

**Chapter 33**

**PERSONNEL SYSTEM**

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**[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 4-5-76 as part of Ord. No. 614. Section 33.8.2 amended at time of adoption of Code; see Ch. 1, Adoption of Township Code. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

- Personnel- See Charter, Art. XI.**
- Definitions and rules of interpretation - See Ch. 3.**
- Code of Ethics - See Ch. 23.**
- Civil Service Board - See Ch. 15. Art. III.**

**§ 33.1. General provisions.**

33.1.1. Merit system. In accordance with § C-1101 of the Home Rule Charter, the township's personnel system shall be based on merit.

33.1.2. Administration. The administration of the personnel system shall be the responsibility of the Township Manager under the authority granted to him by § C-602 of the Home Rule Charter and by this Administrative Code.

33.1.3. Scope of the system. Except when otherwise stated, the personnel system and all personnel policies, procedures and regulations shall apply to all employees of the township except members of the Board of Commissioners, the Township Manager, the Township Attorney, the Township Engineer, appointed members of boards and commissions and department directors, as established in Chapter 21, Departments of Government, of this Administrative Code.

33.1.4. General personnel policy. It shall be the policy of the township that the following principles shall apply to the personnel system:

33.1.4.1. Employment with the township shall be free of political consideration.

33.1.4.2. The township is an equal opportunity employer. There shall be no discrimination in employment with the township on the basis of race, color, creed, religion, sex, age, national origin or political affiliation.

33.1.4.3. Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis.

33.1.4.4. Just and equitable conditions of employment shall be established and maintained to promote efficiency and economy in the township government.

**§ 33.2. General duties and responsibilities of employees.**

It shall be the policy of the township that the following principles shall be observed by employees:

33.2.1. All employees of the township share a common responsibility to provide efficient and dedicated service in the public interest.

33.2.2. Public employees are agents of public purpose and are bound to discharge faithfully the duties of their office regardless of personal considerations. Their conduct in both official and private affairs should be above reproach at all times.

33.2.3. General duties and responsibilities of employees may be further established in policy manuals established on a departmental basis and approved by the Township Manager.

**§ 33.3. Disciplinary actions. [Amended 2-1-82 by Ord. No. 985]**

33.3.1. When circumstances warrant, the Township Manager may impose reasonable disciplinary actions, including the dismissal, suspension, demotion or reprimand of employees. Employees so disciplined shall have the rights of appeal specified in negotiated employee contracts or in civil service rules and regulations for police officers.<sup>1</sup>

33.3.2. The Township Manager may devise rules and regulations concerning causes for dismissal, suspension, demotion, reprimand and other disciplinary actions and shall cause the same to be distributed to all employees.

33.3.3. Notwithstanding Subsections 33.3.1. and 33.3.2. of this § 33.3, it is not intended that any property right be given any employee not covered by employee contracts or civil service rules and regulations as specified by this chapter.

**§ 33.4. Grievance and appeal process. [Amended 2-1-82 by Ord. No. 985]**

Only employees covered by collective-bargaining agreements or civil service rules and regulations shall be entitled to a grievance and appeal process. Said process shall be as defined in the contract or the civil service rules and regulations. All other employees shall not have recourse to a grievance and appeal process and shall be governed by the decisions of the Township Manager.

**§ 33.5. Pay and classification plans.**

33.5.1. Classification plan. The Township Manager shall prepare a plan which shall classify each position of township employment according to its duties, responsibilities and requirements. Such classifications shall be approved annually by the Board of Commissioners in a classification salary section of the annual budget. Positions requiring a similar type of work, even if duties are not identical, and similar levels of responsibility shall be assigned to the same classification. A classification may contain one (1) position or more than one (1) position.

33.5.2. Pay plan. The Township Manager shall prepare a plan which shall provide a minimum, average and maximum salary for each classification. Such pay ranges shall be approved annually by the Board of Commissioners in the classification-salary section of the annual budget. The Township Manager shall have the authority to advance employees within the established ranges, subject to budgetary limitations.

