CROSS REFERENCES

- Authority to enact, repeal, revise and amend ordinances and resolutions - see Borough Code Sec. 1006(3) (53 P.S. Sec. 46006(3))
- Publication - see Borough Code Sec. 1006(4) (53 P.S. Sec. 46006(4))
- Recording, advertising and codification of ordinances - see Borough Code Sec. 1008 (53 P.S. Sec. 46008)
- Appeals from ordinances - see Borough Code Sec. 1010 (53 P.S. Sec. 46010)
- Records of ordinances; Secretary to attest - see Borough Code Sec. 1111 (53 P.S. Sec. 46111)
- Adoption of technical codes by reference - see Borough Code Sec. 1201(24) (53 P.S. Sec. 46202(24))
- Power to make and adopt ordinances - see Borough Code Sec. 1202(74) (53 P.S. Sec. 46202(74))

TITLE FIVE - Administrative

- Art. 121. Mayor.
- Art. 123. Manager.
- Art. 124. Code Enforcement Officer.
- Art. 125. Tax Collector.
- Art. 127. Solicitor.
- Art. 129. Secretary.
- Art. 131. Auditor.
- Art. 133. Treasurer.
- Art. 135. Police Department.
- Art. 137. Fire Department
- Art. 139. Planning Agency.
- Art. 141. Recreation Board.
- Art. 143. Civil Service Commission.
- Art. 145. Employment Provisions.

ARTICLE 121**Mayor**

EDITOR'S NOTE: There are no sections in Article 121. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Election and term - see Borough Code Sec. 821 (53 P.S. Sec. 45821)
- Vacancy in office - see Borough Code Sec. 901 (53 P.S. Sec. 45901)
- Attendance at Council meetings; breaking tie votes - see Borough Code Sec. 1003 (53 P.S. Sec. 46003)
- Passage, approval and veto of ordinances - see Borough Code Sec. 1007 (53 P.S. Sec. 46007)
- Eligibility - see Borough Code Sec. 1021 (53 P.S. Sec. 46021)
- Incompatible offices - see Borough Code Sec. 1022 (53 P.S. Sec. 46022); 1104 (53 P.S. Sec. 46104)
- Oath - see Borough Code Sec. 1023 (53 P.S. Sec. 46023)
- Salary - see Borough Code Sec. 1024 et seq. (53 P.S. Sec. 46024 et seq.)
- Powers and duties - see Borough Code Sec. 1028, 1029 (53 P.S. Sec. 46028, 46029)
- Reports to Council - see Borough Code Sec. 1029(3) (53 P.S. Sec. 46029(3))
- Acting Mayor - see Borough Code Sec. 1030 (53 P.S. Sec. 46030)
- To have charge and control of police force and chief - see Borough Code Sec. 1121 (53 P.S. Sec. 46121)
- Suspension of police - see Borough Code Sec. 1124 (53 P.S. Sec. 46124)

ARTICLE 123
Manager

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| <p>123.01 Purpose.</p> <p>123.02 Intent.</p> <p>123.03 Creation of position.</p> <p>123.04 Manner of appointment, term and compensation.</p> <p>123.05 Qualifications and residency.</p> <p>123.06 Duties and powers.</p> | <p>123.07 Relationship to the Mayor.</p> <p>123.08 Relationship to Council.</p> <p>123.09 Manner of discharging duties and obligations.</p> <p>123.10 Removal.</p> <p>123.11 Emergency operations plan.</p> <p>123.12 Vacancy.</p> |
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CROSS REFERENCES

- Power to establish office - see Borough Code Sec. 1141 (53 P.S. Sec. 46141)
- Delegation of powers and duties - see Borough Code Sec. 1142 (53 P.S. Sec. 46142)
- Offices not incompatible - see Borough Code Sec. 1143 (53 P.S. Sec. 46143)

123.01 PURPOSE.

This article is enacted for the purpose of enabling Council to more efficiently discharge its duties and obligations as required by the Borough Code, and to more efficiently conduct and transact the everyday business of the Borough. Therefore, it has been determined that a Council-Manager form of government should be established. (Ord. 2235. Passed 9-17-84.)

123.02 INTENT.

It is the intent of this article to establish the position of Borough Manager. Further, it is the intent of this article to delegate to the Borough Manager all non-legislative and non-judicial powers and duties of the Council and Mayor. (Ord. 2235. Passed 9-17-84.)

123.03 CREATION OF POSITION.

The position of Borough Manager is hereby created. (Ord. 2235. Passed 9-17-84.)

123.04 MANNER OF APPOINTMENT, TERM AND COMPENSATION.

The Borough Manager shall be appointed by a majority of all members of Council. The Manager's appointment shall be for an indefinite term. Further, the amount of compensation to be paid to the Manager shall be determined and established by a majority of all members of Council. Council shall enter into a written employment agreement with the Borough Manager which shall set forth the terms and conditions of employment, none of which shall be inconsistent with any provision of this article. (Ord. 2235. Passed 9-17-84.)

123.05 QUALIFICATIONS AND RESIDENCY.

(a) The Borough Manager shall be chosen solely on the basis of administrative qualifications with special emphasis to executive and administrative training and/or experience in municipal or other governmental management. Neither any member of Council or the Mayor shall receive appointment as Borough Manager during the term for which he or she has been elected, nor within one year after the expiration of such term. (Ord. 2235. Passed 9-17-84.)

(b) The Borough Manager need not be a resident of White Oak Borough. (Ord. 3120. Passed 6-21-99.)

123.06 DUTIES AND POWERS.

The Borough Manager shall be the chief executive and administrative officer of the Borough. To that end, the Borough Manager's duties and powers are as follows:

- (a) Administer and carry out all policies, directives and programs established by Council.
- (b) Supervise, direct and conduct the administration of the following Borough departments or offices:
 - (1) Street Department;
 - (2) Police Department;
 - (3) Office personnel including Earned Income Tax Collector;
 - (4) Building Inspector;
 - (5) Ordinance Office;
 - (6) Heritage Hill Pool Complex; and
 - (7) All other departments of the Borough except as otherwise provided by ordinance or law.
- (c) Prepare and submit an annual budget to Council for approval together with the appropriate explanations, comments and reports as deemed desirable or which may be requested.
- (d) Administer the approved annual budget. (Ord. 2235. Passed 9-17-84.)
- (e) Subject to the approval of Council, appoint, and, when necessary, suspend, remove, or otherwise discipline all employees of the Borough under the Borough Manager's supervision subject to any and all merit system principles, civil service provisions, union requirements and the Borough Code. (Ord. 3120. Passed 6-21-99.)
- (f) Implement such policies as may be necessary or expedient for the health, safety and welfare of the Borough.
- (g) Prepare the agenda for all Council meetings.
- (h) Attend all Council meetings, and any other meetings deemed necessary by Council, and participate in all discussions at such meetings.
- (i) See that all ordinances and laws are enforced and that all directives from Council are faithfully observed.
- (j) Negotiate and execute all Borough contracts, including all labor contracts, subject to approval by Council and insure the timely and accurate payment of all bills and collection of monies and/or revenue.
- (k) Perform such other duties as may be required, designated or deemed necessary by Council. (Ord. 2235. Passed 9-17-84.)

123.07 RELATIONSHIP TO THE MAYOR.

The Mayor may delegate to the Borough Manager any and all non-legislative and/or non-judicial powers and duties as deemed necessary. If the Mayor desires to delegate to the Borough Manager the aforementioned powers and duties, Council does hereby approve such action.

(Ord. 2235. Passed 9-17-84.)

123.08 RELATIONSHIP TO COUNCIL.

Council shall continue to act as a body in all legislative matters. It is the intent of this article that Council or the President of Council or the various committees of Council shall work with the Borough Manager in reviewing the operational and legislative needs of the various Borough departments. It is contrary to the spirit of this article for any individual member of Council to interfere with the Borough Manager or with any authorized employee of the Borough in the performance of their duties.

(Ord. 2235. Passed 9-17-84.)

123.09 MANNER OF DISCHARGING DUTIES AND OBLIGATIONS.

The Borough Manager shall at all times discharge his official duties and obligations in a professional and nonpartisan manner.

(Ord. 2235. Passed 9-17-84.)

123.10 REMOVAL.

Council, at any time, by a majority vote of all members of Council, may remove the Borough Manager.

(Ord. 2235. Passed 9-17-84.)

123.11 EMERGENCY OPERATIONS PLAN.

(a) Council does hereby approve, adopt, and place into immediate effect the Emergency Operations Plan of White Oak Borough.

(b) This Plan shall be reviewed on an annual basis to make certain that it conforms with the requirements of the Allegheny County Emergency Operations Plan.

(Ord. 2926. Passed 9-21-92.)

123.12 VACANCY.

In the event of a vacancy in the position of Borough Manager, the Borough Secretary shall assume and/or perform all of the responsibilities, duties and powers of the Borough Manager as set forth in this Article and any other Articles of the Codified Ordinances of the Borough of White Oak, Pennsylvania during said vacancy.

(Ord. 3367. Passed 7-19-04.)

CHAPTER 124
Code Enforcement Officer

124.01 Established.

124.03 Duties and authority.

124.02 Appointment and supervision.

CROSS REFERENCES

Appointment and supervision by City Manager - see ADM. 123.06

Enforcement of Zoning Ordinance - see P. & Z. Art. 1305

Administration and Enforcement of Subdivision and Land

Development Regulations - see P. & Z. Art. 1395

BOCA Building Code - see BLDG & HOUS. Art. 1701

124.01 ESTABLISHED.

There is hereby established the position of Code Enforcement Officer of the Borough. This position is a consolidation of the positions of Ordinance Officer and Building Inspector which positions by name, but not by function, are hereby terminated.
(Ord. 2788. Passed 3-21-88.)

124.02 APPOINTMENT AND SUPERVISION.

In accordance with Article 123 the Code Enforcement Officer shall be appointed and supervised by the Borough Manager. The Borough Manager may seek the advice and consent of Council in making appointments to this position.
(Ord. 2788. Passed 3-21-88.)

124.03 DUTIES AND AUTHORITY.

(a) The Code Enforcement Officer shall have the duty of enforcing all Borough ordinances and codes, including but not limited to ordinances and codes dealing with building and house construction, the Planning and Zoning Code, the Subdivision and Land Development Ordinance and the various BOCA codes. The Borough Manager may prepare a job description setting forth the various duties and responsibilities of this position.

(b) The Code Enforcement Officer shall have the authority to perform all the functions of the position of Ordinance Officer of the Borough.

(c) The Code Enforcement Officer shall have the authority to perform all the functions of the position of Building Inspector of the Borough of White Oak. Where any law, including the statutes of the Commonwealth of Pennsylvania and the ordinances and resolutions of the Borough, refer to the position of Building Inspector, the same shall henceforth be deemed to refer to the Code Enforcement Officer as the same applies to the Borough.
(Ord. 2788. Passed 3-21-88.)

