

## **Personnel Policy for the Morgantown Monongalia Metropolitan Planning Organization**

**Section 1.0 Purpose of this Handbook:** This Handbook has been prepared as resource document for the use of MMMPO staff and employees. The information policies, procedures, practices, rules, and benefits set forth in this Handbook are not a consideration of employment and the language is not intended to be or does it create a contract between MMMPO and its employees. Also, the general information pertaining to the various benefit plans is based upon the official text which is controlling in case of question or inconsistency. This manual is not intended to be or create a contract of employment. Employment relationship of each employee is "at will", no cause being necessary for dismissal.. That means that it is for no definite period and it is terminable at any time at the will of the MMMPO with or without notice or cause. Similarly, an employee can resign at any time for any or for no reason.

Please read this employee Handbook and keep it in a convenient place for your future reference. It is to remain in your possession as long as you are employed by MMMPO. From time to time you may receive new pages (changes or additions) which will keep your Employee Handbook updated. If you have any questions on any part of this Employee Handbook or any subject not covered in it, do not hesitate to ask the Executive Director. It is important that you understand this Handbook and any other documents given to you in conjunction with it are not to be considered a guarantee that the benefits or polices described in it will be continued or remained in a present form. If any section of this Employee Handbook is found to be invalid by a duly constituted authority, it shall not affect the validity of any other section or portion of the balance of the Employee Handbook.

### **Section 2.0 Definitions:**

**2.1 Administrative Staff Employees-** a nonexempt employee meets the Federal and State wage and hour laws to receive over-time pay to for in excess of Forty (40) hours per week.

**2.11 Professional Employees-** An exempt employee meets all criteria of Federal and State wage and hour laws to be exempt from overtime.

**2.12 Technical Staff Employees-** Are those technical staff individuals whose work schedule is approximately the same as the business, who work more than Thirty-five (35) hours per week in technical data collection activities, CAD, traffic counts, or other duties not directly related to the preparation of plans or administration of the organization.

**2.13 Part-time Employees-** Part-time employees are those individuals who work regular agreed upon work schedule that is less than twenty (20) hours per week. Part-time employees do not

participate in qualifying for or receiving employee benefits. These employees are hired by the MMMPO for an unspecified period of time.

**2.14 Temporary or Seasonal Employees-** Are those nonexempt individuals whose period of employment with the MMMPO is short term (no more than 3 months). The hours they work may vary from a full to part-time schedule depending on the specific needs of the MMMPO. Temporary employees do not participate and/or receive employee benefits.

**2.15 Supervisor-** The term supervisor used throughout this Handbook will mean the person for whom the employee works or if a member of staff that does not work directly for a person, supervisor will be the executive director.

**Section 2.2 MMMPO Management:** Management of the MMMPO will be the responsibility of the Executive Director and such staff as he or she may delegate authority to as needed. The Executive Director shall be responsible for developing the agency's operations in a manner consistent with the Policy Board's directions as identified in this Policy Manual. The Board's management philosophy is to develop the MMMPO's staff as a team whose skills are valued and enhanced and who shall be able to participate in the agency's decision making process.

**2.21 Management Rights:**

In the absence of an Executive Director, the MMMPO maintains its right to manage the affairs of the organization to ensure the efficient and effective operation of the agency. These rights shall include but not be limited to, the right to direct employees, hire, fire, discipline, layoff, and recall, promulgate and enforce work rules, assign work, schedule work hours, require overtime, change assignments, eliminate or combine jobs, determine job vacancies, change pay periods, determine methods of paying wages and determining skill classifications, etc.

**2.22 Employee Rights:** Employees have the right to expect fair and equal treatment under these policies including: A reasonably safe work environment that is free from harassment. Employees are encouraged to bring forward ideas, suggestions, and concerns that may improve the safety of the work place, the operations of the agency, the agency's product, or the working conditions of the staff.