**§ 33.6. Employee selection and promotion.**

33.6.1. Entrance level selection. The selection of Township employees shall be based on merit and made through a job-related examination process. Examinations may be competitive or noncompetitive and written or nonwritten at the discretion of the Township Manager, dependent on the requirements of the position. Competitive examinations shall require

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<sup>1</sup>Editor's Note: See Ch. 15, Boards and Commissions, Art. III.

the establishment of a quantitative rating system for any phase of the examination procedure that is not "pass-fail" in nature. Noncompetitive examinations may utilize many of the examination techniques of the competitive process, but the selection shall be made on a qualitative evaluation of examination results. Selection of police officers, except the Chief and/or Deputy Chief of Police, shall be made through competitive examinations in accordance with Civil Service Board rules and regulations. Selection of the Chief of Police shall be appointment by the Township Manager. **[Amended 2-1-82 by Ord. No. 985; 11-3-97 by Ord. No. 1752; 7-1-13 by Ord. No. 2098; 9-8-15 by Ord. No. 2141]**

33.6.2. Probationary period. All employees shall be required to undergo a probationary period of employment upon appointment or promotion. Such period shall not be less than three (3) months nor longer than twelve (12) months, dependent upon the position.

33.6.3. Appeals of examination process. Applicants for police officer positions, except the Chief of Police, may appeal any phase of the selection process to the Civil Service Board. Such appeals shall be submitted and heard according to the procedures specified in the Civil Service Board rules and regulations.<sup>2</sup> **[Amended 11-3-97 by Ord. No. 1752; 7-1-13 by Ord. No. 2098]**

33.6.4. Promotions. Promotions shall be made through the examination process. Examinations may be competitive or noncompetitive and written or nonwritten at the discretion of the Township Manager. Competitive examinations shall require the establishment of a quantitative rating for any phase of the examination process that is not "pass-fail" in nature. Noncompetitive examinations may utilize many of the examination techniques of the competitive process, but the promotion shall be made on the basis of a qualitative evaluation of examination results. Promotions to police officer positions, except the Chief of Police, shall be made through the competitive examination procedure in accordance with civil service rules and regulations.

### **§ 33.7. Personnel records.**

The Township Manager shall maintain a personnel file for each employee containing materials, correspondence and records pertaining to the employee and his or her employment. Employees shall be allowed to review their personnel records upon their request.<sup>3</sup>

### **§ 33.8. Leaves of absence.**

Special rules concerning leaves of absence are as follows:

33.8.1. Annual Vacation Leave. **[Amended 7-5-88 by Ord. No. 1335]** Regular full-time employees receive annual vacation leave, with pay, earned in accordance with negotiated collective bargaining agreements or individual employee agreements. The

<sup>2</sup>Editor's Note: See Ch. 15, Boards and Commissions, Art. III.

<sup>3</sup>Editor's Note: For provisions pertaining generally to public access to township records and the preservation of records, see Ch. 11, Administrative General Provisions §§ 11.6 and 11.7.

accumulated annual vacation leave must be taken within a one-year period following the year in which it was earned. Unless otherwise provided in an applicable collective bargaining agreement, vacation leave may be taken in advance with the prior approval of the department head and Township Manager, but shall be limited to not more than one (1) week; provided that upon termination of employment of an employee, any vacation leave taken by such employee but not earned shall be deducted from the final paycheck. Employees will not be paid for vacation leave in lieu of taking such vacation leave, except under the provisions established for termination. The vacation leave year for each employee is established in accordance with their employment anniversary date. If an employee, while on vacation leave, is hospitalized or becomes sick, their vacation leave may be charged to sick leave, if documented by a physician's certificate.

