

**AMENDED BY LAWS OF THE TOWNSHIP OF BEAR CREEK, LUZERNE COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ARTICLE I. TITLE AND AUTHORITY

Section I. Title.

This Ordinance shall be known and may be cited as the By-Laws of the Township of Bear Creek, County of Luzerne, Commonwealth of Pennsylvania.

Section II. Authority,

This Ordinance is hereby adopted by the Board of Supervisors of Bear Creek Township pursuant to the powers vested to the said Supervisors by the Second Class Township Code in 53 P.S. § 66506 governing the General Powers of the Board.

Section III. Statement of Nondiscrimination

In the Administration of these By-laws, Bear Creek Township does not discriminate against any person in recruitment, selection for employment, training, promotion, retention, discipline, benefits, conditions of work, or any other aspect of personnel administration because of physical disability unless physical abilities constitute genuine job requirements. The Township will attempt to make reasonable accommodations to enable otherwise qualified employees and applications with disabilities to be employed.

ARTICLE II. OFFICERS AND ELECTED OFFICIALS

Section I. Board of Supervisors.

A. Composition. The electors of Bear Creek Township shall elect five (5) supervisors who are continuous residents of the Township for at least one (1) year before their election. The five (5) elected members shall constitute and be called the “Board of Supervisors.”

B. Term. Each elected supervisor shall serve a term of six (6) years from the first Monday of the January following the Township election. In the instance that the Board of Supervisors changes the number of elected Supervisors, the Supervisors shall be elected and shall serve in accordance with the Second Class Township Code and the Pennsylvania Election Code.

C. Duties. A member of the Board of Supervisors may be appointed and may serve as roadmaster, laborer, secretary, treasurer, assistant secretary, assistant treasurer or in any employee capacity not otherwise prohibited by this ordinance or by the Second Class Township Code. Each Supervisor may have independent duties as outlined herein, but each shall have

equal power over employees and shall demand the respect granted to them by these By-laws and under Pennsylvania Law. The Board of Supervisors also reserves the right to assign tasks and duties to employees and staff necessary for the effective operation of the Township. Additionally, each check issued must have a signature from at least two (2) Supervisors.

D. Compensation. Each Supervisor may be compensated as permitted in the Second Class Township Code. Any hours worked must be reasonable and must be related to official Township Business.

E. End of Term Requirements. At the end of the Term of a Supervisor, should he or she not be elected to a subsequent term, the said Supervisor(s) shall, on or before the expiration of his or her term, return all keys, documents, papers, security codes and other documentation or information that has been provided to the said Supervisor(s) during his or her term. All documents, keys, access codes and information provided to the Supervisor(s) is proprietary to the Township and shall not be used, in any manner, after the term of the Supervisor has ended. The subsequent Board shall have the right to take any and all legal action necessary to enforce this provision, and, should the Township prevail, the Township shall be entitled to reimbursement of all fees and costs, including, but not limited to attorneys fees incurred in the collection of the material which must be returned.

Section II. Roadmaster.

A. Appointment. The Board of Supervisors shall, at a convenient time and place, on the first Monday in January of each year, appoint an individual to serve as Roadmaster to the Township. The appointed Roadmaster may be a member of the Board of Supervisors. If the Roadmaster is not a member of the Board of Supervisors, the Roadmaster shall report to the Chairperson of the Board of Supervisors.

B. Department. The Roadmaster shall serve as a member and administrator of the public works department of Bear Creek Township. The Roadmaster shall supervise maintenance crew in the performance of work, plan and direct work projects, ensure appropriate utilization of resources, respond to public inquiries and complaints, and perform the duties and responsibilities of a Skilled Maintenance Worker.

C. Duties. The Roadmaster shall have the following duties and responsibilities:

1. Supervise maintenance crew in the performance of work; provided on-the-job training, establish work methods, communicate policy, rules and regulations, ensure work meets quality standards, enforce safety standards, schedule and assign work projects, evaluate work performance and provide feedback, resolve employee grievances, approve leave, effectively recommend hire, discipline and discharge;

2. Plan, coordinate and schedule projects, e.g., maintenance and repair of roads, maintenance of parks grounds and Township buildings, maintenance of vehicles and equipment; coordinate time, material and labor with staff and contractors to achieve objectives; prepare daily log of activities;
3. Recommend and administer operating budget; ensure proper control of expenditures and efficient use of materials, equipment and labor; establish and update inventory, and make purchases of tools, materials and supplies; prepare bid specifications, monitor contracts; assess current projects for cost efficiency and effectiveness and prepare capital improvements and renewal plans;
4. Respond to inquiries and complaints from the public; follow up with appropriate course of action; meet with Township officials to discuss problems or issues regarding projects;
5. Inspect equipment, facilities, grounds and Township roads; check for safety hazards, diagnose problems and determine need for maintenance or repair; provide on-going assessment of operations and recommend improvements;
6. Attend the Board of Supervisor's regular meeting to provide a written and oral report of department activities and recommendations.
7. Perform the duties and responsibilities of Skilled Maintenance Workers; perform general road, parks, building and equipment maintenance and repair; operate light, medium and heavy Equipment to perform maintenance and repair work; respond to emergency calls out to remove snow, open access to Township roads or perform repairs;

Section III. Secretary.

A. Appointment. The Board of Supervisors shall, at a convenient time and place, on the first Monday in January of each year, appoint an individual to serve as Secretary to the Township. The appointed Secretary may be a member of the Board of Supervisors. The Secretary may also hold the position of Treasurer.

B. Department. The Township Secretary shall report directly to the Chairperson of the Board of Supervisors or another Supervisor as chosen by the Board, or, if the Secretary is a member of the Board of Supervisors shall report to the other members of the Board on all matters but shall have decision-making power only as outlined in Article II Section III. C. herein and as set forth in the Second Class Township Code.