### **Section 3 Employment Policies:**

**3.1 Equal Opportunity Employer:** MMMPO is an equal opportunity employer. It is the policy of the MMMPO from recruitment through employment and promotion to provide equal opportunity at all time without regard to race, color, religion, sex, national origin, marital or veteran status, or the presence of non-job-related medical condition or handicap. Should a question arise relative to this policy or any other issues related to equal employment opportunity, you should contact your supervisor. If you believe it would be difficult to address this matter with him or her, you should contact the execute director.

**3.2 Sexual Harassment Policy:** Conduct that constitutes sexual harassment has never been and will not be tolerated by the MMMPO. It is unacceptable and illegal.

A) Definition of Sexual Harassment- State and Federal laws define and prohibit such conduct. For the purpose of this policy, sexual harassment is defined as unwelcomed and unwanted conduct of a sexual nature (verbal or physical) when:

1. Submission to such conduct is made either explicitly or implicitly and term or condition of individuals employment or;
2. Submission to or rejection of such conduct is used as a basis for employment decisions;
3. Such conduct has the purpose or effect or reasonably interfering with and individuals work performance or creates an intimidating, hostile, or offensive work environment.

Some examples of sexual harassment including but are not limited to the following:

- A) Demanding sexual favors in exchange for favorable treatment, reviews, assignments, promotions, continued employment, or promises of the same.
- B) Continued or repeated sexual jokes, language, epaulets, flirtations, advances or propositions and the employee has made known his or her objection by reporting a complaint;
- C) Verbal abuse of a sexual nature;
- D) Graphic, verbal commentary about an individual's body, sexual paralysis, or sexual deficiencies;
- E) Sexually degrading vulgar words to describe an individual;
- F) Leering, listening, touching, pinching, brushing the body, assault, coerced sexual acts, or suggestive, insulting or obscene comments or gestures;

- G) Display in a workplace of sexually suggestive objects, pictures, posters, or cartoons;
- H) Name calling, relaying stories, gossip, comments, or jokes that have a sexual connotation when the employee has made known his or her objection;
- I) The display of sexually suggestive graffiti or;
- J) Retaliation against employees for complaining about such behavior.

This behavior is unacceptable in the workplace itself and in other work-related settings and business related social events.

**3.3 Individuals covered under this policy-** This policy covers everyone employed with MMMPO. The MMMPO will not tolerate, condone, or allow sexual harassment.

**3.4 Reporting a complaint-** While MMMPO encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcomed. We also recognize that power and status disparities between an alleged harasser and a target may make such confrontation impossible. In the event such informal direct communication between individuals is either ineffective or impossible then any such conduct should be reported to your supervisor and the executive director when it occurs. Any supervisor who receives notice of a complaint or who learns of an incident of sexual harassment is required to promptly report the incident to the executive director to allow the complaint to be properly investigated. In the case of a complaint against the executive director the complaint should be reported to the President of the MMMPO Policy Board or his designee.

**3.5 Resolving the Complaint-** When the investigation is complete the matter will be referred to the policy board for resolution. Individuals who are found to have engaged in such conduct will be disciplined up to and including discharge when the facts warrant.

#### **Section 4 Work**

**4.1 Hours of Work:** Regular full time employees will work at least 35 hours per week in order to be eligible for benefits. A regular work week will be based on 40 hours per week and hourly compensation totals shall be based on a 2080 hour work year for budgeting purposes.

**4.2 Hiring Authority-** The Executive Director shall have the authority to employ persons to fill positions as created by the Policy Board. The Executive Director will have the Authority to modify an employee's status by promotion, demotion or dismissal within the policies established by this Personnel Policy.

**4.3 Probationary Period-** A person employed or promoted by the Executive Director shall serve a probationary period under the following conditions:

1. For six months of uninterrupted employment after assuming the new position
2. Probation may be extended by the Executive Director, or the Board in the case of the Executive Director, due to an interruption of employment or in the instance of a performance issue.