ARTICLE 125
Tax Collector

125.01 Taxpayer's bill of rights.**125.02 Municipal claim collection.**

CROSS REFERENCES

Borough to share costs of bond - see Borough Code Sec. 804 (53 P.S. Sec. 45804)

Authority to elect - see Borough Code Sec. 806 (53 P.S. Sec. 45806)

Election and term - see Borough Code Sec. 861 (53 P.S. Sec. 45861)

Vacancy in office - see Borough Code Sec. 901, 902 (53 P.S. Sec. 45901, 45902)

Audit of accounts - see Borough Code Sec. 1041(b) (53 P.S. Sec. 46041(b))

Powers and duties - see Borough Code Sec. 1086 (53 P.S. Sec. 46086)

Tax duplicate furnished to - see Borough Code Sec. 1305 (53 P.S. Sec. 46305)

125.01 TAXPAYER'S BILL OF RIGHTS.

(a) The Borough of White Oak will comply with the Local Taxpayers Bill of Rights set forth in Subchapter C of Act 50 of 1998.

(b) The Borough's collectors of the earned income tax, the business privilege tax, the mercantile tax and the occupational privilege tax are hereby authorized and directed to comply with the provisions of the aforesaid Local Taxpayers Bill of Rights.
(Res. 3108. Passed 12-28-98.)

125.02 MUNICIPAL CLAIM COLLECTION.

(a) Hereinafter, for every delinquent claim, charge, tax, assessment, levy or obligation owed to the Borough of White Oak, there shall be added to such claim, charge, tax, assessment, levy or obligation such attorney's fees, charges, and expenses incurred in the collection process subsequent to proper notification to taxpayers of the intent to impose attorney's fees on delinquent obligations. Such additional charges shall be collected in addition to such interest and penalties as are allowed by law. They shall further be collected in the same manner and with the full authority as other municipal claims of any nature, and shall be deemed to be a municipal claim and collectable and lienable as such.

(b) Such fees shall be reasonable and the same are hereby established in a fee rate as attached to Ordinance 3212 and made a part hereof as Schedule "A". Said schedule of fees is hereby deemed to be reasonable, fair and necessary in order to allow the Borough to collect such sums due it. This schedule may be amended by resolution by the Borough.

(c) Any person or entity empowered to collect sums on behalf of the Borough is direct to add such fees as are incurred to the extent allowed and set forth on Schedule "A". Such sums collected pursuant to this section shall be in addition to any tax, penalty, interest, costs or fees already part of the delinquent account or assessment. The sums collected pursuant to this section shall be remitted to the municipal taxing authority in the same manner as the underlying tax obligation.

(d) Attorney fees incurred to the extent set forth on Schedule "A" shall be added to all unpaid municipal claims of any nature arising or imposed subsequent to April 16, 2001, or which become delinquent or are redetermined to be delinquent subsequent to April 16, 2001. Prior to the time when such fees are added to any underlying claim, the tax collector shall first give the taxpayer such notice as required by law. The tax collector or other collector shall so notify the taxpayer by sending such notice to the taxpayer's last known address by mailing notices in the manner prescribed by the Act of the Pennsylvania General Assembly, known as Act 1 of 1996. (Ord. 3212. Passed 4-16-01.)

ARTICLE 127
Solicitor

EDITOR'S NOTE: There are no sections in Article 127. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Authority of Council to appoint - see Borough Code Sec. 1005(1) (53 P.S. Sec. 46005(1))
- Compensation; hours of work; outside employment - see Borough Code Sec. 1101 (53 P.S. Sec. 46101)
- Bonds - see Borough Code Sec. 1103 (53 P.S. Sec. 46103)
- To control legal matters - see Borough Code Sec. 1116 (53 P.S. Sec. 46116)
- Duties - see Borough Code Sec. 1117 (53 P.S. Sec. 46117)
- Assistant - see Borough Code Sec. 1118 (53 P.S. Sec. 46118)

ARTICLE 129
Secretary

129.01 Procedures for access to public records.

CROSS REFERENCES

- Authority of Council to appoint - see Borough Code Sec. 1005(1) (53 P.S. Sec. 46005(1))
- Certification and recording of ordinances - see Borough Code Sec. 1008(a) (53 P.S. Sec. 46008(a))
- Replacing lost ordinance books; recording and certification of copies by secretary - see Borough Code Sec. 1011 et seq. (53 P.S. Sec. 46011 et seq.)
- Compensation; hours of work; outside employment - see Borough Code Sec. 1101 (53 P.S. Sec. 46101)
- Incompatible offices - see Borough Code Sec. 1104 (53 P.S. Sec. 46104)
- Duties - see Borough Code Sec. 1111 (53 P.S. Sec. 46111)
- Assistant - see Borough Code Sec. 1112 (53 P.S. Sec. 46112)
- Records open to inspection - see Borough Code Sec. 1113 (53 P.S. Sec. 46113)
- Offices not incompatible - see Borough Code Sec. 1143 (53 P.S. Sec. 46143)

129.01 PROCEDURES FOR ACCESS TO PUBLIC RECORDS.

(a) Council hereby appoints and designates the Borough Secretary as the Municipal contact person who shall receive all requests for public records. Any requester that is denied access to a record may file an exception directly to the Council. This exception should be in writing and addressed to the President of Council.

(b) The regular business hours designated to inspect a public record or to file a written request for a copy of a public record are as follows:

Monday through Friday
8:30 a.m. to 4:30 p.m.
(Excluding holidays)

- (c) The fees for any request are as follows:
- (1) Postage. Will be the actual cost to the Borough.
 - (2) Photocopying. A fee of one dollar (\$1.00) per sheet will be charged for each record requested.
 - (3) Conversion of an electronic record to paper. The fee for the transfer of an electronic record to paper copy will be one dollar (\$1.00) per page.
 - (4) Certification. The fee for a public record to be officially certified by the Borough Secretary will be one dollar (\$1.00) per record.
 - (5) Prepayment. The Borough may require prepayment if the estimated cost of fulfilling a request based on the Fee Schedule will be one hundred dollars (\$100.00) or more.
 - (6) Other fees. Other fees may be assessed only if the Municipality incurs additional costs in complying with the request and such fees must be reasonable.
- (d) All requests must be made in writing, on the official Borough Request for Public Record form.
- (e) The Borough contact person will fulfill all requests within five business days from the date the written request for a public record is received. Exceptions for any request are as follows:
- (1) The Borough may use up to thirty additional days if it must remove portions of the record that are not public, retrieve records not stored on site, or obtain a legal review of records requested, is experiencing a bona fide staff shortage, or if the Requester has not complied with Municipal policies for record access. If additional delays are needed, the Municipality must notify the Requester of the delay, in writing, within the five business days of receiving the request.
 - (2) The Borough may request a thirty days time extension for any record that they believe may possibly not be public information. During the extension the Borough may request an opinion from its Solicitor regarding the nature of the record. The Borough may not charge a fee for legal review of the document. (Ord. 3280. Passed 11-18-02.)

ARTICLE 131
Auditor

131.01 Budgetary Reserve Account.

131.02 Appointment of an independent Auditor.

CROSS REFERENCES

Power to appoint independent auditor - see Borough Code Sec. 1005(7)
(53 P.S. Sec. 46005(7))

General powers and duties - see Borough Code Sec. 1196 (53 P.S.
Sec. 46196)

Appeals from auditor's report - see Borough Code Sec. 1197 (53 P.S.
Sec. 46197)

Administration of oaths; penalties; settlement of accounts - see
Borough Code Sec. 1199 (53 P.S. Sec. 46199)

Employment of attorney; compelling attendance of witnesses - see
Borough Code Sec. 1199 (53 P.S. Sec. 46199)

131.01 BUDGETARY RESERVE ACCOUNT.

(a) Pursuant to Section 3156 B of Act 77 of 1993, a budgetary reserve was established for the purpose of retaining disbursements received by the Borough of White Oak during the calendar year of 1994, of tax moneys under Section 3157 B of Act 77.

(b) The money disbursed to the Borough was retained in the budgetary reserve account, without lapsing, for use during unanticipated emergencies during fiscal year 1995 or thereafter.

(c) An unanticipated emergency is defined as any of the following:

- (1) Unexpected costs resulting from breakage, damage, or malfunction of any municipality owned structure, utility, road, property or improvement;
- (2) Unexpected costs incurred because of unusual weather conditions or personnel requirements arising from injury, illness or other unexpected reasons;
- (3) Exhaustion of the funds budgeted for an individual item in any fiscal year.
(Ord. 3331. Passed 2-11-04.)

131.02 APPOINTMENT OF AN INDEPENDENT AUDITOR.

(a) Council is hereby authorized to appoint an independent auditor to audit, settle or adjust the accounts of the Borough for the year 1984 and subsequent years, said independent auditor to perform all the duties of an auditor as set forth in the Pennsylvania Borough Code.

(b) The independent auditor to be appointed by Council shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm of public accountants.

(c) Following the enactment of this section, an independent auditor shall be appointed annually by resolution before the close of a fiscal year to make an independent examination of the accounting records of the Borough for such fiscal year, and such independent auditor shall also perform the other duties and exercise the powers as conferred upon him by the applicable sections of the Borough Code.

(d) In accordance with the aforesaid section of the Borough Code, when an independent auditor is appointed as herein provided, the office of elected Borough auditor is thereby abolished. (Ord. 2226. Passed 6-28-84.)

ARTICLE 133
Treasurer

133.01 Capital asset policy.

CROSS REFERENCES

- Authority of Council to appoint - see Borough Code Sec. 1005(1)
(53 P.S. Sec. 46005(1))
- To deposit all Borough funds - see Borough Code Sec. 1005(4)
(53 P.S. Sec. 46005(4))
- Compensation; hours of work; outside employment - see Borough
Code Sec. 1101 (53 P.S. Sec. 46101)
- Incompatible offices - see Borough Code Sec. 1104 (53 P.S. Sec.
46104)
- Bond - see Borough Code Sec. 1106 (53 P.S. Sec. 46106)
- Duties - see Borough Code Sec. 1106 (53 P.S. Sec. 46106)
- Assistant - see Borough Code Sec. 1107 (53 P.S. Sec. 46107)
- Offices not incompatible - see Borough Code Sec. 1143 (53 P.S.
Sec. 46143)
- Payment from Borough funds - see Borough Code Sec. 1313 (53 P.S.
Sec. 46313)

133.01 CAPITAL ASSET POLICY.

(a) Statement of Purpose.

- (1) This policy is established to conform to the GASB 34 accounting requirements to establish management and control procedures for the acquisition, disposition and the safeguards of capital assets or tangible property, whether at the individual asset level or as a network, belonging to or in the care of the Borough of White Oak.
- (2) The primary responsibility to coordinate the compilation and preparation of all information necessary to implement this policy is delegated to the Treasurer or authorized agent, under the supervision of the Borough Manager. The Treasurer or authorized agent shall coordinate efforts among the Public Works, Police, Recreation, Administrative Department heads and any other staff necessary to acquire the information.