C. Duties. The Township Secretary shall have the following duties and responsibilities:

1. Record the proceedings of the board of supervisors and all court orders relative to the laying out, opening and vacating of roads in a minute book.
2. Preserve the minute book and other records and turn them over to the successor in office.
3. With the consent of the board of supervisors and in conformity with other laws governing the retention and disposition of municipal records, have the authority to destroy records and papers of the township other than the minute book and account book after the lapse of six years from the date of the records.
4. Inform supervisors of all township meetings, including special meetings of the Board of Supervisors.
5. Provide a monthly report to the Board of Supervisors of any relevant activity concerning the Township of which the Secretary may be aware, or in which the Secretary may be involved.
6. Attend and participate in Board of Supervisors monthly meetings. Keep abreast of new developments in municipal government. Attend training sessions related to all Township functions.
7. Interpretation of Township policies, Township code and other regulations for the proper procedure of maintaining Township records.
8. Oversee the daily operation of the Township Office.
9. Administer employee benefits and insurance programs.
10. Maintain files and records of various office activities
11. Maintain Township minute book.
12. Order and Maintain supplies of office equipment, forms, and etc.
13. Assist agenda for Supervisors meeting.
14. Communicate with township engineer and solicitor after consultation with the Chair of the Board of Supervisors.

Section IV. Assistant Secretary.

A. Appointment. The Board of Supervisors may, at a convenient time and place, on the first Monday in January of each year, appoint an individual to serve as Assistant Secretary to the Township. The appointed Assistant Secretary may be a member of the Board of Supervisors. The Assistant Secretary may also hold the position of Treasurer.

B. Department. The Township Assistant Secretary shall report to the Secretary and, ultimately to the Board of Supervisors, or, if the Assistant Secretary is a member of the Board of Supervisors shall report to the other members of the Board on all matters but shall have decision-making power only as outlined in Article II. Section IV. C. herein and as set forth in the Second Class Township Code.

C. Duties. The Assistant Secretary shall assist the Township Secretary in effectuating the requirements set forth in Section III (C) of this Article. In the event the Secretary cannot act, for whatever reason, the Assistant Secretary shall assume the duties of Secretary. The Assistant Secretary need not attend the monthly Board of Supervisor meetings unless substituting for the Secretary or if specifically requested by the Secretary or members of the Board of Supervisors.

Section V. Treasurer.

A. Appointment. The Board of Supervisors shall, at a convenient time and place, on the first Monday in January of each year, appoint an individual to serve as Treasurer to the Township. The appointed Treasurer may be a member of the Board of Supervisors. The Treasurer may also hold the position of Secretary or Assistant Secretary.

B. Department. The Treasurer shall report directly to the Board of Supervisors, or, if the Treasurer is a member of the Board of Supervisors shall report to the other members of the Board on all matters but shall have decision-making power only as outlined in Article II Section V. C. herein and as set forth in the Second Class Township Code.

C. Duties. The Treasurer shall have the following duties and responsibilities:

1. Receive all monies due the Township and deposit the same promptly upon receipt thereof in the depositories selected by the Board of Supervisors.
2. Keep a distinct and accurate account of all monies received by the Township. All money shall be segregated into funds as required by law and or Township Financial Policy.

3. Prepare an accurate monthly Treasurer's Report for presentation to the Board of Supervisors. Said report shall include all receipts, accounts, and investments held.
4. Prepare checks for payment of bills.
5. Prepare a list of all disbursements received and submit to the Board of Supervisors at regular meeting for approval.
6. Present the Supervisors reports for all Township funds.
7. Maintain Township employee payroll records.
8. Maintain all Township financial records in an orderly fashion for presentation to the auditors for the required annual audit.
9. Complete all state required financial forms for submission as required by law.
10. Assist in the preparation of the Township's annual budget.
11. Attend and participate in Board of Supervisors monthly meetings. Keep abreast of new developments in municipal government. Attend training sessions related to all Township functions
12. Interpretation of Township policies, Township code and other regulations for the proper procedure of maintaining Township financial records.
13. Sign all checks.
14. Perform bookkeeping functions and account for Township funds.
15. Assist agenda for Supervisors meeting.

Section VI. Assistant Treasurer.

A. Appointment. The Board of Supervisors may, at a convenient time and place, on the first Monday in January of each year, appoint an individual to serve as Assistant Treasurer to the Township. The appointed Assistant Treasurer may be a member of the Board of Supervisors. The Assistant Treasurer may also hold the position of Secretary or Assistant Secretary.

B. Department. The Assistant Treasurer shall report to the Secretary and, ultimately to the Board of Supervisors, or, if the Assistant Treasurer is a member of the Board of Supervisors shall report to the other members of the Board on all matters but shall have decision-

making power only as outlined in Article II Section VI. C. herein and as set forth in the Second Class Township Code.

C. Duties. The Assistant Treasurer shall assist the Treasurer in effectuating the requirements set forth in Section V (C) of this Article. In the event the Treasurer cannot act, for whatever reason, the Assistant Treasurer shall assume the duties of Treasurer. The Assistant Treasurer need not attend the monthly Board of Supervisor meetings unless substituting for the Treasurer or if specifically requested by the Treasurer or members of the Board of Supervisors.

Section VII. Secretary to Planning Commission and Zoning Hearing Board

A. Appointment. The Board of Supervisors may appoint an individual or individuals to serve as Secretary to the Township's Planning Commission and/or Zoning Hearing Boards.

B. Department. The Secretary shall report to the Chairperson of the respective Commission or Board.

C. Duties. The Secretary shall have the following duties and responsibilities:

1. Order and maintain supplies of office equipment, forms, and etc.
2. Collect and organize materials for reports.
3. Prepare agenda for monthly meeting.
4. Communicate with the Planning Commission or Zoning Hearing Board
5. Attend monthly meeting of Planning Commission and/or Zoning Board.
6. Prepare minutes for approval and presentation to all boards and members.
7. Keep a bond minute book for each board or commission.
8. Prepare legal advertisement in accordance with the law for zoning hearings.
9. Notify board members and solicitors of upcoming Zoning Hearings.
10. Work with Code Enforcement Officer when requested.
11. Prepare correspondence upon request.