33.8.2. Sick Leave. **[Amended 7-5-88 by Ord. No. 1335]** Regular full-time employees are entitled to sick leave, to be earned annually and to be accumulated in accordance with negotiated collective bargaining agreements or individual employee agreements. Presentation of a certificate from a physician is required for paid sick leave extending beyond three (3) consecutive working days unless otherwise provided in an applicable collective bargaining agreement. In cases where absence due to illness is frequent but such days of absence are not necessarily consecutive, an employee may be required to present a physician's certificate substantiating such illness, from their personal physician or from a physician designated by the Township, by request of the Department Head and the Township Manager. If a medical certificate satisfactory to the Department Head and Township Manager is not provided, the sick leave will be charged to vacation leave or to unpaid leave, and the employee may be subject to further disciplinary action. Sick leave will not be granted for any reason other than illness or injury. Abuse of sick leave privileges will subject employees to disciplinary action.

The above limitations may be waived under certain unusual circumstances and with the approval of the Township Manager.

Employees must exhaust their sick leave prior to utilizing the sickness and accident benefits and/or long term disability benefits provided under contracts or individual employment agreements.

Extended sick leave, without pay, may be granted at the discretion of the Township Manager upon presentation of a physician's certificate, which shall include the expected duration of leave. Said leave shall be for a period not to exceed one (1) year after all applicable sick leave and disability benefits have been exhausted. When the employee's physician certifies that the employee is able to return to work and if it is not possible for the township to restore the employee to his or her former position, the employee will be offered any available position suitable to his or her skills, training or ability, in the discretion of the Township Manager, unless circumstances have so changed as to make it impossible or unreasonable to reemploy the employee. If an employee does not notify the Township of the expected return date, or if the

employee does not contact the township regarding return to work at the conclusion of the sick leave, this will be deemed a voluntary resignation.<sup>4</sup>

33.8.3.           Emergency Leave. [**Amended 7-5-88 by Ord. No. 1335**] Regular full-time employees may receive leave with pay for catastrophic accidents or serious illness in the immediate family for a period of time not to exceed five (5) consecutive days. Emergency leave must be approved by the Township Manager prior to taking said leave.

33.8.4.           Payment for unused vacation leave upon termination of employment. Upon termination of employment, an employee is entitled to payment for unused current annual vacation leave, less any deduction for sick leave used but not earned.

33.8.5.           Jury Duty. [**Amended 7-5-88 by Ord. No. 1335**] An employee called for service on a jury will be granted leave with full pay, less any compensation received for jury duty, for the duration of the period for which they serve, without charge against annual vacation leave. Parking or mileage fees will be retained by the employee.

33.8.6.           Military Leave. [**Amended 7-5-88 by Ord. No. 1335**] Regular full-time employees called to temporary or summer training duty with the armed forces as part of a military program elected in lieu of active duty, shall be entitled to leave for a period not to exceed two (2) calendar weeks per year. The township shall pay the employee their full pay during the obligatory two-week service period. Leave without pay for a period not to exceed two (2) calendar weeks per year may be granted to employees who, at their own option, enlist, re-enlist, or volunteer for training duty beyond that needed to discharge the United States Government's military demands. A regular full-time employee called to extended active duty with the armed forces who does not volunteer for service beyond the period for which called and who returns to the township service within thirty (30) days of release from military service, shall be granted the status of leave without pay, for that period and shall have credited to them the amount of sick leave accrued prior to military service.

33.8.7.           Official duty leave. An employee who is absent from his normal duty station work while on official business of the township or while participating in training courses to which he has been sent by the township or while attending professional conferences and meetings authorized by the Township Manager shall be granted leave with full pay without charge against annual vacation leave.

33.8.8.           Non-Medical Leave Without Pay. [**Amended 7-5-88 by Ord. No. 1335**] With the approval of the Department Head and the Township Manager, leave without pay may be granted for a period not to exceed four (4) consecutive weeks. Written requests for leave without pay, in excess of four (4) weeks and not more than one (1) year may be given special consideration by the Township Manager. No leave without pay for more than one (1) year shall be considered. The request for leave shall specify the date of return to work. If it is not possible for the township to restore the employee to his or her former position, the employee will be offered any available position suitable to his or her skills, training and ability, in the discretion of

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<sup>4</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, Adoption of Township Code.

the Township Manager, unless circumstances have so changed as to make it impossible or unreasonable to re-employ the employee. If an employee does not contact the Township regarding return to work at the conclusion of the leave of absence, this will be deemed a voluntary resignation.