- (3) The Treasurer or authorized agent shall be responsible for implementation of the necessary procedures to establish and maintain a fixed asset inventory, including depreciation schedules. Depreciation shall be computed on a straight-line basis over the useful lives of the assets using an averaging convention. Normal maintenance and repairs shall be charged as an expense as incurred; major renewals and betterments that materially extend the life or increase the value of the asset shall be capitalized. The basis for depreciation, including groups of assets and useful lives shall be done in writing and submitted for review to the Council, Borough Manager and the Independent Auditor.
- (4) The required Management's Discussion and Analysis (MD&A) [letter] shall be prepared by the Borough Manager. The MD&A shall be in the form required by GASB Statement Number 34 and shall be submitted to the Council for approval prior to publication. The auditor(s) shall review the MD&A in accordance with SAS No. 52, "Required Supplementary Information".
- (b) Capital Assets.
- (1) A capital asset is real or personal property that has a cost equal to or greater than an established capitalization threshold and has an estimated useful life extending beyond one (1) year. Effective January 1, 2004, the Borough of White Oak reports capital assets with an estimated useful life of more than one (1) year and a total cost as listed on the appropriate "Capitalization Threshold Schedule". Individual assets that cost less than the value set in "Capitalization Threshold Schedule", but operate as part of a Network System will be capitalized in the aggregate. The Borough will continue to track and inventory all capital purchases for insurance purposes in accordance with the "Capitalization Threshold Schedule".
- (2) The following categories of capital assets shall apply: Infrastructure; Land; Building and Building Improvements; Improvements Other Than Building; Machinery, Equipment and Vehicles; Construction Work in Progress. The capitalization threshold for each category is as follows:

Capitalization Threshold

Capital Asset Category	Capitalization Threshold
Infrastructure	\$2,500
Land	Capitalize All
Building and Building Improvements	\$2,500
Improvements Other Than Building	\$2,500
Machinery, Equipment and Vehicles	\$1,500
Construction Work in Progress	Accumulate all costs and capitalize if over \$2,500 when completed.

(c) Reporting Capital Assets.

- (1) Capital assets shall be recorded at historical cost and include ancillary charges necessary to place the asset into its intended location and condition for use. Donated capital assets should be reported at their estimated fair value at the time of acquisition plus ancillary charges, if any.
- (2) Any improvements made to a capital asset that extends the useful life of the asset beyond one (1) year should be capitalized.

(d) Depreciating Capital Assets. Capital assets shall be depreciated over their estimated useful lives unless they are: inexhaustible (land improvements, certain works of art and historical treasures) or construction in progress. Straight-line depreciation shall be used for calculating depreciation.

Suggested useful lives (developed from Governmental Accounting Focus article by Paul E. Gruenwald, American Appraisal Associates).

INFRASTRUCTURE:			
ROADWAYS:		PARKING LOTS:	
Subject to weather conditions:			
Dirt	10 yrs	Concrete	35 yrs
Gravel	15 yrs	Asphalt	15 yrs
Soil Cement	20 yrs	Gravel	10 yrs
Asphaltic Concrete	20 yrs	Brick or Stone	45 yrs
Concrete	30 yrs		
Brick or Stone	50 yrs		
SIDEWALKS		TRAFFIC/PEDESTRIAN SIGNALS:	
Concrete	35 yrs	Mast Arms	20 yrs
Asphalt	25 yrs	Hung Wire	15 yrs
Brick or Stone	50 yrs	Stop Lights	10 yrs
STORM/SANITARY DRAINS		BIKE/JOGGING/WALKING PATHS:	
Plastic	50 yrs	Dirt	10 yrs
Cast Iron	30 yrs	Gravel	15 yrs
Metal Corrugated	30 yrs	Concrete	30 yrs
Concrete	40 yrs	Asphalt	20 yrs
Ditch/Trench	100 yrs	Composite Rubber	7 yrs
		Brick or Stone	50 yrs

NON-INFRASTRUCTURE:

Athletic Equipment	10 yrs	Small and Large Dump Truck, Bobcat	8 yrs
Appliances/Food Service Equipment	10 yrs	Heavy Construction Equipment	10 yrs
Business Machines	7 yrs	Chipper and Leaf Equipment	8 yrs
Communication Equipment	10 yrs	Grounds Equipment	10 yrs
Computer Software	5 yrs	Machinery and Tools	15 yrs
Contractors/Construction Equipment	12 yrs	Outdoor Recreation Equipment	15 yrs
Computer Equipment	5 yrs	Stage and Auditorium Equipment	20 yrs
Furniture	20 yrs	Custodial Equipment	15 yrs
Grounds, Agricultural Equipment	15 yrs	Photocopiers	5 yrs
Licensed Vehicles	6 yrs	Radio/Communication Equipment	7 yrs
Light Trucks	7 yrs	Building (pavilions)	40 yrs

Berms	5 yrs	Building, Building Components and Services	
		Permanent Structures	50 yrs
		Carpeting	7 yrs
		Plumbing	25 yrs
Road Signage	10 yrs	HVAC	20 yrs
		Roofing Flat	10 yrs
		Steel Peaked	30 yrs

LAND IMPROVEMENTS:

Fencing, gates, flag pole	20 yrs	Ball Field Infield	10 yrs
Landscaping	10 yrs	Building and Park Landscaping	30 yrs
Outside Sprinkler System	25 yrs	Playground Equipment	20 yrs
Athletic Fields	25 yrs	Soccer Fields	15 yrs
Septic System	30 yrs	Running Track	15 yrs
Tennis Court	20 yrs	Outdoor Lighting	20 yrs
Fountains	20 yrs	Retaining Walls	20 yrs
Bleachers	20 yrs		

INVENTORIED ITEMS:

Items not covered through above tables shall be inventoried for internal control and insurance coverage purposes.

(e) Definitions.

- (1) “Ancillary charges” includes costs that are directly attributed to assets acquisitions, such as freight and transportation, site preparation charges and professional fees.
- (2) “Building” means a structure that is permanently attached to the land, has a roof, is partially or completely enclosed by walls and is not intended to be transportable or moveable. It is generally used to house persons, property and fixtures attached to and forming a permanent part of such a structure.
- (3) “Building improvements” means capital events that materially extend the useful life of a building or increase the value of a building, or both, beyond one year. Examples: roofing projects, major energy conservation projects, remodeling and replacing major building components. Building improvements should not include maintenance and repairs done in the normal course of business.

The following expenses associated with the purchase or improvement of a building should be included in the capitalization amount; original purchase price, remodeling or reconditioning, expenses, environmental compliance (i.e., asbestos abatement), professional fees (i.e., legal, architect, inspections, title searches, etc.), payment of unpaid accrued taxes on the building to the date of purchase; cancellation or buyout of existing leases; cost of building permits; permanently attached fixtures or machinery that cannot be removed without impairing the use of the building; additions to building (i.e., expansions, extensions of enlargements); conversion of attics, basement, etc., to usable office or storage space; structures attached to the building such as covered patios, garages and enclosed stairwells; installation or upgrade of heating and cooling systems, including ceiling fans, and attic vents; original installation or upgrade of wall or ceiling covering such as carpeting, tiles, paneling or parquet; structural changes such as reinforcement of floors or walls, installation or replacement of beams, rafters, joists, steel grids or other interior or other interior framing; installation or upgrade of window or doorframe, upgrading of windows or doors, building closet and cabinets; interior renovation associated with casings, baseboards, light fixtures, ceiling trims, etc.; exterior renovation such as installation or replacement of siding, roofing or masonry; installation or upgrade of plumbing and electrical wiring; installation or upgrade of phone or closed circuit television systems, networks, fiber optic cable or wiring required in the installation of equipment that will remain in the building.

The following examples should be considered maintenance and repairs and not capitalized including but are not limited to the following: Adding, removing and/or moving of walls relating to renovation projects that are not considered major rehabilitation projects and do not increase the value of the building; plumbing or electrical repairs; cleaning, pest extermination or other periodic maintenance; interior decoration such as draperies, blinds, curtain rods, wallpaper, etc.; exterior decorations such as detachable awnings, uncovered porches, decorative fences; maintenance-type interior renovation such as repainting, touch-up plastering, replacement of carpet, tiles or panel sections, sink and fixture refinishing; maintenance-type exterior renovation such as repainting, replacement of sections of siding, roof or masonry.

- (4) “Capital asset” means land, land improvements, easements, building, building improvements, construction in progress, vehicles, machinery, equipment, infrastructure and all other tangible or intangible assets that are used in operations and that have initial useful lives extending beyond a single reporting period.
- (5) “Construction in progress” reflects the economic construction activity status of building and other structures, infrastructure, additions, alterations, reconstruction and installation, which are substantially incomplete. These assets should be capitalized to their appropriate capital assets categories upon the earlier occurrence of execution of substantial completion contract documents, occupancy or when the assets are placed into service. It is the department’s responsibility to track, all costs related to construction work in progress so that the final value of the constructed assets is correctly captured.
- (6) “Depreciation” means the process of allocating the cost of tangible property over a period of time, rather than deducting the cost as an expense in the year of acquisition. Generally, at the end of an asset’s life, the sum of the amounts charged for depreciation in each accounting period (accumulated depreciation) would equal original cost less salvage value.
- (7) “Easements” means an interest in land owned by another that entitles its holder to a specific, limited right to use the land. Therefore, easements are not required to be reported in the financial statement unless the entity paid for the easement.
- (8) “Infrastructure assets” means long-lived capital assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. Examples are roads, bridges, tunnels, drainage systems, water and sewer systems, dams and lighting systems. Building, except those that are an ancillary part of a network of infrastructure assets, should not be considered infrastructure assets for purposes of GASB 34. Improvements made to this type of asset that increase the useful life or value of the asset beyond one (1) year should also be capitalized. Infrastructure assets do not include building, drives, parking lots or any other asset that is incidental to property or access to property.

- (9) “Improvements other than building” means land improvements which include items such as driveways, sidewalks, parking lots, flagpoles, retaining walls, fencing, outdoor lighting and other non-building improvements intended to make the land ready for its intended purpose. Site improvements are exhaustible and are therefore depreciable.
- (10) “Inventory items” means equipment, machinery, tools (hand/powered) that need to be kept track of for the sole purpose of insurance coverage and/or internal control. Any item with a value over one hundred dollars (\$100.00).
- (11) “Land” means an area of ground in terms of its ownership or use. Land is to be capitalized but not depreciated. It is recorded at historical cost and remains at that cost until disposal. There is a special item in the statement of activities for reporting gain or loss on the sale of land. All commissions, professional fees (title searches, architect, legal, engineering, appraisal, surveying and environmental assessments, etc.); land excavation, fill, grading and drainage; demolition of existing building and improvements; and removal, relocation or reconstruction of the property of others (i.e., telephone and power lines, etc.) shall be included in the amount capitalized as land.
- (12) “Land improvements” means betterments, other than building, that ready land for its intended use such as site improvements including excavation, fill, grading and utility installation. Removal, relocation or reconstruction of property of others, such as railroads and phone and power lines, retaining walls, parking lots, fencing and landscaping.
- (13) “Exhaustible land improvements” means those that are considered part of a structure or that deteriorate with use or the passage of time. Land improvements include driveways, sidewalks, parking lots, flagpoles, retaining walls, fencing, outdoor lighting and other non-building improvements intended to make the land ready for its intended purpose. Site improvements are exhaustible and are therefore depreciable.
- (14) “Nonexhaustible land improvements” means expenditures for improvements that do not require maintenance or replacement, expenditures to bring land into condition to erect structures, expenditures for improvements not identified with structures and expenditures for land improvements that do not deteriorate with use or passage of time. They are additions to the cost of land and are generally not exhaustible and therefore, not depreciable. Some examples are fill, grading costs and landscaping.
- (15) “Machinery, equipment and vehicles” includes tangible property of a permanent nature, other than land and building and building improvements. These tangible assets are to be used for operations, the benefits of which extend beyond one (1) year from date of purchase and rendered into service. Examples of machinery, furniture and equipment are tools, trucks, office furniture, cars and computer/computer equipment.
- (16) “Network system” means a group of related or similar assets which are interdependent and where the principal portion of the network relies on the entire network and not the individual assets such as storm water drainage systems and roads.