Section VIII. Solicitor.

A. Appointment. The Board of Supervisors shall, at a convenient time and place, on the first Monday in January of each year, appoint an individual, firm, partnership, association or professional legal corporation to serve as Solicitor to the Township. The appointed Solicitor shall be licensed to practice law in the Commonwealth of Pennsylvania.

B. Department. The Solicitor shall report directly to the Chairperson of the Board of Supervisors or such other Supervisor as the Board may direct. The Solicitor shall serve at the pleasure of the Board of Supervisors.

C. Duties. The Township Solicitor shall direct and control the legal matters of the township, and no official or official body of the township, except as otherwise provided under law, shall employ an additional attorney without the assent or ratification of the board of Supervisors. The Township Solicitor, when directed or requested so to do, shall prepare or approve any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township may be a party. The Township Solicitor shall commence and prosecute all actions brought by the Township for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend the township or any township officer against all actions or suits brought against the Township or Township officer in which any of the estates, rights, privileges, trusts, ordinances or accounts of the Township may be brought in question before any court in this Commonwealth and do every professional act incident to the office which the Township Solicitor may be authorized or required to do by the Board of Supervisors or by any resolution. The Township Solicitor shall furnish the Board of Supervisors, upon request, with an opinion in writing upon any question of law.

Section IX. Local Code Enforcement Officer.

A. Appointment. The Board of Supervisors shall, at a convenient time and place, on the first Monday in January of each year, appoint an individual to serve as the Local Code Enforcement Officer to the Township.

B. Department. The Local Code Enforcement Officer shall report directly to the Chairperson of the Board of Supervisors, or a Supervisor designated by the Board.

C. Duties. The Local Code Enforcement Officer shall have the following duties and responsibilities:

1. To administer and enforce all provisions of the Township's Zoning Ordinance and the Subdivision and Land Development Ordinance (SALDO), including, but not limited to accepting Applications made to the Township, reviewing submissions for Code and Ordinance compliance

and timely responses to applicants as to the approval or denial of any applications or submissions .

2. To report regularly to the Township Supervisors on all aspects of Zoning and SALDO Enforcement on a monthly basis in written format.
3. To act as agent for the Zoning Hearing Board solely for the purpose of receiving and transmitting applications requiring action by the board and for the purposes of enforcing action taken by that board.
4. To receive and review all applications for building permits, certificates of use, variances, special exceptions, or a change of use, and accept Zoning Permit Applications for all land development and zoning submissions made to the Township.
5. To refer within fifteen (15) days after receipt, all applications for a variance, special exception, or change of use to the Zoning Hearing Board.
6. To identify and register non-conforming uses and structures in the Township non-conforming use registry.
7. Prepare legal ads for paper when needed.
8. Submit agenda to the board for review and verification regarding any action to be taken at either Planning Board or Zoning Board one week prior to meeting date.
9. Have all fees paid by check, made payable to the Board of Supervisors of Bear Creek Township. All checks must be presented to the Township treasurer before the last Monday of each month, along with a list of permits issued which should coincide with the amount of fees collected for that period of time.
10. Collect fee for the purchase of Planning and Zoning books available from his or her office.
11. Review tax duplicate during the year and make a report of new dwellings or deleted units and improvements.
12. Contact Solicitor in writing of legal action for verification and direction only after consultation with Board of Supervisors.
13. Attend Zoning Board and Planning Commission meetings when action is to be taken.

14. The Code Enforcement Officer shall administer the Zoning and SALDO Ordinances in accordance with its literal terms, and shall not have the power to permit any construction, or any use, or change of use, which does not conform, to the said Ordinances.
15. Make available forms for complaints in Township. No complaint will be acted upon unless forms are filled out and signed by persons making the complaints or if a violation is so seen by the Code Enforcement Officer or if the Code Enforcement Officer is put on notice through some other method or through other information received.
16. The Zoning Officer shall give timely written notice to all applicants on any denial or revocation.
17. To maintain the Township house numbers in registry and assign house numbers for all new structures in the Township.
18. Not issue any building permits without a sewage permit number for the Sewage Enforcement Officer (SEO).
19. To maintain complete records on the Township road system including right-of-ways, deed easements, straight line dimension sheets, profiles, etc.
20. To answer all complaints including those where a potential health hazard may exist.
21. To attend schools and seminars on code enforcement when directed by the Township Supervisors.
22. To file necessary yearly reports as required by the government.
23. Copies of all correspondence from the Zoning Officer shall be forwarded to the Secretary.
24. To keep a bound book listing all applications, permits and fees and dates issued.
25. To attend Court Hearings before any Court of Competent Jurisdiction for matters relating to the Township Code Enforcement laws, ordinances or position.

Section X. Building Code Official.

A. Appointment. The Board of Supervisors shall, at a convenient time and place, on the first Monday in January of each year, appoint an individual to serve as the Building Code **Official** to the Township. The appointed Building Code **Official** may be a member of the Board of Supervisors, or may be third-party individual, entity or corporation.

B. Department. The Building Code Officer shall report directly to the Chairperson of the Board of Supervisors, or a Supervisor designated by the Board, or, if the Code Enforcement Officer is a member of the Board of Supervisors shall report to the other members of the Board on all matters but shall have decision-making power only as outlined in Article II Section X. C. herein and as set forth in the Second Class Township Code.

C. Duties. The Building Code **Official** shall be responsible for enforcing and overseeing all issues and permits with regard to the Pennsylvania Uniform Construction Code and the Bear Creek Township building code duly adopted. The Building Code **Official** may establish fees for its administration and enforcement and time periods for payment of the fees. The municipality or third-party agency may establish a required time period for payment of the fees and fees for plan review, inspections and other activities related to the Uniform Construction Code and the Bear Creek Township building code duly adopted.