B) Probationary employees will be provided a formal performance evaluation at three months of service at the probationary level, and shall be provided a secondary evaluation upon completion of the probationary period.

C) Employees unable to successfully complete their probationary period of employment may be terminated.

#### **4.4 Attendance and Leave**

- A) The standard work week for full time employees shall be 40 hours a week. Work schedules for temporary and part time employees shall be specified at time of employment.
- B) Employees shall be at their places of work in accordance with their prescribed schedule. Daily attendance records will be maintained. Excessive tardiness may result in disciplinary action up to and including dismissal.
- C) More than two non-excused absences may result in disciplinary action up to and including dismissal.

#### **4.5 Holidays**

Holidays shall be determined by the MMMPO Board at the first January Meeting of each year and may be modified again at the first July meeting of each year to accommodate budgetary constraints.

#### **4.6 Vacation**

All regular full-time employees shall be entitled to the following vacation leave with pay:

<b>Years of Service</b>	<b>Rate of Vacation Leave Earned</b>
0-4	80 hours/year
5-10	120 hours/year
10+	160 hours/year

A) Vacation leave is earned by regular, full-time employees in every month they are paid for 40 hours of work or more, beginning with the first full month of employment.

B) Vacation must be used within two years of accrual (on an annual basis). However, if, under extreme circumstances an employee is unable to use his/her vacation leave during the required period the Executive Director may allow the employee to carry over the vacation for a period of up to one year. In the case of vacation for the executive director approval to carry over hours is at the discretion of the MMMPO Policy Board.

C) A minimum 5-day advance request for leave must be approved by the Executive Director prior to use of any vacation leave in excess of one day.

D) After 10 years of service an employee may convert up to 40 hours of vacation time to payment at their usual hourly rate (not including overhead costs) as shown in the Unified Planning Work Program.

#### **4.7 Dress Code**

All employees are expected at all times to present a professional business like image. Acceptable personal appearance is an ongoing requirement of employment with the MPO. Departures from conventional dress or personal grooming and hygiene standards are not permitted.

Employees are expected to dress in a manner that is normally acceptable in similar business environments. Daily work dress is to be business casual. Dress for public meetings is to be business attire. Employees should not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, novelty items and similar items of casual attire that do not present a business like appearance. Clothing worn which is revealing or offensive in nature may result in disciplinary action.

Any employee who does not meet the standards of this policy will be required to take corrective actions, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy.

#### **4.8 Sick Leave**

All regular full time employees shall accrue 96 hours per year or 8 hours per month of sick leave credit with pay. Accrual begins during the first full month of employment on the 10<sup>th</sup> calendar day. A maximum of 960 hours of sick leave may be accrued. Sick leave credit may be used by employees when they are incapacitated for the performance of duties due to non-work related sickness, injury or for medical or dental appointments. An employee may use up to 40 hours of sick leave to care for an immediate family member. (Defined in this instance as spouses, children, parents, grandparents, brothers, sisters, and immediate in-laws.) An employee requesting sick leave shall contact the Executive Director as soon as possible. A doctor's written verification is required for absences of 40 hours or more. In the event of excessive absences the Executive Director or the Board may request physician verification at their discretion.

#### **4.9 Disability Leave**

Any employee of the MMMPO who suffers an injury in the performance of their duties shall, upon proper investigation and authentication, be granted leave and shall be entitled to compensation under the State Workers Compensation Act.

#### **4.10 Special Leave**

In addition to special leaves, the Executive Director (or in the event of the Executive Director requiring special leave the Policy Board) may authorize employees leave with pay to equal their base pay after consideration of compensation for Jury duty with proper documentation and Funeral leave. In the event of funeral leave an employee may receive up to twenty four hours pay at their base rate of pay for immediate family members (As defined under sick leave in this document.)

#### **4.11 Military Leave**

Military leave may be approved by the Executive Director upon receipt of orders for such duty to this country. Those called to duty may resume their duties without prejudice within 90 days of their honorable discharge. All military leave is without pay except as noted below.