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- (17) “Salvage value” means the value an asset is expected to have when it is no longer useful for its intended purpose. (The amount for which the asset could be sold at the end of its useful life.)
 - (18) “Straight-line depreciation” means the historic cost of the asset written off evenly over the useful life of the asset. The total amount depreciated can never exceed the asset’s historic costs less salvage value. At the end of the asset’s estimated life, the salvage value will remain.
 - (19) “Useful life” means the estimated number of months or years that an asset will be able to be used for the purpose for which it was purchased.
(Res. 3409. Passed 7-18-05.)

ARTICLE 135
Police Department

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| <p>135.01 Established.</p> <p>135.02 Officers.</p> <p>135.03 Duties.</p> | <p>135.04 General regulations.</p> <p>135.05 Restitution of benefits paid police resulting from criminal conduct.</p> <p>135.06 Police reports; accident/incident fees.</p> |
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CROSS REFERENCES

Powers and duties - see Borough Code Sec. 1121 (53 P.S. Sec. 46121)
 Appointment, suspension, reduction and discharge - see Borough Code Sec. 1121 (53 P.S. Sec. 46121)
 Hours of employment; organization; training course - see Borough Code Sec. 1121 (53 P.S. Sec. 46121)
 Mayor to control - see Borough Code Sec. 1121 (53 P.S. Sec. 46121)
 Serving under cooperative agreement or contract - see Borough Code Sec. 1122 (53 P.S. Sec. 46122)
 Badge - see Borough Code Sec. 1123 (53 P.S. Sec. 46123)
 Suspension by Mayor - see Borough Code Sec. 1124 (53 P.S. Sec. 46124)
 Compensation fixed by Council - see Borough Code Sec. 1125 (53 P.S. Sec. 46125)
 Special school police - see Borough Code Sec. 1127 (53 P.S. Sec. 46127)
 Power to contract with other Municipality for police protection
 see - Borough Code Sec. 1202(35) (53 P.S. Sec. 46202(35))

135.01 ESTABLISHED.

A Police Department is hereby created and established in and for the Borough.
 (Ord. 941. Passed 12-12-66.)

135.02 OFFICERS.

The following classification of officers is hereby established for the Police Department. Chief of Police, Lieutenant of Police, Patrolman, Sergeant, Special School Police, Auxiliary Policeman.

Council shall, subject to the Civil Service Provisions of the Borough Code, designate and appoint by proper ordinance or legislative resolution the individual or individuals assigned to each such office, excepting the office of auxiliary policeman. The priority of authority among the various classifications shall be in the order above listed.

(Ord. 941. Passed 12-12-66.)

135.03 DUTIES.

The following duties are prescribed for performance by the various classifications of officers subject to such reasonable and lawful rules and regulations as may be promulgated by the Mayor as to the manner in which the person or persons assigned to each such office shall perform the same:

- (a) Chief of Police. The Chief of Police is the chief executive officer of the Police Department; shall have active charge of any police office or station maintained by the Department, and implicit observance must be rendered to his orders by all officers of the Department. His duties shall consist of:
- (1) Administrative duties. It shall be his responsibility to:
 - A. Efficiently supervise the office and police force;
 - B. Maintain good public relations with members of the public , citizenry and press;
 - C. Coordinate the activities of his Department with those of the other offices and officials of the Borough;
 - D. Cooperate with other police agencies, local, County and State;
 - E. Report all charges preferred against any officer, be present at their investigation, keep a record of the charge, evidence presented and defense offered;
 - F. Keep all arms, billies, belts, whistles, badges and all other property belonging to the Department and shall distribute the same as needed, taking a receipt therefor from the officer to whom entrusted;
 - G. Nominate such persons as auxiliary policemen who have satisfactorily completed such a course of training as he may prescribe pursuant to the provisions of the Act of 1952, P.L. 2016, Section 2;
 - H. Discharge any or all auxiliary policemen for whom active duty is no longer needed or who has failed or refused to perform duties lawfully assigned to them by the Chief.
 - (2) Supervisory duties. In the performance of his supervisory duties, he shall:
 - A. Detail such orders to the members of the police force as may be necessary to carry out the instructions of the Mayor as to the manner and time of the performance of their duties;
 - B. Inspect all members of the police force from time to time, supervise their general conduct, observe their performance of duty, and report the same to the Mayor with such recommendation as he may deem advisable;
 - C. Require subordinate officers to report on duty wearing the approved uniforms;
 - D. Prepare or cause to be prepared and post schedule of the subordinate officers working hours pursuant to the instructions of the Mayor;
 - E. Receive and examine the report of the Lieutenant of Police and other officers and submit the same to the Mayor;
 - F. Investigate or cause to be investigated any and all crimes reportedly committed within the Borough;
 - G. Report personally to the scene of any alleged felony and investigate the same in the instance of murder or supposed murder, take charge of the premises, eject all unauthorized parties, place his men in charge and submit himself and his officers to the orders of the Coroner;

- H. Report promptly to all serious fires, explosions, disasters, riots or other tumultuous assemblages within the Borough, assume command of the police officers there present, protect, property, dispel all crowds if necessary and cause the arrest of any person refusing to take orders, disturbing the peace or inciting others so to do;
 - I. Detail the orders of the Mayor to the members of the Special School Police assigned to controlling or directing traffic at or near schools, pursuant to the provisions of the Borough Code;
 - J. Detail orders to the members of the auxiliary police during any period of distress, disaster or emergency after they have been summoned to active duty by the Mayor, pursuant to the provisions of the Act of 1952, P.L. 2016, Section 5;
 - K. Detail orders to such of the additional police or auxiliary police of adjoining municipalities as may be assigned to the Borough of White Oak by the Commissioner of the Pennsylvania State Police to meet with any disaster or emergency pursuant to the provisions of the Act of 1952, P.L. 2016, Section 6;
 - L. Carry out all duties imposed upon him by law.
- (b) Lieutenant of Police. The Lieutenant of Police is hereby constituted to be the second officer in command of the Police Department. His duties shall consist of the following:
- (1) In the absence of the Chief of Police by reason of vacation, illness, suspension, vacancy or any other cause, it shall be his responsibility to perform all of the duties of the Chief of Police;
 - (2) In addition, it shall be his duty to prepare and submit daily to the Chief of Police, or in his absence, to the Mayor, a written report or summary of the Department's police activities for the past twenty-four hours, detailing all arrests, the identities of the arresting officers and those arrested, the circumstances of the arrest and the nature of the charges. In the execution of this duty, he shall be responsible for the daily police blotter and shall require all subordinate officers to enter their reports therein;
 - (3) At all other times he shall perform the duties of a patrolman as hereinafter provided.
- (c) Patrolman. It shall be the duty of every regular full time patrolman to:
- (1) Report on duty in approved uniform at the police station or at such other place as may be specially ordered by the Chief of Police at such reasonable times as may be specified by regular posted schedule;
 - (2) Promptly and obediently observe and carry out his assigned beat or patrol and such lawful orders of the Mayor as may be detailed by the Chief or Lieutenant of Police; and he shall perform this duty as to manner, time and place in strict compliance with the rules and regulations promulgated by the Mayor or special orders and bulletins issued by the Chief of Police.

- (3) Familiarize himself with the provisions of this article, all other Borough ordinances and Acts of Assembly regulating police or requiring police attention and all rules promulgated by the Mayor for the regulation of the Police Department and its members;
 - (4) Report to the Chief of Police or in his absence, the Mayor as soon as reasonably may be done, the commission of any homicide, rape, burglary, robbery or other felony within the Borough that has been brought to his attention;
 - (5) Make daily entry upon the police blotter of all information and fact of which he may gain knowledge concerning the commission of any crime, the occurrence of any fire, disturbance or accident or the existence of any condition which may affect the health, safety or welfare of the public or citizens of the Borough or adjoining communities;
 - (6) Make report by police radio and take appropriate action in case any crime or summary violation of the law, fire, disturbance or other matter requiring police action should occur during his assigned tour of duty;
 - (7) Attend such course of training at any training school for policemen established and made available by the Commonwealth of Pennsylvania or the Federal Government as may be directed by Council.
- (d) Sergeant. It shall be the duty of the Sergeant, or in his absence other police officer on desk duty to:
- (1) Record all telephone calls and reports of all patrolmen of the Borough, as well as police officers of adjoining communities requesting action by the Borough Police Department;
 - (2) Record all reports of any accidents, crimes and other police matters brought to his attention, and where necessary, issue calls by radio to patrolmen on patrol or beat duty.
- (e) Special School Police. It shall be the duty of every Special School Policeman to:
- (1) Report on duty in approved uniform at such location as he or she may be directed by the Chief of Police acting upon the express orders of the Mayor;
 - (2) Familiarize himself or herself with the provisions of this article, all other Borough Ordinances and Acts of Assembly regulating police or requiring police attention and all rules promulgated by the Mayor for the regulation of the Police Department and its members;
 - (3) Control and direct traffic at his or her assigned street crossing and to take such action as may be commensurate with the health, safety and welfare of the traveling public and the school children using the public streets.
- (f) Auxiliary Policeman. It shall be the duty of every regularly constituted Auxiliary Policeman to:
- (1) Report on duty in approved uniform at such location as he may be directed by the Chief of Police;

- (2) Familiarize himself with the provisions of this article, all other Borough Ordinances and Acts of Assembly regulating police, auxiliary police or requiring police attention;
- (3) Control and direct traffic at such location to which he may be assigned and to carry out the lawful orders of the Chief of Police; and his failure to do so shall be considered dereliction of duty under penalty of discharge by the Chief of Police.
(Ord. 941. Passed 12-12-66.)