In addition to the duties outlined in the Bear Creek Township building code and the Pennsylvania Uniform Construction Code, the Building Code Official shall:

1. Examine the construction documents and shall determine whether the construction indicated and described is in accordance with the Uniform Construction Code and other pertinent laws or ordinances as part of the application process.
2. Perform inspections to insure that the construction complies with the approved permit and the Uniform Construction Code.
3. Notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.
4. Conduct a final inspection of the completed construction work and file a final inspection report, which indicates that all of the areas met Uniform Construction Code requirements after a final inspection of the completed construction work.
5. May authorize the temporary connection of a building or system under construction to a utility source of energy, fuel or power.

6. Conduct a final inspection of the completed construction work and file a final inspection report that indicates compliance with the Uniform Construction Code.
7. Review the plans and application to see that they comply with the requirements of the Zoning Ordinance as written and as instructed by the Board of Supervisors of Bear Creek Township.
8. To inspect all structures and uses for which a certificate is required.
9. To issue occupancy permits for structures which have been constructed or altered in accordance with an approved application.
10. To assist the Township Supervisors or consulting engineer on flood control problems and various other projects.

ARTICLE III. COMPENSATION

Section I. Board of Supervisors.

The Board of Supervisors shall receive an annual salary as set by ordinance but shall not exceed the maximum amount permitted under the applicable sections of the Second Class Township Code. Nothing in this section shall preclude compensation for services provided by a member in another capacity except as precluded or prohibited by law, statute or ordinance. Any change in the salary ordinance or any change in the compensation structure of the member of the Board shall be effective at the beginning of the next term of the Supervisor. Salaries may be paid monthly or quarterly as prescribed by ordinance. The compensation of supervisors, when employed as roadmasters, laborers, secretary, treasurer, assistant secretary, assistant treasurer or in any employee capacity not otherwise prohibited by this ordinance or any applicable law, shall be determined by the Board of Auditors, at an hourly, daily, weekly, semi-monthly or monthly basis, which shall be comparable to compensation paid in the locality for similar services. All other available compensation as permitted by law shall be set forth by ordinance.

Section II. Township Employees.

The Board of Supervisors shall set the salary or rate of compensation for all Township employees, including, but not limited to the Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Roadmaster, foreman, laborers and Code Enforcement Officer. The Board of Supervisors may agree to and/or contract with any firm, entity, company or individual providing professional services, specifically, but not limited to, the Solicitor, Building Code Officer, Engineer, Architect or any other professional contractor, at a reasonable rate of compensation or salary. Following successful completion of a probationary period, an employee's pay rate may be increased. The Township may establish procedures for advancement based on performance.

ARTICLE IV. MEETINGS

Section I. Time and Place.

- A. Township meetings shall be held on the first Monday of every month at 7:00 PM in the Supervisors Meeting Room of the Bear Creek Township Building located at 3333 Bear Creek Boulevard, Bear Creek Township, Wilkes-Barre, Pennsylvania, 18702. The Board of Supervisors may, at their sole option, and in accordance with the applicable notice provisions, change the time or the location of the meeting. Further, the Board of Supervisors shall be permitted to hold work sessions, additional meetings or executive sessions at their discretion and as needed.

- B. The Board of Supervisors shall hold a Work Session, which shall be open to the public, but shall not permit public comment or input, on the _____ day of every month at 7:00 PM. In accordance with Pennsylvania Law, this meeting shall be for the purposes of discussing any pending legislation or other Township Business, but no official action can or will be taken since it is not open for public comment. The Township Supervisors shall, however, be permitted to invite speakers, residents or presenters to the Work Session, at their option, in order to consider information they can provide. Regardless, all official action can only be taken at the Township Meeting or any duly-advertised Special Meeting.

Section II. Quorum.

A quorum is three (3) members of the Board of Supervisors.

Section III. Special Meetings.

Upon call of the Chairperson or by agreement of a majority of its members, the Board of Supervisors may schedule special meetings of the Board of Supervisors after notice required under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act." Notice of a special meeting state the nature of the business to be conducted at the meeting.

Section IV. Public Comment.

The Board of Supervisors shall accept public comment at each meeting of the Board at a specific time as designated by the Board. Public comment may be on any issue relevant to the Township or Township business. The Board of Supervisors shall set the criteria and/or structure for any public comment portion of the Board of Supervisors meeting. Any public comment at a

Special Meeting shall be restricted to the topic or subject being discussed at or which is on the agenda for the Special Meeting.

Section V. Voting.

An affirmative vote of a majority of the entire board of supervisors at a public meeting is necessary in order to transact any business. A member of the board shall not be disqualified from voting on any issue before the board solely because the member has previously expressed an opinion on the issue in either an official or unofficial capacity.

Section VI. Recording Devices.

Any individual who wishes to record the public meetings, either through video or audio means, is permitted to do so, provided that all electronic devices are visible, placed at the front of the meeting room and so long as the recording or the individuals responsible for the recording devices do not disrupt the meeting. The Board of Supervisors shall have the power and discretion to prevent any individual from recording the said meetings if the individual or the act of recording or serves as hindrance to the public's ability to view, hear or speak at any meeting.

ARTICLE V. NONDISCRIMINATION

Section I. Discrimination in Employment.

No Township official or employee shall discriminate against any person in recruitment, selection for employment, training, promotion, retention, discipline, benefits, conditions of work, or any other aspect of personnel administration because of race, age, sex, handicap or national origin. In addition, No Township official or employee shall discriminate because of physical disability unless physical abilities constitute genuine job requirements. All officials and employees shall attempt to make reasonable accommodations to enable otherwise qualified employees and applicants with disabilities to be employed.

Section II. Discrimination in General.