Any employee of the MMMPO serving in the National Guard shall be entitled to leave of absence from their duties without loss of pay, status during such hours as they shall be engaged in drill or parades during business hours when ordered by proper authority to do so, or for field training or active service under the provisions of state statute. Like privileges shall be extended to reserve corps of the armed forces of the United States.

Benefits including accrual of sick leave, vacation and seniority shall continue to accrue for a maximum of 30 days of military leave per year. Employees must pay or arrange payment of their portions of insurance premiums during such absences to avoid discontinuation of insurance coverage. Employees may use accrued vacation in sufficient amounts to cover employees portion of insurance premiums provided employee has on file with the MMMPO the Authority Wage Assignment Form allowing payroll deductions for such payments.

#### **4.12 Overtime/Compensatory Time**

Exempt employees are not eligible for overtime compensation but may be granted “other” compensatory straight time off at the discretion of the Executive Director, in accordance with the Fair Labor Standards Act (FSLA). The Executive Director may receive such consideration with the approval of the Board.

A non-exempt employee may be required to perform overtime work (defined as work in excess of 40 hours during the week) by the Executive Director. Compensation for overtime work shall be at the rate of one and one-half time the regular pay rate for an employee.

#### **4.13 Leave Without Pay**

Leave of absence without pay for personal reasons may be granted by the Executive Director.

#### **4.14 Family/Medical Leave of Absence**

MPO will not discriminate against employees as a result of the approved use of family care or medical leave or a proper request for such leave. Requests for family care and medical leave will be considered without regard to race, color, citizenship status, national origin, ancestry, gender, age, religion, creed, physical or mental disability, marital status or veteran status.

The Family Medical Leave Act (FMLA) provides employees up to 12 weeks of unpaid leave in a 12 month period for certain reasons, except that the employee may take up to 26 weeks of leave in a single 12 month period to care for a covered service member. All employees will be required to use available Paid Time Off prior to unpaid time off as part of the FMLA.

#### **4.15 Maternity Leave**

MPO does not offer maternity leave separate and apart from sick leave or vacation. If an employee wishes to take time off after the birth or adoption of a child, the employee must take sick leave, vacation time that is left available to the employee, and whatever Family Medical Leave time is desired, up to the amount provided in the FMLA.

### **Section 5 Employee Relations:**

#### **5.1 Training**

It is the policy of the MMMPO that employees will be professional in their work and appearance. The MMMPO will provide employees with sufficient professional training to ensure that their work is consistent with national planning standards. To this end the Executive Director is authorized to release employees from regular duties to attend training opportunities. The MMMPO will provide payment for such training activities as the Executive Director deems necessary to achieve the MMMPO's goals and objectives and the career objectives of the employee. The MMMPO Policy Board will oversee the provision of training opportunities through the budgetary process and Board members will be notified of employee attendance at training functions prior to attendance of the event.

#### **5.2 Demotion**

In the following instances the Executive Director may demote an employee:

Inability to perform duties in accordance with the standards prescribed for their position

Consent of the employee to accept the position in lieu of layoff

Request of the employee to take the position with a subsequent reduction in pay

### **5.3 Discipline**

The goal of discipline is to improve the performance behavior of the employee not change their personality. The need to discipline an employee may arise either as a result of poor job performance or unprofessional behavior and disrespectful actions toward superiors and or coworkers including all forms of harassment. Any incident resulting in a complaint against an employee must be fully investigated and stand on its own merits.

When deemed necessary, progressive discipline will be invoked by the Executive Director. Progressive discipline includes verbal warnings, written warnings, suspensions with or without pay, and dismissal. All progressive discipline will be documented in the employees file. Infractions warranting immediate dismissal are described below.