135.04 GENERAL REGULATIONS.

The following regulations shall apply to every member of the Police Department; a member being construed to be any individual duly appointed by Council as a regular full-time police officer, probationer, provisional policeman and special school policeman, as well as special policemen appointed by the Mayor during emergencies and auxiliary policeman appointed by the Chief of Police:

- (a) Conduct. Every member in dealing with the members of the public, fellow officers and superiors, shall conduct and deport himself in a courteous and attentive manner, employ civil and well-spoken language and particularly abstain from the use of profane or insolent language and unnecessary conversation.
- (b) Obedience. Every member shall diligently and promptly execute the assigned duties of his office and all lawful orders of his immediate superior, keeping in mind that his value and effectiveness as a police officer bears in direct proportion to the degree of sincerity, honesty and intelligence with which he devotes himself to their observance and enforcement. Should any order of his immediate superior conflict with the provisions of this article with any general or special order, with any provision of the rules and regulations promulgated by the Mayor, or a previous order from any other superior, the member to whom such order is given, shall respectfully call attention to such conflict of orders and if the superior giving the last order does not change the same so as to eliminate the conflict, his order shall be carried out and the responsibility shall be that of the immediate superior and the member obeying this last order shall not be held in any way responsible for the disobedience of any rule or order previously made.
- (c) Business of the Police Department. All business of the Police Department shall be carried out in accordance with the rules and regulations promulgated by the Mayor and routine orders of the Police Department, known as general orders, special orders and bulletins issued over the signature of the Chief of Police; provided, however, no form of order shall be issued that conflicts with or changes in any respect the provisions of the rules and regulations promulgated by the Mayor without his written approval.
- (d) Rules and Regulations, Orders and Bulletins. Rules and Regulations, Orders and Bulletins shall be defined as follows:

- (1) Rules and regulations are the permanent written instructions promulgated by the Mayor governing the operation of the Police Department and conduct of its members;
 - (2) General Orders shall consist of amendments to the Rules and Regulations and Special Instructions issued by the Mayor, notice of which shall be posted by the Chief of Police;
 - (3) Special Orders shall consist of appointments, assignments, suspensions, dismissals, re-instatements, police details, instructions and orders concerning individual members of the department or relating to matters of a temporary nature;
 - (4) Bulletins shall consist of notices concerning laws and ordinances requiring special attention of the Department or amendments to the same, opinions of the Borough Solicitor, correspondence concerning the operation of the Police Department with other branches of the Borough government and other matters for the general information and guidance of the members not covered by the Rules and Regulations or other Order.
- (e) Scheduled Duty. Every member shall report for duty in accordance with posted schedule or special order of the Chief or Lieutenant of Police, and barring emergencies, shall be relieved at the scheduled hour. Moreover, every regular full-time police officer shall be held to be on duty at all times and consequently, must be prepared to act immediately upon receipt of notice from his immediate superior that his services are required or upon receipt of information requiring his attention. For this reason no regular full-time police officer of the Department shall accept any other full-time employment; and further provided shall accept no other part-time employment without the approval of the Mayor.
(Ord. 941. Passed 12-12-66.)

135.05 RESTITUTION OF BENEFITS PAID POLICE RESULTING FROM CRIMINAL CONDUCT.

(a) Purpose and Intention. This section is adopted to aid in compensating victims for harm directly caused by an offender, to decrease the cost of Workers' Compensation insurance and costs associated with injuries to person and property in order to minimize taxes to the residents of the Borough of White Oak, to minimize losses sustained by the Borough and its police officers through Workers' Compensation payments and other losses which may be sustained which occur as a direct result of criminal conduct inflicted upon its police officers by criminal offenders, and to obtain restitution for losses sustained by the Borough and its police officers as the direct result of criminal conduct resulting in personal injury to police officers and property damage to the Borough in the performance of their official duties.

(b) Rules of Construction. In the construction of this section, the rules and definitions contained in this subsection shall be observed and applied, except when the context clearly indicates otherwise:

- (1) Words used in the singular shall include the plural, and the plural the singular.
- (2) Words used in the present tense shall include the future tense.
- (3) The word "shall" is always mandatory and not discretionary.
- (4) The word "may" is permissive.
- (5) This section shall be liberally construed to accomplish its purpose to protect the public's health, safety and welfare.

(c) Definitions.

- (1) "Crime" means any offense punishable under 18 Pennsylvania Consolidated Statutes or 75 Pennsylvania Consolidated Statutes.
- (2) "Offender" means any person, except a victim, who criminally causes personal injury to the person or property of another as a direct result of a crime and who is adjudged guilty of an offense punishable under 18 Pennsylvania Consolidated Statutes or 75 Pennsylvania Consolidated Statutes.
- (3) "Personal injury" means actual bodily harm directly resulting from the crime.
- (4) "Police officer" means any person duly employed by the Borough of White Oak who is by law given the power to arrest when acting within the scope of the person's employment.
- (5) "Restitution" means the return of property of the victim or payments in cash or the equivalent thereof pursuant to an order of a court.
- (6) "Victim" means any person, except an offender, who suffered injuries to his person or property as a direct result of the crime. The term "victim" specifically includes the Borough of White Oak and any insurance company that has compensated the victim for loss under an insurance contract.
- (7) "Borough" means the Borough of White Oak.
- (8) "Borough Manager" means the Manager of the Borough of White Oak.

(d) Requirement of Offenders. When required as a condition of probation or parole, offenders convicted of a crime, wherein a police officer suffered injury to property or personal injury directly resulting from the crime, shall make restitution in the amount of the value of the loss sustained by the victim, the Borough or an insurance company, as ordered by the sentencing court.

(e) Duties of Police Officers.

- (1) Request for information of loss. When a Borough police officer who has suffered personal injury receives notification from the District Attorney's Office of a pending trial for the offender, the officer who suffered personal injury and/or property damaged, whether sustained by the officer or the Borough, shall request the Borough Manager to provide to the officer the monetary value of the loss sustained by the Borough and the Borough's insurance carrier.
- (2) Reporting. If the offender is convicted of a crime which resulted in personal injury and/or property damage to the Borough police officer and/or the Borough, the police officer shall inform the Assistant District Attorney, prior to sentencing, of the loss sustained by the victim, the Borough, and the Borough's insurance carrier so that restitution may be ordered by the court pursuant to 18 Pa.C.S. Sec. 1106(c).
- (3) Preservation of private members. No judgment or order of restitution shall debar the Borough or any police officer who sustained personal injury, by appropriate action, to recover from the offender as otherwise provided by law, provided that any civil award shall be reduced by the amount paid under this section.

- (f) Duties of the Borough Manager.
- (1) Notification of value of Township loss. Upon request from a Borough police officer who has suffered personal injury directly resulting from a crime, the Borough Manager shall provide to the requesting officer the monetary value of the loss sustained by the Borough and the Borough's insurance carrier.
 - (2) Value of loss. Value of Borough loss shall include, but not be limited to: medical expenses, amount of medical expenses not covered by the Borough insurance carrier, amount of compensation received by the police officer during absence from duty caused by the offender and the amount of compensation paid to the police officer not reimbursed by the insurance carrier of the Borough, as a direct result of the offender's crime.

(g) Validity. The provisions of this section are severable and if any of its provisions or any part of any provisions shall be held unconstitutional or otherwise held to be invalid, the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Council of White Oak that this section would have been enacted had such unconstitutional provisions or parts thereof not been included herein.
(Ord. 3084. Passed 3-16-98.)

135.06 POLICE REPORTS; ACCIDENT/INCIDENT FEES.

- | | | |
|-----|--|---------|
| (a) | Residents | \$5.00 |
| (b) | Non-Residents/insurance Companies/Businesses | \$25.00 |

(Res. 3206. Passed 2-19-01.)

ARTICLE 137
Fire Department

EDITOR'S NOTE: There are no sections in Article 137. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Appointment procedure of chief and department members - see Borough Code Sec. 1184 (53 P.S. Sec. 46184)
- Authority to enter into joint contracts with neighboring communities for fire protection - see Borough Code Sec. 1202(35) (53 P.S. Sec. 46202(35))
- Authority to purchase equipment and appropriate money for maintenance of fire company - see Borough Code Sec. 1202(52) (53 P.S. Sec. 46202(52))

ARTICLE 139
Planning Agency

139.01 Established.

CROSS REFERENCES

Authority to establish - see Pennsylvania Municipalities Planning
Code Sec. 201 (53 P.S. Sec. 10201)

General provisions - see Pennsylvania Municipalities Planning
Code Sec. 202 et seq. (53 P.S. Sec. 10202 et seq.)

Powers and duties - see Pennsylvania Municipalities Planning
Code Sec. 209.1 (53 P.S. Sec. 10209.1)

139.01 ESTABLISHED.

The White Oak Planning Commission shall hereafter be known as the White Oak
Planning Agency.
(Ord. 1352. Passed 11-19-73.)

**ARTICLE 141
Recreation Board**

<p>141.01 Established.</p> <p>141.02 Composition; terms; vacancies.</p> <p>141.03 Officers; meetings.</p> <p>141.04 Duties.</p> <p>141.05 Gifts; obligations; contracts.</p>	<p>141.06 Superintendent of Recreation.</p> <p>141.07 Funding.</p> <p>141.08 Reports.</p> <p>141.09 Additional powers.</p>
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CROSS REFERENCES

- Power of Borough to maintain, improve and acquire recreation places - see Borough Code Sec. 2701 et seq. (53 P.S. Sec. 47701 et seq.)
- Plan of parks and playgrounds - see Borough Code Sec. 2706 (53 P.S. Sec. 47706)
- Power to establish Board - see Borough Code Sec. 2708 (53 P.S. Sec. 47708)
- Organization; employees - see Borough Code Sec. 2710 (53 P.S. Sec. 47710)

141.01 ESTABLISHED.

There is hereby created a Recreation Board known as the "Recreation Board of the Borough of White Oak".
(Ord. 820. Passed 2-15-65.)

141.02 COMPOSITION; TERMS; VACANCIES.

The Recreation Board shall be composed of nine members, to be appointed by Council, with the power to provide, conduct, and maintain public recreation areas, facilities, and centers subject to all of the responsibilities of the Recreation Enabling Legislation. The Board Members shall serve for terms of five years, or until their successors are appointed, except that they the Members of such Board, first appointed, shall be appointed for such terms that the term of at least one Member shall expire annually thereafter. Vacancies shall be filled in the same manner as original appointments and for the unexpired term. Members shall serve without pay.
(Ord. 820. Passed 2-15-65; Ord. 1270. Passed 7-17-72.)

141.03 OFFICERS; MEETINGS.

The Recreation Board shall appoint from its membership a Chairman and such other officers as it may deem necessary for the orderly conduct of its business, and it may adopt by-laws, rules and regulations covering its procedures not inconsistent with provisions of the Borough Code and ordinances of the Borough; and in the absence of such adopted by-laws, rules and regulations, shall conduct its business in accordance with Roberts' Rules of Order Revised. The Board shall hold regular meetings at such times and places as it may designate.
(Ord. 820. Passed 2-15-65.)

141.04 DUTIES.

The Recreation Board shall maintain, operate and supervise the public parks, playfields, and all outdoor and indoor recreation areas and facilities owned or controlled by the Borough, whether within or without the limits of the Borough.
(Ord. 820. Passed 2-15-65.)

141.05 GIFTS; OBLIGATIONS; CONTRACTS.

The Recreation Board may accept any grant, gifts, bequest or donation of services, equipment, real estate or money from any individual or group to be used as specified by the donor or in accordance with the terms of acceptance. The Recreation Board shall have no authority to enter into any contract or incur any obligation binding upon the Borough, excepting in the instances of grants, gifts, bequests or donations as above specified. All obligations or contracts made on behalf of the Recreation Board shall be fully executed within the then current fiscal year and all within the budget appropriation made by Council.
(Ord. 820. Passed 2-15-65.)

141.06 SUPERINTENDENT OF RECREATION.

The Recreation Board shall have the power to appoint an Executive Director or Superintendent of Recreation, subject to ratification by Council, who possesses the necessary qualifications and who has demonstrated by actual work his ability to organize and direct a community recreation system, and supervise the activities of such other personnel as may be deemed necessary in carrying out the program.
(Ord. 820. Passed 2-15-65.)