No Township official or employee shall discriminate against any resident or visitor of the Township because of race, age, sex, handicap or national origin. All officers and employees shall make reasonable accommodations in serving the residents and visitors who are handicapped in accordance with the Americans with Disabilities Act.

ARTICLE VI. SEXUAL HARASSMENT

Section I. Harassment.

No Township official or employee shall engage in any activity which is considered sexual harassment of other employees in any form. Sexual harassment means any unwelcome of offensive flirtations, advances, propositions, or suggestions, whether physical or verbal, explicit or implied, and whether or not the action could have any effect on the employee's continued employment, advancement, or working conditions. The use of sexual suggestive language, objects or pictures in the work place are also considered harassment if they are offensive to any employee.

Employees who persist in acts of sexual harassment will be subject to disciplinary action as described in Article IX.

ARTICLE VII. SMOKING

Section I. Prohibition.

A. Smoking is prohibited for all employees and the general public in the following areas:

1. Township meeting rooms.
2. Any Township office.
3. Any Township vehicle or equipment.
4. Any area where smoking is prohibited for safety reasons.

B. Employees who observe anyone failing to comply with the smoking policy should inform them of the policy politely. If anyone persists in failing to comply with the policy, the Township supervisors should be notified. Employees who refuse to comply with the smoking policy may face disciplinary action.

ARTICLE VIII. NON-APPOINTED EMPLOYMENT

Section I. Selection.

A. Except where a job is to be filled by transferring or promoting a current Township Employee, all regular jobs to be filled shall first be advertised by whatever means are necessary and practical to assure public knowledge in the Township of the vacancy and to attract a sufficient number of qualified candidates.

B. Each application for announced vacancies may be subject to examination by the Township Supervisors to determine whether the applicant meets the minimum requirements for the job to be filled. The examination may consist of written, oral, or performance tests or an evaluation of the applicant's experience and training compared to the requirements of the job or any combination thereof. This evaluation may include review of a written application form, oral interview, and reference checks.

C. The Township Secretary shall prepare a list of all applicants who meet the minimum qualifications for the job. The list shall be forwarded to the appropriate department supervisor who shall recommend from that list a qualified individual for employment. The selection may be subject to approval by the Board of Supervisors.

D. The Township may fill position by transferring or promoting a current Township employee, if the employee possesses the qualifications for the position to be filled, and if the promotion is in accordance with any other policies and procedures the Township may develop.

E. Employees hired for temporary or seasonal work which is expected to last less than one year shall not be considered regular employees and shall be considered to be on probation for the entire period of their employment.

Section II. Probationary Period.

A. Duration. Newly appointed employees shall serve a probationary period during which he/she will be required to demonstrate fitness for the position. The length of the probationary period shall be three (3) months and may be extended for up to an additional three (3) months at the direction of the Supervisors.

B. Evaluation. The department head shall periodically evaluate the quality of the new employee's work during the probationary period and inform the employee in writing of this evaluation. A probationary employee may be removed from his or her position at any time during the probationary period by the Township Supervisors. A probationary employee will be considered to have successfully completed of the probationary period upon the favorable written recommendation of the department head.

ARTICLE IX. EMPLOYEE DISCIPLINE

A. Cause. The Township shall take no disciplinary action against an employee without just cause. The following criteria shall be used to determine whether just cause exists:

1. 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 Township business if violation of the rules is to be reason for disciplinary action.
3. The Township shall make a reasonable effort to discover whether a rule has been violated before taking disciplinary action.
4. The investigation of alleged rule infractions should be carried out in a fair and objective manner.
5. Disciplinary action shall not be taken without substantial proof that employee committed the infraction.
6. Disciplinary actions and penalties will be applied consistently and fairly.
7. The degree of discipline imposed will be reasonably related to the seriousness of the offense and the employee's previous record.

B. Discipline. The type of discipline shall normally be limited to the following actions; oral and written reprimands; suspensions without pay; demotions; and dismissals. Suspensions, demotions, and dismissals will require the approval of the Township Supervisors and shall be imposed only after the employee has been given the opportunity to have a fair and impartial hearing before the Board of Supervisors. Department heads may issue oral or written reprimands.

It shall be the Township Supervisors' role to administer the last severe form of discipline deemed necessary to correct the improper behavior. This means that a dismissal shall only be used in cases where there is little likelihood that the employee will be willing or able to perform in a satisfactory manner again, or where the employee's action have been so disgraceful that continued employment would cause a loss of confidence in the withholding of pay is necessary to impress upon the employee the seriousness of his actions. Demotions shall only be used where an employee's actions or lack of ability render him unable to effectively perform his normal duties, but where other work is available which he can perform. Oral and written reprimands shall be used to correct cases such as carelessness, poor judgment, inefficiency, or other instances where an instruction or reminder can reasonably be expected to improve performance or stop the improper behavior.

C. Records. Records of disciplinary actions shall be kept in the employee's personnel file. The employee shall be provided with a copy of all such records. Reprimands shall be removed from the file and destroyed after two years if, in the opinion of the person issuing the reprimand, it has served its purpose.

D. Improper Conduct. To ensure a safe and efficient work environment, Bear Creek Township expects its employees to follow these commonly accepted rules of conduct. The

following examples of inappropriate conduct in the workplace constitute the type of action that will not be tolerated nor condoned by fellow employees or the Township:

- Excessive absenteeism
- Repeated late arrival
- Unauthorized Absenteeism
- Insubordination to Township Supervisors or to managers or to the foreman.
- Willful violation of Township, Commonwealth or Federal laws
- Willful violation of Township administrative policies and/or procedure
- Conviction of a felony, including convictions based on a plea of no contest or of a misdemeanor involving moral turpitude the nature of which reflects the possibility of serious consequences related to the continued assignment or employment of an employee.
- Knowingly falsifying, removing or destroying information related to employment, payroll or work-related records or reports.
- Discourteous treatment of the public or other employees, including harassing, coercing, threatening, intimidating or retaliating against others.
- Conduct that interferes with the management of the Township's operations.
- Failure to carry out a direct order of a Supervisor or manager or foreman, except where the employee's safety or the safety of other individuals is jeopardized by the order.
- Threatening or utilizing violence or physical altercations.
- Any act of discrimination (including, but not limited to sexual, racial, age, race, handicap, religious or political affiliation.
- Intoxication or incapacity due to alcohol or other medical or controlled substance.