### **5.4 Dismissal**

Immediate dismissal is appropriate when an incident identified below is committed and substantiated. Dismissal of an employee is also warranted when progressive discipline has not been successful in changing the performance behavior of an employee. When considering discipline each incident must be weighed on its own merit and that no standardized process will meet the demands of each individual or situation.

In all instances of suspension without pay or dismissal, the Executive Director will seek concurring or non-negative opinion from legal counsel. The Executive Director will report all such instances to the President of the Policy Board.

**5.5 Verbal counseling-** is defined as a discussion between the Executive Director or supervisor and the employee concerning the behavior or incident. In the discussion the supervisory person must identify to the employee the unacceptable behavior or incident with its associated impact on their performance and the steps to be taken to correct the behavior.

**5.6 Written counseling-** will be in the form of a letter identifying the incident or behavior associated with the unacceptable performance behavior. The letter will also document any verbal counseling given previously, though depending on the type and severity of the behavior or incident written counseling does not necessarily have to be preceded by verbal counseling. Similar to verbal counseling written counseling must identify the unacceptable behavior or incident and explain its impact on the employees performance and steps to correct the behavior.

Written counseling may be retained in the employees file for up to three years.

**5.7 Suspension without pay-** is the next level of discipline. If after receiving written counseling an employee continues to display unacceptable performance behavior, suspension without pay is the next level of discipline.

**5.8 Suspension with pay-** is only to be utilized while an incident or offense is under investigation.

### **5.9 Immediate Dismissal**

The following infractions shall merit immediate dismissal:

Use of intoxicating substances including alcohol and narcotics at work or reporting to work under their influence.

Assaulting any employee, coworker or member of the public while on duty.

Stealing from the MMMPO.

Unexcused absence for three or more days without providing proper notification and or documentation to supervisor.

Falsifying or refusing to provide required sick leave documentation or providing falsified payroll documentation.

Loss or suspension of licenses required to perform their duties as specified in the position job description.

Bringing weapons or firearms of any kind to MMMPO premises, parking lots, company vehicles, or while conducting business for the MMMPO. Any object that may be used as a weapon that has no work related purpose will be considered a weapon for purposes of the MMMPO.

**6.0 Appeals**-An employee may appeal a disciplinary decision up to and including dismissal of the Executive Director to the MMMPO's Policy Board by notifying the President of the Board or his designee of the intention to appeal in writing within ten (10) days of formal notification of the decision. If notice of appeal is not filed as specified within the ten (10) day time period by the employee the decision is considered final.

### **7.0 A Word in Closing**

The policies and benefits described in these personnel policies are not conditions of employment and do not constitute either a contract of employment or a contract between the MPO and any of its employees to provide benefits. MPO reserves the right to alter, modify, amend, or terminate any of the policies and benefits set forth in these policies. It should be noted that any such

changes, additions or terminations of any policy or benefit may only be made by the Policy Board of the MPO

Finally, notwithstanding any statement contained in these policies or any other document or statement issued by MPO or its representatives, you have the right to terminate your employment for any reason at any time and MPO retains a similar right.

#### **8.0 Statement of Acceptance**

I understand and agree that the contents of these personnel policies are presented as a matter of information only. The information contained in these policies are merely a summary of MPO's current policies, procedures, practices, rules and benefits, and these policies are not intended to create an employment contract , either express or implied

These practices, rules and benefits described herein are not an offer of employment and are not intended to guarantee me employment, particular benefits, or job security. I understand that my employment is "at-will." That means my employment and compensation are for no definite period, and may be terminated at any time with or without notice, cause, or compensation.

I further understand that MPO reserves the right, in its sole discretion, to at any time modify, interpret, revoke, suspend, terminate, or change any or all plans, policies, procedures, rules, and benefits, in whole or in part, with or without advance notice.

I have received my personal copy of the MPO's personnel policies and I have been given an opportunity to read it and ask questions regarding its contents.

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Employee's signature

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Date

All employees must sign, date and return this page to the Executive Director.

This executed document shall be placed in the employee's personnel file.