141.07 FUNDING.

Any funds appropriated by Council, and budgeted to the Recreation Board shall be disbursed by the fiscal disbursing officer of the Borough, upon vouchers issued by the proper Borough officers and within the budget appropriations made. Funds received by the Recreation Board from sources other than budget appropriations shall be deposited by the Borough, to the credit and for the use of the Board and disbursed as the above budget funds are disbursed, except that funds received by gift, bequest, or otherwise shall be disbursed in accordance with the terms of such gift or bequest, or the terms of the acceptance thereof.
(Ord. 820. Passed 2-15-65.)

141.08 REPORTS.

The Recreation Board shall make full and complete reports to Council at such times as may be designated or requested by Council. The fiscal year of said Recreation Board shall conform to that of the Borough.

(Ord. 820. Passed 2-15-65.)

141.09 ADDITIONAL POWERS.

Such powers as are now or may hereafter be provided by Statute of the Commonwealth of Pennsylvania or by ordinances of the Borough, relating to the development and operation of recreation systems, public parks, and playgrounds are hereby vested in the Recreation Board, to be exercised by it subject and to any and all restrictions contained in such powers and ordinances.

(Ord. 820. Passed 2-15-65.)

ARTICLE 143
Civil Service Commission

EDITOR'S NOTE: There are no sections in Article 143. This article has been established to provide a place for cross references and any future legislation.

Pursuant to Resolution 3302, passed July 21, 2003, the Borough has enacted Civil Service Rules and Regulations. Copies are on file with the Borough Secretary.

CROSS REFERENCES

Borough Code provisions; civil service for police and firemen - see
Borough Code Sec. 1171 et seq. (53 P.S. Sec. 46171 et seq.)

ARTICLE 145
Employment Provisions

EDITOR'S NOTE: Salary and other employment benefits are not codified herein since they are subject to frequent change. Please see the Borough Secretary for the current compensation legislation.

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| <p>145.01 Bonds.</p> <p>145.02 Mandatory retirement for police.</p> <p>145.03 CDL drug/alcohol policy.</p> <p>145.04 Drug free workplace.</p> <p>145.05 Sexual harassment.</p> | <p>145.06 Severance pay for at-will positions.</p> <p>145.07 Policy on suspected misconduct and dishonesty.</p> <p>145.08 Disciplinary actions.</p> |
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CROSS REFERENCES

Compensation, hours and outside employment regulated by Council - see Borough Code Sec. 1101 (53 P.S. Sec. 46101)

Accounts to be rendered to Council for settlement - see Borough Code Sec. 1102 (53 P.S. Sec. 46102)

Bonds; appointments; incompatible offices - see Borough Code Sec. 1103 et seq. (53 P.S. Sec. 46103 et seq.)

145.01 BONDS.

The following Borough officials shall be bonded as follows:

<u>Official</u>	<u>Bond</u>
Tax Collector	\$ 300,000
Wage Tax Collector	100,000
Manager	100,000
Secretary	100,000
President of Council	50,000
Vice President	50,000
Solicitor	2,000
Building Inspector	2,000

145.02 MANDATORY RETIREMENT FOR POLICE.

(a) This section shall apply to all police officers of the Borough.

(b) All police officers are required to retire the first day of the month following his/her sixty-fifth birthday regardless of the number of years of service he or she has put in. Nothing in this section shall be construed to affect any early retirement provisions set forth in Act 600 or in the Borough Police Pension Plan.

(c) Council has determined and does hereby find as a fact that age is a bona fide occupational qualification reasonably necessary for the normal operation of police business in the Borough.

(d) Council has determined and does hereby find as a fact that a maximum age of sixty-five is a reasonably necessary job qualification of police officers in the Borough because it is essential to ensure that police officers are in adequate physical condition to protect the safety and welfare of citizens and property within the Borough.

(e) Council has determined and does hereby find as a fact that all or substantially all of the police officers over age sixty-five would be unable to perform safely and efficiently all the duties required of Borough police officers.

(f) This section shall take effect January 1, 1988.
(Ord. 2765. Passed 6-15-87.)

145.03 CDL DRUG/ALCOHOL POLICY.

(a) Purpose.

- (1) To comply with the requirements of employers pursuant to the Federal legislation concerning commercial drivers licenses (CDL) and the Federal regulations thereto insofar as they apply to this Borough.
- (2) To conform the employment policies of this Borough with the requirements of said law and regulations.

(b) Application. This Policy shall apply only to all employees and applicants for employment who are required to have a CDL license for their employment by the Borough and who are assigned to operate vehicles or equipment requiring CDL licensure.

(c) Federal Regulations. The regulations of the Federal Highway Management Administration are hereby adopted by reference insofar as they apply to this Borough and this Policy.

(d) Policy Established.

- (1) Employees shall not use, sell, possess, or receive alcohol or illegal drugs, or distribute or sell prescription drugs while on duty. Violation of these rules will subject the employee to discipline and/or dismissal, subject to any applicable provisions and procedures of the collective bargaining agreement in effect, if any.
- (2) Prescription drugs must be kept in their original container identifying the drug, dosage, date of prescription and physician. Employees are required to notify their supervisor if they are taking a prescription drug that could impair their working ability or alertness. The term "illegal drugs" shall include drugs for which the employees do not have a valid prescription.
- (3) The testing programs will cover the following substances present in the body: alcohol; cocaine; phencyclidine (PCP); marijuana; opiates (including Heroin); amphetamines; and such other illegal drugs as may be identified from time to time.

(e) Tests Established. The following drug and alcohol test procedures shall be applicable to all employees and applicants for employment to whom this Policy applies:

- (1) Pre-employment. All applicants for employment shall be tested for drugs prior to acceptance for employment by the Borough. Any applicant testing positive shall not be considered for employment. Any refusal or failure by the applicant to submit to such test shall be deemed to be a positive result.
- (2) Random. The Borough will implement a random testing procedure which meets the requirements of the federal regulations. The procedure shall include tests of affected employees on a random basis and shall be conducted without any advance notice; but shall be done not less than on a quarterly basis. The number of affected employees selected shall be at least fifty percent (50%) of the employees for drug testing and twenty-five percent (25%) of the employees for alcohol testing annually; provided, however, that the requirements of this Policy shall be satisfied if the above percentages are selected from a pool of employees which includes the Borough's employees.
- (3) Reasonable cause. Any employee giving reasonable cause to believe that he or she is in violation of the Policy established in subsection (d) hereof shall be subjected to testing immediately upon observation of such reasonable cause by trained supervisory personnel. Reasonable cause shall be limited to behavior or conduct observed at the workplace or en route to a workplace during working hours. Observation shall be by supervisory personnel who have received at least one hour of training in drug use detection and one hour of training in alcohol use detection. Supervisory personnel making reasonable cause observations shall make and file with the Borough a written report of the attendant circumstances. Such reports shall be confidential.

(f) Post Accident. Any employee involved in an accident as defined herein shall be tested for drugs as soon after an accident occurs as is possible, but not later than thirty-two hours, and for alcohol as soon after an accident as possible, but not later than eight hours. Provided:

- (1) Testing should not take precedence over needed medical treatment or other needed emergency measures;
- (2) If for any reason the tests cannot be obtained within the times provided, the tests shall not be administered;
- (3) No employee shall consume alcohol or illegal drugs between the time of the accident and the test administration;
- (4) An accident shall include any occurrence involving a CDL vehicle where there is a fatality regardless of fault;
- (5) An accident shall include any occurrence involving a CDL vehicle where the following conditions occur:
 - A. Bodily injury requiring transportation of the injured person away from the accident scene for treatment; or vehicular damage requiring the vehicle to be towed; and/or
 - B. Issuance of a citation to the Borough employee for a moving violation.

(g) Return to Duty. Any positive drug or alcohol test shall subject the employee to disciplinary action or dismissal by the Borough at the Borough's discretion or in accordance with such other, further policy as the Borough may adopt in the future. If re-employment is offered to the employee, the employee shall, prior to returning to duty:

- (1) Consult such drug and alcohol abuse professional to whom the employee has been referred at the employee's expense;
- (2) Undergo all recommended treatment at the employee's expense; and
- (3) Undergo drug and alcohol tests at the employee's expense and obtain negative results.

(h) Follow-up. Any employee returning to duty after a positive drug and/or alcohol test shall be subject to unannounced follow-up tests for a period of sixty months following return to duty. At least six unannounced follow-up tests shall be conducted in the twelve months following return to duty.

(i) Employee Assistance Program. The Borough shall establish the following:

- (1) A list of consultative and treatment services available in the area for drug and alcohol abuse problems. Said list shall be posted at a place readily accessible to employees.
- (2) A list of educational and training resources available in the area for drug and alcohol abuse problems. Said list shall be posted at a place readily accessible to employees.
- (3) A place or service for referring employees who test positive for drugs or alcohol for consultation and treatment.
- (4) A one hour training and educational program for employees.
- (5) One hour training each in drug and alcohol detection and related matters for supervisory personnel. Said training programs shall include the following components:
 - A. Effects of drug and alcohol abuse on health and safety;
 - B. Manifestations of abuse and abuse detection;
 - C. Documentation of training and implementation of this Policy.

(j) Test Results. Employees will be notified of their positive test results. Test results shall be retained by the Medical Review Officer responsible for testing. Said results shall be held in strictest confidence and shall be accessible only to the employee, the employer, and such other persons authorized by law and shall not be released to any other person except with the written consent of the employee. The results of tests made known to the Borough may be released to future employers in accordance with the Federal regulations.

(k) Confidentiality of Documents. All files, documents, and records of the Borough related to the application of this Policy to individual employees shall be deemed and kept confidential by the Borough.

(l) Record Keeping.

- (1) All of the records relating to the administration and results of the Borough's alcohol and drug testing program for its CDL drivers will be maintained for a minimum period of five years, except that individual negative test results will be maintained for a minimum of twelve months.
- (2) Tests will be conducted by a licensed facility and will be analyzed by a Medical Review Officer.

- (3) The Medical Review Officer who is appointed shall be a licensed doctor of medicine or osteopathy with knowledge of drug and alcohol abuse disorders and who is employed by the Borough or group which the Borough has joined, to conduct alcohol and drug testing in accordance with the federal regulations. The Medical Review Officer shall be the sole custodian of individual test results. The Medical Review Officer shall retain the reports of individual test results for a minimum of five years.
- (4) The Borough shall retain in the employee's personnel file information indicating only the following:
 - A. The employee submitted to a drug and/or alcohol test;
 - B. The date of such test;
 - C. The location of such test;
 - D. The identity of the person or entity performing the test; and
 - E. Whether the test finding was "positive" or "sub-negative".
- (5) The Borough will also maintain an annual (calendar) year summary of the records related to the administration and results of the testing program for its drivers under the federal regulations.

(m) Access to Test Results and Findings. No person may obtain the individual test results retained by the Medical Review Officer, and no Medical Review Officer shall release the individual test results of any employee to any person, without first obtaining written authorization from the tested individual, unless otherwise requested by law.

(n) Miscellaneous.