ARTICLE X. INSURANCE AND BENEFITS

A. Available Benefits. It is the intention of the Township to provide plans for health care, life insurance, that allow for reasonable benefits at realistic costs to both the Township and the employee, if deemed necessary. Specific plans and the portion of the cost to be paid by the Township and by the employee shall be specified by contract. Eligibility for benefits for employees not covered by contract shall be based on employment status as herein defined:

1. **FULL TIME-** Shall mean any employee regularly scheduled to work 40 hours or more per week. Except where an employee is classified as salaried employee.
2. **REGULAR-** shall mean any employee hired with the expectation of working continuously for one year or more. Any employee who has worked continuously for one year will be considered regular regardless of expectation for continued employment.

3. **CONTINUOUS EMPLOYMENT-** shall mean any period of employment uninterrupted by termination, resignation, retirement, or furlough. Any type of approved leave of absence, whether paid or unpaid, shall not constitute an interruption of continuous employment.
4. **LIFE INSURANCE-** All regular, full time employees in a paid status are eligible for term life insurance in an amount to be determined by the Supervisors. The amount of coverage shall be in relationship to the employee's regular salary. Premiums will be divided between the Township and the employee in a proportion to be determined by the Supervisors, if deemed necessary.
5. **MEDICAL INSURANCE-** All regular, full time employees in a paid status are eligible for medical coverage under a plan determined by the Supervisors. The cost of coverage will be divided between the Township and the employee in a proportion to be determined by the Supervisors, if deemed necessary. At the present time, benefits are paid in full by the Township, no employee participation or deduction is considered.
6. **WORKERS COMPENSATION-** All employees are covered by a worker's compensation insurance program for injuries or illnesses sustained on the job. The program shall be administered by an insurance carrier determined by the supervisors in accordance With the regulations and requirements of the Commonwealth of Pennsylvania.

B. Medical Expenses. The program provides for payment of medical expenses required as a result of work related accidents or illness, and payment of a percentage of the employee's wage or salary lost due to absence as a result of such accident or illness.

C. Workers Compensation. The Township may require employees to choose a physician from a list determined by the Township for treatment if any benefits are to be paid through the Worker's Compensation Program. The Township reserves the right to require such examinations by a physician as may be necessary to determine the employee's ability to return to work. The Township may require an injured employee to return to work and perform duties of a light or limited nature if the employee is able and such work can be made available.

ARTICLE XI. WORK SCHEDULES

A. Hours of Work/Time Off. Employees shall adhere to established work hours and be at their place of duty and available for work as scheduled. Employees shall be granted time off for specific periods and reasons. Part-time and temporary employees are not eligible for paid leave of any type. Employees covered by contract shall be granted time off as specified in the contract.

B. Unscheduled Time Off. Any unscheduled absence, **other than vacation time**, shall be reported to the employee's supervisor no later than one (1) hour after the employee's starting time each day unless prior agreement is reached with the supervisor and approved by the Board of Supervisors. Vacation time is governed solely by Article XII Section A.

ARTICLE XII. VACATION

A. Employees shall earn vacation according to the following schedule:

0-6 months	Zero days vacation
6 months – 1 year	Five days vacation
2years – 5 years	Ten days vacation
6 th and following years	½ day for each year of service up to a maximum of 15 days

Except for the year in which the year employed, employees must be in a paid status for at least 90 workdays in a calendar year to earn the vacation for that year. Use of vacation time is subject to approval by the employee's supervisor and shall be granted subject to management's responsibility to maintain efficient operations. Vacation requests shall be submitted in writing at least **one (1) week** (5 working days) in advance. In the event of any conflict in selection, the employee with the greater seniority shall be given priority. A supervisor has the right not to grant vacation time if a request is made within five (5) working days of the requested day.

B. Carry-over. Employees may carry five (5) days vacation time earned into the following calendar year. Any earned vacation that is not scheduled in the following year shall be considered forfeited.

C. Retirement. Employees who retire or who resign with two weeks notice prior to taking earned vacation time will be paid a prorated amount of that year's vacation based on the portion of the year worked.

ARTICLE XIII. SICK LEAVE

A. Earned Time. Employees will earn five (5) days sick leave in each year in which they are in a paid status for at least 90 days. The purpose for sick leave is a benefit for our employees in the event of an illness.

B. Reasons. The department head may allow sick leave for the following purposes:

1. Personal illness, physical incapacity or non-compensable bodily injury or disease.
2. enforced guarantee in accordance with public health regulations.

3. To meet medical and dental appoints in excess of two (2) hours duration when an employee had made reasonable efforts to secure appointments outside the normal working hours, provided the department head is notified at least one (1) day in advance of the day on which the absence occurs.
4. Illness or physical incapacity in the employee's immediate family, requiring his immediate attention and resulting from causes beyond his/her control, up to a maximum of three (3) days per year.

C. Proof of Illness. The Township may require proof of illness for authorized sick leave if there is reason to suspect misuse of sick leave or if the period of absence extends for three (3) days or more. Proof of illness may include a doctor's certificate or other proof of illness from the employee's physician indicating the nature and duration of the illness.

D. Compensation for Unused Sick Time. No employee shall be entitled to a buyout for unused sick leave due to leaving employment of the Township for any reason (i.e.; quitting, retirement, etc.). Any unused sick time is forfeited and may not be carried over for continued employment except as set forth in this Article.

E. Accumulation. An employee may accumulate up to thirty (30) sick days. At the end of any calendar year, if the employee has accumulated more than thirty (30) days, the amount shall be reduced to thirty (30) days. All other days shall be forfeited by the employee without any compensation therefor.