33.8.9. Compensatory Time Off For Overtime. **[Amended 7-5-88 by Ord. No. 1335]** Non-exempt employees, who are required to work on a holiday or who must participate in special overtime duties not included in the regular annual work program will be granted compensatory time off at the rate of one and one-half (1-1/2) hours of compensatory time for each hour of overtime worked in accordance with collective bargaining agreements or, for non-bargaining unit employees, pursuant to an understanding reached between the Township and the employee before the overtime is worked. All overtime work must have the prior approval of the Department Head and the Township Manager. Compensatory time will not be awarded for unauthorized overtime. Compensatory time shall be administered in accordance with guidelines established in the Fair Labor Standards Act (FLSA).

33.8.10. Holidays. **[Amended 7-5-88 by Ord. No. 1335]** Regular full-time employees receive holidays with pay in accordance with negotiated collective bargaining agreements and individual employee contracts. Employees who are not covered under collective bargaining or individual agreements will receive specified holidays in this section.

Employees must work the day before and the day after the holiday to be eligible for holiday pay.

Holidays falling on Saturdays, Sundays, or during annual vacation leave will be recognized by granting holiday pay or compensatory time off to employees at the discretion of the Township Manager. The township observes the following holidays: Day before or after New Year's Day, New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving Day, Day before or after Christmas Day and Christmas Day.

33.8.11. Petty Leave. **[Amended 7-5-88 by Ord. No. 1335]** Petty leave shall not be permitted. Absence from work for a portion of a morning or afternoon shall be charged as one-half (1/2) day of unexcused leave, and absence for more than four (4) hours shall be charged as one (1) full day of unexcused leave without pay, and appropriate deduction shall be made.

33.8.12. Leave records. All leave records shall be maintained and filed by the Township Manager. Leave slips shall be prepared for all forms of leave, including official duty leave. Leave slips shall be prepared and transmitted in duplicate, a copy of which shall be returned to the office of origin.

33.8.13. Bereavement Leave. **[Added 7-5-88 by Ord. No. 1335]** Regular full-time employees may receive leave, with pay, for death in the immediate family for a period of time not to exceed five (5) consecutive days. (Immediate family shall be defined as the

employee's legal spouse, mother, father, mother-in-law, father-in-law, son, daughter, brother or sister, natural grandparents or grandchildren.)

Employees covered by collective bargaining contracts will receive leave, with pay, for death in the immediate family as outlined in the collective bargaining agreements.

Bereavement leave for family members not in the immediate family shall be as provided in collective bargaining contracts or agreements. Bereavement leave must be approved by the Department Head and the Township Manager prior to taking said leave.

**§ 33.9. Outside employment.**

Permanent full-time township employees shall not work for compensation outside the township government when the nature, hours, schedule or other characteristics of the outside employment may, in the determination of the Township Manager, adversely affect their duties or effectiveness as township employees. The Township Manager shall review and approve all outside employment.

**§ 33.10. General safety procedures.**

33.10.1. Safety coordination. Department directors and supervisory personnel shall be responsible for providing suitable and adequate working conditions within their means and shall make recommendations to the Township Manager for correction of conditions not within their means. The Township Manager shall conduct safety training and advise employees of all safety rules.

33.10.2. Safety rules. Specific safety rules for work and safety procedures in the departments shall be established by department directors and approved by the Township Manager.

**§ 33.11. Disclosure of records or township business to the public.**

33.11.1. No employee of the township shall disclose any township record or any business of the township to any person without the consent of the Township Manager.

33.11.2. No elected or appointed official of the township is authorized to disclose any record or business of the township to any person unless authorized to do so by the Board of Commissioners, or unless, in the case of the disclosure of a record, the record so disclosed is a township record as defined in Chapter 11, Administrative General Provisions, § 11.6., of this Administrative Code.

33.11.3. Nothing in this section shall be deemed to interfere with or conflict with any person's right to inspect township records as set forth in Chapter 11, Administrative General Provisions, § 11.6., of this Administrative Code.