- (1) This Policy shall be implemented with the constitutional and legal rights of the employees subjected to it.
- (2) This Policy shall not be deemed to be a covenant of employment or other form of covenant or contract between the Borough and any employee.
- (3) Any collective bargaining agreement entered by the Borough subsequent to the adoption of this Policy shall conform with the provisions of this Policy.
- (4) Any agreement for the sharing, leasing, lending, or other transfer of CDL employees between the Borough and any other municipality or private enterprise shall address in writing the status of said employees as to whether they are employees of the receiving entity during the period of the transfer.
- (5) Any contract for services involving CDL employees shall expressly state whether the contracting party is an independent contractor or employee/agent of the Borough.
- (6) The definition of terms shall be as contained in the relevant Federal regulations.
- (7) A copy of this Policy shall be delivered to every employee and applicant for employment who is subject to it and to all supervisory personnel. Such employee shall sign an acknowledgment of receipt of the Policy.
- (8) A copy of the controlling law and federal regulations shall be maintained in the Borough offices and shall be accessible to employees, upon request.

- (9) This Policy will be limited by any applicable Federal or State law or Municipal ordinance, any by any applicable collective bargaining agreements. Any portion of this Policy which directly conflicts with such a law, ordinance, or agreement will not be implemented in that jurisdiction or bargaining unit, but shall be severable and shall-not affect the validity and enforcement of the remainder of the Policy.
- (10) Employees agree to waive any liability against the Borough arising out of the Borough's administration of this Policy and its administration of the program established pursuant to the federal law or regulations regarding the Borough's responsibility for CDL drivers.
(Res. 3017. Passed 11-20-95.)

145.04 DRUG FREE WORKPLACE.

(a) Introduction. This policy is being issued by White Oak Borough to help ensure that its workplace is free from the adverse effects of drugs and alcohol, to help ensure efficient production of quality services for the public, and to comply with federal requirements issued by the Department of Transportation. The Borough also recognizes its employees' interest in being free from unwarranted intrusions.

(b) Policy.

- (1) The policy of the Borough is to maintain a workplace that is free from the effects of drugs and alcohol use so that employees are free to perform their work duties and be able to report to work regularly and on time. As such, the Borough will not tolerate the manufacture, distribution, possession, use or presence in the body, any controlled substance, or alcohol which may impair safety or job performance of an employee.
Specifically, no employee shall:
 - A. Report to duty, or remain on duty while having an alcohol concentration of .04, or when the employee uses any controlled substance.
 - B. Use or possess drugs and/or alcohol while on duty.
 - C. Consume alcohol for at least eight hours after any on-the-job accident, and if required, take a post-accident drug or alcohol test.
- (2) Employees violating this policy will be subject to discipline up to and including discharge. The only exception provided is for employees taking prescription drugs in accordance with the instructions of a licensed medical practitioner. Use of prescriptions drugs shall be reported to the employees supervisor (Borough Manager, Street Department Foreman, or Chief of Police), and shall be treated as confidential information.
- (3) The Borough encourages all employees who have, or may have a drug or alcohol problem to utilize any available resources from the Borough or community at large. Employees who voluntarily seek assistance without violating this policy, or any other policy, rules or practice of the Borough will not be subject to disciplinary action.
- (4) The person designated to answer questions regarding this policy is the Borough Manager.

(c) Testing Requirements. The United States Department of Transportation (DOT), has established mandatory drug and alcohol testing regulations that affect certain employees with the Borough's workforce. Accordingly, the following DOT requirements will apply to all employees in the following positions;

- (1) Street Department Foreman
- (2) Street Department Operator A
- (3) Street Department Operator B
- (4) Any other employee of the Borough required to hold a Commercial Drivers License.

(d) Circumstances for Testing.

(1) Random testing.

- A. Each year the Municipality will use a random process to select at least fifty percent (50%) of its employees in the above listed positions, who will be tested for the use of controlled substances. Additionally, at least twenty-five percent (25%) of the employees in the above listed positions will be randomly tested for alcohol use. These percentages are subject to change depending upon notices issued by the DOT.
- B. Random selection and testing shall be administered through an independent testing agency.
- C. Procedures:
 1. Employee is notified that they are to be taken for drug/alcohol testing.
 2. Employee will be accompanied to site by at least one other Borough employee.
 3. Employees will follow all instruction given at test site.
 4. Employees refusing to take test shall be deemed to have violated the policy.

(2) Reasonable cause testing. Testing will be required by White Oak Borough upon the establishment of reasonable cause. Conduct necessitating testing shall be witnessed by at least two supervisors. If only one supervisor is available, there shall be at least one other witness to the behavior. Each witness must have received training in the detection of probable drug/alcohol use by observing a persons behavior.

(3) Mandatory post-accident testing.

- A. Employee's will provide urine specimens for drug testing as soon as possible after a commercial vehicle accident, but in no case later than thirty-two hours after the accident. Driver's must be tested for alcohol as soon as possible after a motor vehicle accident, but in no case later than eight hours after the accident. A driver may not consume alcohol until they have been tested.
- B. An accident is defined as involving:
 1. A fatality.
 2. Bodily injury that requires a person to be transported from the scene for medical treatment.
 3. Damage to any vehicle that requires the vehicle to be towed away from the scene.
 4. The driver receiving a citation under state or local law for a moving violation arising from the accident.

- C. If as a consequence of the accident, a driver is seriously injured and can not provide a specimen at the time of the accident, they must provide authorization for obtaining hospital records or other documents that will indicate whether there were controlled substances or alcohol in their system at the time of the accident.
- (4) Return to duty testing. If White Oak Borough offers an employee reemployment after the employee has been referred to an alcohol and substance abuse professional, and the employee has undergone recommended treatment, the employee must be tested for drugs/alcohol and test negative prior to returning to duty.
- (5) Follow up testing. Any employee who has returned to duty after a positive drug/alcohol test will be subject to unannounced follow-up test for a period of up to 60 months. There will be at least 6 follow up test given during the first twelve months.
- (6) Notification of test results. The Borough will notify its employees of verified positive tests for drugs conducted pursuant to the DOT regulations. Employees who test positive will also be advised specifically as to what substance was discovered.
- (e) Consequences of Violating Policy.
- (1) Policy violation determination.
- A. An employee will be determined to have violated this policy whenever the employee tests positive for alcohol or drugs, regardless, of whether a supervisor, or anyone else, determines that the employee is impaired or that the employee's job performance was adversely affected.
- B. Employees will also be deemed in violation of this policy, if they fail to adhere to the testing procedure set forth above.
- (2) Employee to be removed from position. An employee who tests positive for alcohol or drugs will immediately be removed from their position with pay, and sent to a substance abuse professional for examination. Failure to meet with such professional will result in the loss of pay.
- (3) Rehabilitation/discipline issues.
- A. A employee who tests positive will be allowed one opportunity during their entire employment with the Borough to avoid discipline provided they seek assistance and comply with all the requirements for return to duty testing and follow up testing.
- B. In order to avoid discipline, an employee who tests positive must:
1. Be examined by a substance abuse professional (SAP).
 2. Comply with all recommendations of the SAP.
 3. Periodically submit reports from any person or group designated by SAP confirming that the employee is complying with aftercare recommendations.
 4. Pass a return to work drug test and agree to follow up testing.
 5. Sign agreement releasing all medical information relating to drug or alcohol use so that the Borough can ensure the employee can perform the job safely; and further providing that the employee understands that a second violation of this policy will be considered just cause for discharge.

- C. Any employee found to have violated this policy, and not conformed with the above described rehabilitation process, or any employee found to have violated this policy two times through the course of their employment will be considered to have created just cause for discharge.
- D. Employees who independently seek rehabilitation assistance, but who have not tested positive for drugs and alcohol in the above described process shall not be considered in violation of this policy.

(f) Training Program. The Borough will establish a training program which will address alcohol and controlled substances, and review the requirements under this policy and the DOT regulations. Supervisors will undergo training of at least sixty minutes on alcohol misuse and sixty minutes on drug use.

(g) Record Keeping.

- (1) All of the records relating to the administration and results of the Borough's testing program will be maintained for a minimum period of five years, except that individual negative test results will be maintained for a minimum of twelve months.
- (2) There shall be a medical review officer who is licensed in medicine or osteopathy with knowledge or drug abuse disorders to review drug test results. The medical review officer shall retain the reports of individual test results for a minimum of five years.
- (3) The Borough shall retain in the employees personnel file only the following information:
 - A. The employee submitted to drug/alcohol test.
 - B. Date of such test.
 - C. Test location.
 - D. Identity of the person performing the test.
 - E. Whether the test was negative or positive.
- (4) The Borough will also maintain an annual summary of the records related to the administration and results of the testing program for its drivers under DOT regulations.
- (5) No person may obtain the individual test results retained by the medical review officer, and no medical review officer shall release the individual test results of any employee to any person, without first obtaining written authorization from the tested individual, unless otherwise required by law.

(h) Miscellaneous.

- (1) The Borough reserves the right to add to change or modify this policy, or any portion therein, and to terminate any employee subject to collective bargaining agreements. The Borough accepts no liability in the event of an alleged breach of any of the policies and procedures set forth herein.
- (2) This policy will be limited by any applicable Federal or State laws or by any Borough ordinance. Any portion of this policy which directly conflicts with law or ordinance will not be implemented, but shall be severable and not affect the validity and enforcement of the remainder of the policy.

- (3) This policy is not intended to confer any contractual or other rights or claims in favor of the Borough's employee.
(Res. 3031. Passed 2-19-96.)

145.05 SEXUAL HARASSMENT.

(a) Discussion/Definitions.

- (1) Pursuant to state and federal employment laws, and by policy of the Borough, employees shall not make offensive or derogatory remarks based on race, color, sex, religion, or national origin directly or indirectly to another person.
- (2) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - A. Submission to such conduct is made either explicitly or implicitly as a term or condition of employment.
 - B. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.
 - C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, offensive or hostile working environment.

(b) Employee Responsibilities.

- (1) Each supervisor shall be responsible for preventing acts of harassment. This includes:
 - A. Monitoring work units daily for signs of harassment.
 - B. Advising all employees on the types of prohibited behavior, and procedures for reporting and resolving complaints.
 - C. Stopping any observed acts that may be considered harassment, whether or not the employee(s) are within their line of supervision.
 - D. Taking immediate action to limit the work contact between employees where there has been a harassment complaint pending investigation.
- (2) Each supervisor has the responsibility to assist any employee of the Borough who comes to that supervisor with a harassment complaint, in documenting and filing the complaint.
- (3) Each employee is responsible for assisting in preventing harassment by:
 - A. Refraining from participation in, or encouragement of harassing behavior.
 - B. Reporting incidents of harassment to a supervisor.
 - C. Encouraging any employee who has been harassed to report incidents to a supervisor.
- (4) Failure to take action to stop known harassment shall be grounds for discipline pursuant to Borough policy on disciplinary action.

(c) Complaint Procedure.

- (1) Employees shall document all incidents of harassment in order to provide the fullest possible basis for investigation.
- (2) Any employee who believes that they are being harassed shall report the incident to their supervisor as soon as possible so that appropriate steps may be taken to protect the employee, and an investigation may be organized. When this is not practical, an employee may report incidents to any supervisory personnel, including councilpersons.