ARTICLE XIV. MILITARY LEAVE

Section I.

Employees who are members of the Military Reserve or National Guard will be granted up to fifteen (15) days leave in any calendar year for required training or duty upon presentation of a copy of official orders. Employees shall be paid their regular pay rate while on such leave. Nothing in this Section is intended to supersede and federal or state law governing active duty, or military leave in war-time or peace-time.

ARTICLE XV. PARENTAL LEAVE

Section I.

Any employee expecting to become a parent either by birth or adoption shall, upon request, be granted up to three (3) months leave without pay for the purpose of preparing for the child's arrival or caring for the child after arrival. Insurance benefits shall continue during this leave. As part of the three (3) months parental leave, a pregnant woman shall be allowed to use her earned sick leave in order to be paid for that period of time only when she is unable to work as certified by a physician. Upon expiration of parental leave, the employee shall be returned either to his or her previous job or to another job of equal pay and skill level. No employee shall

be required to take parental leave so long as she is physically able to perform her job. Nothing in this Article is intended to supersede any federal or state law or the Family Medical Leave Act.

ARTICLE XVI. CIVIL LEAVE

Section I.

Any employee called for non-voluntary jury duty or subpoenaed as a witness in a court case in which they are not a party shall be granted civil leave at their regular pay rate.

ARTICLE XVII. OTHER LEAVE

Section I.

When it is determined by the Supervisors to be in the best interest of the Township, or when required by law, other paid or unpaid leaves shall be granted upon written request submitted far enough in advance to permit consideration.

ARTICLE XVIII. BEREAVMENT LEAVE

Section I.

Each regular employee shall be granted up to three (3) days of paid leave in the event of a death in the immediate family. "Immediate Family" is defined as father, mother, spouse, brother, sister, child, mother-in-law, father-in-law, and grandparents of employees and spouse. Employee shall be allowed the funeral day off with pay, if it is his or her scheduled workday, in the event of the death of his brother-in law or sister-in-law.

ARTICLE XIX. HOLIDAYS

Section I.

A. Established Holidays. Regular, full time/salaried employees who have completed their probationary period shall be paid for the following holidays on which Township Office will be closed: (This is subject to change by resolution of the Board of Supervisors during the reorganization meeting of any given year):

NEW YEARS DAY

EASTER (MONDAY)

MEMORIAL DAY

INDEPENDENCE DAY

LABOR DAY

VETERANS' DAY

THANKSGIVING DAY

CHRISTMAS DAY

B. Recognized Days. Monday shall be recognized as a holiday for all holidays occurring on Sunday, and Friday for all holidays occurring on Saturday for those employees on normal Monday through Friday workweek. Part time employees hired by the Township will not be paid for holidays occurring during their employment.

C. Supervisors Schedule. The Board of Supervisors shall release, on the first Monday in January, during the reorganization meeting, a list and schedule of all holidays and dates which the Township shall recognize. The purpose of this shall be to allow for a clear delineation of the dates which the Township shall observe in a given year.

ARTICLE XX. DRUG POLICY

Section I.

The Township shall establish a written drug policy pertaining to the officers, officials and employees. Such policy shall be readily available to all employees and officials and shall be presented to each employee upon hire. The drug policy shall be reviewed by the Supervisors on an annual basis to ensure compliance with federal and state law and to ensure that all issues are being addressed with the employees and officials.

ARTICLE XXI. OPEN RECORDS POLICY

Section I.

Bear Creek Township is intending to comply with the Commonwealth of Pennsylvania Open Records Law and, in doing so, drafts a policy for the public viewing, copying and receiving of public records of the Township. For purposes of this Article, the following terms shall have the following meanings:

PUBLIC RECORDS – Any account, voucher or contract dealing with the receipt or disbursement of funds by Bear Creek Township, use or disposal of services or of supplies, materials, equipment, or other property and any minute, order or decision by Bear Creek Township, or agent thereof, fixing the personal or property rights, privileges, immunities, duties or obligations of any person(s). “Public Records” shall not include any report, communication or other record or paper, the publication of which would disclose the institution, progress or result of any investigation, and/or litigation undertaken by Bear Creek Township or its agents in the performance of its official duties. It shall also not include any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Township of Federal funds, excepting therefrom however the record of any conviction for any criminal act.

RECORD –Any document maintained by an agency, in any form, whether public or not.

REQUESTER – A person who is a resident of the Commonwealth and requests a record pursuant to this act.

RESPONSE – Access to a record or an agency's written notice granting, denying or partially granting and partially denying access to a record.

Section II. Open Records Requirements and Procedure

A. General rule. Unless otherwise provided by law, a Public Record shall be accessible for inspection and duplication by a Requester in accordance with this policy. A Public Record shall be provided to a Requester in the medium requested if the Public Record exists in that medium; otherwise, it shall be provided in the medium in which it exists. Public records shall be available for access during the regular business hours of Bear Creek Township. Nothing in this act shall provide for access to a record which is not a public record.

B. Requests. Bear Creek may, but is not required to fulfill verbal requests for access to records and anonymous requests for access to records. In the event that the Requester wishes to pursue the relief and remedies provided for in this policy of the Township or under Pennsylvania Law, the Requester must initiate such relief with a written request.

C. Written requests. A written request for access to records may be submitted in person, by mail, or by facsimile to the Township Office. A written request shall be addressed to the Secretary/Treasurer of Bear Creek Township. A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested and shall include the name and address to which the Township should address its response. A written request need not include any explanation of the Requester's reason for requesting or intended use of the records.

D. Creation of a public record. When responding to a request for access, Bear Creek Township shall not be required to create a Public Record which does not currently exist or to compile, maintain, format or organize a Public Record in a manner in which the agency does not currently compile, maintain, format or organize the Public Record.