- A. The supervisor to whom the complaint is given shall meet with the employee and document the incidents, person(s) performing such incidents, and dates of occurrence.
 - B. The supervisor shall then quickly turn the complaint over to the Borough Manager or, if the complaint is against the Borough Manager, the President of Council, who shall be responsible for creating an internal investigation team to investigate the complaint.
- (3) The internal investigation team shall proceed with a presumption of innocence towards the accused, and will fully investigate all allegations made in the complaint(s).
- A. The internal investigation team shall immediately notify the Borough Solicitor, and Police Chief if the complaint contains evidence of criminal activity.
 - B. The internal investigation team shall make determination of whether other employees were harassed, or participated in or encouraged harassment.
 - C. The internal investigation team shall inform all parties as to the outcome of their investigation.
 - D. Files of harassment complaints shall be maintained in a secure location.
- (4) There shall be no retaliation for an employee filing a harassment complaint, or assisting with the investigation of a complaint.
- (5) Employees accused of harassment may file a grievance or appeal in accordance with Borough policy and collective bargaining agreements if they disagree with the investigation or disposition of a harassment claim.
- (6) This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.
(Res. 3055. Passed 2-17-97.)

145.06 SEVERANCE PAY FOR AT-WILL POSITIONS.

Council would like to provide all at-will employees that are not provided a contract with severance as follows:

- (a) Each full time at-will employee upon termination of full time at-will employment by the Borough for reasons other than just cause will be provided one week of severance pay for each year of service to the Municipality not to exceed three months of employees current salary payable on the date of the employees termination or payable on regularly scheduled pay dates of the Borough in amounts equal to the employees current rate of pay. The payment(s) will continue until payment(s) total the full amount due to the employee for severance compensation. In calculating the total amount of years of full time at-will employment the Borough will consider all full time at-will employment within the Borough, including that which may have occurred previously to his/her current term of employment. No previous employment will be considered in this full time at-will calculation, if the employee has previously received some type of severance compensation for the previous full time at-will employment or if prior employment was not of a full time at-will capacity.

- (b) In the event a person is re-employed by the Borough within one (1) year of termination, the employee will be required to reimburse the Borough for the amount of severance previously paid by the Borough before the employee can be re-employed by the Borough. If the employee is later terminated by the Borough, the employee will be permitted a combined severance payment for both the current full time at-will employment period and the previous full time at-will employment period.
- (c) In the event a person is re-employed by the Borough one (1) year after termination, the employee will not be required to reimburse the Borough for the previous severance payment. However, if the employee is later terminated the employee will not be permitted to again receive severance compensation for the previous full time at-will employment period which the employee had previously received severance compensation. The employee will only be permitted to receive severance compensation for the current employment period.
(Res. 3329. Passed 1-19-04.)

145.07 POLICY ON SUSPECTED MISCONDUCT AND DISHONESTY.

(a) Introduction.

- (1) White Oak Borough is faced with the risks that come from wrongdoing, misconduct, dishonesty and fraud. As with all business exposures, we must be prepared to manage these risks and their potential impact in a professional manner.
- (2) The impact of misconduct and dishonesty may include:
 - A. The actual financial loss incurred;
 - B. Damage to the reputation of our Borough and our employees;
 - C. Negative publicity;
 - D. The cost of investigation;
 - E. Loss of employees;
 - F. Loss of residents;
 - G. Damaged relationships with our contractors and suppliers; litigation;
 - H. Damaged employee morale.
- (3) Our goal is to establish and maintain a business environment of fairness, ethics and honesty for our employees, our residents, our suppliers and anyone else with whom we have a relationship. To maintain such an environment requires the active assistance of every employee and manager every day.
- (4) White Oak Borough is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.
- (5) To the extent this Policy conflicts with any other previously enacted provision, or policy resolution, this Policy shall supersede and control said conflicting provision or policy resolution.

(b) Purpose. The purpose of this section is to communicate White Oak Borough's policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instructions regarding appropriate action in case of suspected violations.

(c) Definition of Misconduct and Dishonesty.

- (1) For purposes of this policy, misconduct and dishonesty include but are not limited to:
 - A. Acts which violate White Oak Borough's Code of Conduct;
 - B. Theft or other misappropriation of assets, including assets of White Oak Borough, our residents, suppliers or others with whom we have a business relationship;
 - C. Misstatements and other irregularities in White Oak Borough's records, including the intentional misstatement of the results of operations;
 - D. Wrongdoing;
 - E. Forgery or other alteration of documents;
 - F. Any similar acts.
- (2) White Oak Borough specifically prohibits these and any other illegal activities in the actions of its employees, managers, elected officials, appointed officials and others responsible for carrying out the Borough's activities.

(d) Reporting.

- (1) It is the responsibility of every employee, supervisor, manager, elected official and appointed official to immediately report suspected misconduct to the Borough Manager and/or Acting Borough Manager. In the event that there is suspected misconduct or dishonesty on the part of the Borough Manager and/or Acting Borough Manager, it is the responsibility of every employee, supervisor, elected official or appointed official to notify both the President and Vice President of White Oak Borough's Council who shall then have the responsibilities and duties assigned to the Borough Manager and/or Acting Borough Manager set forth in this Policy. Any reprisal against any employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden.
- (2) Due to the important yet sensitive nature of the suspected violations, effective professional follow up is critical. Supervisors, while appropriately concerned about "getting to the bottom" of such issues should not in any circumstances perform any investigative or other follow up steps on their own. Concerned but uniformed supervisors represent one of the greatest threats to proper incident handling. All relevant matters, including suspected but unproved matters, should be referred immediately to the Borough Manager except as otherwise provided herein.

(e) Additional Responsibilities of Supervisors.

- (1) Employees with supervisory and review responsibilities at any level have additional deterrence and detection duties. If you have supervisory or review responsibility, then in addition to reporting suspected violations as is required above, you have three additional responsibilities.
 - A. First, you must become aware of what can go wrong in your area of responsibility.
 - B. Second, you must put into place and maintain monitoring, review and control procedures which will prevent acts of wrongdoing.
 - C. Third, you must put into place and maintain monitoring, review and control procedures which will detect acts of wrongdoing promptly should prevent efforts fail.
- (2) Authority to carry out these three additional responsibilities is often delegated to subordinates, however, accountability for their effectiveness cannot be delegated and will remain with supervisors and the Borough Manager and/or Acting Borough Manager.

(f) Responsibility and Authority for Follow Up and Investigation.

- (1) The Borough Manager has the primary responsibility for all investigations involving White Oak Borough. The Borough Manager and/or Acting Borough Manager may request the assistance of the Solicitor, Auditor or Chief of Police in any investigation including access to periodic examinations and evaluation of internal controls. Council shall have these responsibilities in the event of suspected misconduct on the part of the Borough Manger and/or Acting Borough Manager.
- (2) Properly designated members of the investigative teams will have:
 - A. Free and unrestricted access to all White Oak Borough records and premises; whether owned or rented;
 - B. The authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of investigative or related follow up procedures.
- (3) All investigations of alleged wrongdoing will be conducted in accordance with applicable laws and Borough's procedures.

(g) Reported Incident Follow Up Procedure. Care must be taken in the follow up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that follow up and investigation is underway, and to avoid making statements which adversely affect White Oak Borough, an employee or other parties.

(h) Questions or Clarifications Related to This Policy. All questions or other clarifications of this policy and its related responsibilities should be addressed to the Solicitor, who shall be responsible for the interpretation of this policy.
(Res. 3408. Passed 7-18-05.)

145.08 DISCIPLINARY ACTIONS.

(a) The Borough shall take no disciplinary action against any employee subject to this policy without just cause. The following criteria shall be used to determine whether just cause exists:

- (1) Except in cases of serious misbehavior, the employee shall have had prior knowledge or warning of the possible consequences of the action for which discipline is being considered.
- (2) Work rules shall be reasonably related to the orderly, efficient and safe operation of municipal business if violation of the rules is to be the reason for disciplinary action.
- (3) The Borough shall make a reasonable effort to discover whether a rule has been violated before taking disciplinary action.
- (4) The investigation of alleged rule infractions shall be carried out in a fair and objective manner.
- (5) Disciplinary action shall not be taken without substantial proof that the employee committed the infraction.
- (6) Disciplinary actions and penalties shall be applied consistently and fairly.
- (7) The degree of discipline imposed shall be reasonably related to the seriousness of the offense.

(b) Types of discipline shall normally be limited to the following actions: oral and written reprimands, suspensions without pay, demotions and dismissals.

(c) It shall be the policy of the Borough to administer the least severe form of discipline deemed necessary to correct improper behavior. Dismissals shall only be used in cases of serious misbehavior, or where there is little likelihood that the employee shall be willing or able to perform in a satisfactory manner again, or where the employee's actions have been so disgraceful that continued employment would cause a loss of confidence in the Borough government, or pose a serious impediment to the normal operation of the Borough's business. Suspensions shall only be used in cases where withholding of pay is necessary to impress upon employees the seriousness of their actions. Demotions shall only be used where employees' actions or lack of ability render them unable to effectively perform their normal duties, but where other work is available that they can perform. Oral and written reprimands shall be used to correct cases such as carelessness, poor judgment, inefficiency, unexcused tardiness, and abusive language. Such reprimands could lead to suspensions and/or dismissal if such action becomes repetitive.

(d) Records of disciplinary actions shall be kept in the employee's personnel file. The employee shall be provided with a copy of all records. Reprimands shall be removed from the file and destroyed after four years if there are no recurrences of similar incidents.

(e) Serious Misbehavior. The parties agree that there are instances of behavior that are so serious that, if the action is proved, the offending employee may be discharged, even if no prior reprimands or other disciplinary action for similar offenses have occurred, examples of such behavior, but not limited thereto, are as follows:

- (1) Dishonesty.
- (2) Theft.
- (3) Use of Borough equipment or personnel for unauthorized purposes.
- (4) Consumption of alcoholic beverages while on duty or reporting to work under the influence of alcohol.
- (5) The use or possession of any illegal drug or narcotic.
- (6) Being under the influence of any medication while at work that could result in an unsafe act without prior notification to the employee's supervisor.
- (7) Failure to submit to a blood test when there is reason to suspect that an employee may be under the influence of drugs or alcohol while at work.
- (8) Recklessness resulting in an accident.
- (9) Willful abuse and/or deliberate damage to Borough equipment and property.
- (10) Assault on another person while at work.
- (11) Conviction of any crime deemed a felony under the laws of the Commonwealth of Pennsylvania, any other state, and the applicable Federal statutes.
- (12) Gross negligence in the performance of assigned work.
- (13) Any strikes, cessation or impeding of work, work stoppage or slowdowns during the term of any Agreement collectively bargained for with any Union representing all or any portion of the work force of the Borough.
- (14) Absence from work without permission.
- (15) Failure to carry out instructions and/or assignments.
- (16) Excessive unexcused tardiness.
- (17) Insubordination.
- (18) Operating any Borough vehicle and/or equipment without possessing the required Pennsylvania operator's license.
- (19) Any other action that is so disgraceful that it causes a loss of confidence in, or disrupts the normal business of the Borough or is of such magnitude that not to take action would result in severe problems to the Borough in maintaining control and direction of the work force and/or irreparable damage to the Borough.
- (20) Any other action that may affect the public's trust and confidence in the employee and/or in the Borough government.

(f) Evidence that the employee was shown this policy shall be considered sufficient warning. (Res. 3459. Passed 12-18-06.)