E. Conversion of an electronic record to paper. If a public record is only maintained electronically or in other nonpaper media, the Township shall, upon request, duplicate the public record on paper when responding to a request for access in accordance with this policy.

F. Retention of records. Nothing in this act is intended to modify, rescind or supersede any record retention and disposition schedule established pursuant to Pennsylvania law.

G. Redaction. If the Township determines that a Public Record contains information which is subject to access as well as information which is not subject to access, the Township's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the Public Record and cannot be separated, the Township Secretary/Treasurer shall redact from the Public Record the information which is not subject to access, and the response shall grant access to the information which is subject to access. The Township may not deny access to the public record if the information which is not subject to access is able to be redacted.

H. Fees. The Township shall set forth a fee schedule for the copying of Public Records. All fees shall be paid prior to the release of the Public Record. In the event the fees are not paid at prior to the release of the Public Record, the Township Secretary/Treasurer is not required to release the record.

I. Employee Records. Employee records are confidential records and do not fall under the category or definition of a "Public Record." The employee has the right to examine his or her own personal record with reasonable advance notice, and, if need be, the right to add a responsive statement to the record or document in question. An employee's file and personnel record may contain official records of disciplinary action or reprimands.

Section III. Response to Requests

A. General rule. Upon receipt of a written request for access to a record, the Township shall make a good faith effort to determine if the record requested is a Public Record and to respond as promptly as possible under the circumstances existing at the time of the request but shall not exceed five (5) business days from the date the written request is received by the Township Secretary/Treasurer. If the Township fails to send the response within five (5) business days of receipt of the written request for access, the written request for access shall be deemed denied.

B. Exception. Upon receipt of a written request for access, if the Township determines that one of the following applies:

1. the request for access requires redaction of a public record in accordance with Article XXI Section II. G.;
2. the request for access requires the retrieval of a record stored in a remote location;
3. a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;

4. a legal review is necessary to determine whether the record is a public record subject to access under this act;
5. the requester has not complied with the Township's policies regarding access to public records; or
6. the requester refuses to pay applicable fees authorized by Article XXI Section II. H of this policy,

the Township shall send written notice to the Requester within five (5) business days of the Township Secretary/Treasurer 's receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided. If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed for in subsection (a), the request for access shall be deemed denied.

C. Denial. If the Township's response is a denial of a written request for access, whether in whole or in part, a written response shall be issued and include:

1. A description of the record requested.
2. The specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that the record requested is not a public record, the specific reasons for the Township's determination that the record is not a public record shall be included.
3. The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.
4. Date of the response.
5. The procedure to appeal the denial of access under this act.

D. Certified copies. If Township's response grants a request for access, the Township Secretary/Treasurer shall, upon request, provide the requester with a certified copy of the public record if the requester pays the applicable fees.

ARTICLE XXII. CONFLICTS

Section I.

All Ordinances or parts of Ordinances of the Township of Bear Creek in conflict with this Ordinance to the extent of such conflict, and no further, are hereby repealed.

ARTICLE XXIII. RECREATION BOARD

Section I. Establishment of Recreation Board

Consistent with Section 2204 of the Second Class Township Code, the Board of Supervisors hereby establishes an advisory Board which shall be known as the "Recreation Board." This Recreation Board will serve as an advisory committee directly to the Board of Supervisors regarding recreation areas within the Township and recreations activities for the general community. The Recreation Board will be purely advisory in nature and shall not have any financial or legislative power, except that which may be given to the Board by the Board of Supervisors as may be permitted by law. The permitted functions of the Recreation Board shall be set forth in this Article.

Section II. Recreation Board Functions.

The Recreation Board shall be required to monitor, make recommendations and advise the Board of Supervisors on recreation activities and the recreation facilities within the Township, including, but not limited to the sports fields, pavilions, public parks, equipment, parking areas, security and any other matters or issues affecting recreation activities within the Bear Creek Township Community. The Board shall report to the Board of Supervisors and make any recommendations necessary for the health, safety, and welfare of the community as it relates to the recreation activities and the facilities under the control of the Township.

Section III. Board Composition.

The Recreation Board shall have five (5) members appointed by the Board of Supervisors for a term of five (5) years. The initial composition of the Board shall be through appointments made in the same manner as Supervisors are elected when additional members are added. The goal is to create staggered terms of service for the said Members. No more than two (2) members' terms shall expire annually. Members of the Board shall be bona fide residents of Bear Creek Township for at least one (1) year prior to their appointment. It is suggested, but not required, that Members be familiar with the recreational activities and facilities in the Township and have experience with the same. The Members shall serve voluntarily and shall not be compensated. The Members shall elect a Chair, a Vice-Chair and a secretary, and any other office which the Board deems necessary. The Board shall meet at least four (4) times per year, but may meet at additional times as may be required. It is intended that at least one (1) of the Members be a member of the Board of Supervisors. The Board shall submit an annual report to the Board of Supervisors, including an analysis of the adequacy and effectiveness of community recreation areas, facilities and leadership.

Section IV. Budget Appropriations.

The Board of Supervisors may appropriate funds to cover miscellaneous costs necessary for the administration of the Recreation Advisory Board. These amounts may be set forth in the Township's Annual Budget.

Section V. Compliance with Laws.

The Recreation Advisory Board shall comply with all laws of the Township and of the Commonwealth of Pennsylvania, including, but not limited to, open meetings, public records, the Pennsylvania Sunshine Law and public comment. The Board shall have access to the Township's Roadmaster, Local Zoning Officer and Solicitor, in consultation with the Board of Supervisors, for questions, issues and opinions regarding the Board's activities.

ARTICLE XXIV. SEVERABILITY

Section I.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held unconstitutional, illegal or otherwise invalid, such declaration shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provisions had not been included herein.

ADOPTED by the Bear Creek Township Board of Supervisors on the _____ day of _____, 2008.

GARY ZINGARETTI, Chair