



**Greenfield Policy
And
Procedure Manual**

CHAPTER 36: POLICY AND PROCEDURE MANUAL

Section		
<i>Policy Administration</i>		
36.001	Introduction and purpose	Page 4
36.002	Definitions	Page 5
36.003	Organization and responsibility	Page 6
36.004	Policy manual administration	Page 7
36.005	Equal employment opportunity	Page 8
36.006	Discrimination; Sexual, Verbal, and Physical harassment	Page 8
36.007	Harassment/discrimination grievance procedure	Page 9
36.008	Americans with Disabilities Act (ADA)	Page 10
36.009	Employment-at-will	Page 10
36.010	Nepotism	Page 10
36.011	Employer-employee relations	Page 11
36.012	Alcohol and drug free workplace	Page 12
36.013	Safety-Sensitive Position	Page 13
36.014	Management rights	Page 14
<i>Employment</i>		
36.030	Definitions	Page 15
36.031	Classification plan	Page 15
36.032	Minimum job qualifications	Page 16
36.033	Vacancies and appointments	Page 16
36.034	Employment orientation	Page 19
36.035	Probationary period	Page 20
36.036	Performance evaluation	Page 20
36.037	Employee file	Page 21
36.038	Transfer and promotion	Page 21
36.039	Demotion	Page 22
36.040	Resignation; separation	Page 22
36.041	Training	Page 23
<i>Employee Behavior/Conduct</i>		
36.056	Ethics; conflict of interest	Page 24
36.057	Conflict of Interest—Permitting	Page 25
36.058	Gifts	Page 25
36.059	Confidential information	Page 26
36.060	Use of public property	Page 26
36.061	Notice of alleged ethics non-compliance	Page 26
36.062	Ethical Standards	Page 27
36.063	Honesty/integrity	Page 27
36.064	Respect/civility	Page 27

36.065	Accountability/responsibility	Page 28
36.066	Fairness/justice	Page 28
36.067	Grooming	Page 29
36.068	Clothing/attire	Page 29
36.069	Employee fitness for duty	Page 29
36.070	Behavior	Page 30
36.071	Late arrival	Page 30
36.072	Outside employment	Page 30
36.073	Progressive discipline	Page 31
36.074	Employee appeal	Page 32
36.075	Grievance procedure	Page 33
<i>General Policies</i>		
36.090	Definitions	Page 34
36.091	Travel and expense reimbursement	Page 36
36.092	Health/safety	Page 37
36.093	Lactation policy	Page 38
36.094	Safety data sheets	Page 38
36.095	Blood-borne pathogens	Page 39
36.096	HIPAA privacy rule	Page 39
36.097	Smoking policy	Page 40
36.098	Tools, equipment and vehicles	Page 40
36.099	Take Home Vehicles	Page 42
36.100	Solicitation and distribution	Page 43
36.101	Social media	Page 44
36.102	Hours of work	Page 45
36.103	Weather/civil emergencies	Page 46
36.104	Computers, internet and email, cell phones	Page 47
36.105	Handling citizens' questions and complaints	Page 52
36.106	Political activity	Page 53
<i>Wages and Hours</i>		
36.120	Payroll	Page 53
36.121	Direct deposit	Page 54
36.122	Overtime	Page 54
36.123	Compensatory time	Page 55
36.124	Emergency Call Out	Page 55
36.125	Flextime	Page 56
36.126	Pension plan	Page 56
36.127	Garnishments	Page 56
<i>Holidays, Vacations, Leaves</i>		
36.140	Holidays	Page 56
36.141	Vacation leave	Page 57
36.142	Bereavement leave	Page 58
36.143	Court leave	Page 59
36.144	Personal time off (PTO)	Page 60
36.145	Military or reserve duty	Page 62

36.146	Leave of absence	Page 63
36.147	Family medical leave	Page 64

Insurance Coverage

36.160	Group health insurance	Page 65
36.161	Life insurance	Page 65
36.163	Deferred compensation plan	Page 65
36.164	Workers' compensation	Page 66

Cross-reference:

Internal control standards and materiality threshold, see Ch. 37
 (Ord. 2013-7, passed 8-28-13; Ord. 2019-25, passed on 5-13-2020)

POLICY ADMINISTRATION

§ 36.001 INTRODUCTION AND PURPOSE.

(A) The purpose of this policy manual is to provide a consistent, systematic, and organized approach to the establishment, implementation, and administration of the city's personnel policies. It is written, adopted, and interpreted exclusively by the executive officer, and his or her designees, and is not subject to modification, change, or contrary interpretation by any employee or employee representative organization, except as may otherwise be specifically authorized and recognized by the laws and/or Constitutions of the State of Indiana and United States.

(B) This policy manual is to be used to assist and guide personnel in the day-to-day direction and performance of the general workforce, the result being that a number of important and responsible goals may be achieved:

(1) First, by implementing uniform personnel policies that are applied in as consistent and impartial a manner as is practicable, the goal is to promote the best possible working relationships and highest morale among all employees. This policy manual was created for employees not covered by any other bargaining agreement. Furthermore, it is not intended to supersede or overrule any state or federal rules and regulations governing the operation of a department (the Police Department and Fire Department). It is, however, the intent of this personnel policy manual to provide support, direction, and procedures that will enable the city to practice fair and consistent daily personnel administration.

(2) Second, by providing employees with fair and equal opportunities in their recruitment and advancement, by evaluating their services on the basis of merit and fitness, and by giving consideration to their needs and desires, the goal is to provide an employment atmosphere that increases the cooperation and productivity of the employees, together with the prospects for career opportunities within the city and each office or department of city government.

(3) Third, by providing dependable and courteous services to the residents of the city, the goal is to enhance the reputation and stature of the city's departments and offices within the community.

§ 36.002 DEFINITIONS.

Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Capitalized terms that are not defined in this subchapter, shall have the meaning assigned to them in Title I of this code.

ADA means the Americans with Disabilities Act, as may be amended, repealed or replaced from time to time.

AT-WILL EMPLOYMENT means the form of employment for any city employee, as described in applicable state and federal case law, statutes, and regulations. Notwithstanding anything to the contrary contained in such state and federal case law, statutes and regulations, for the purposes of this code, at-will employment means that any employee may voluntarily leave employment or may be terminated from their employment by the city at any time with or without cause.

DEPARTMENT HEAD means, as the context provides, the appointed official selected to administer any department of the City of Greenfield.

DIRECT THREAT means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. Benefits provided to disabled individuals who are qualified to perform the work must be consistent with the benefits provided to other employees. Any individual who believes he/she has received treatment inconsistent with the policies set forth above, or any other requirement of ADA, may file a complaint with the executive officer or his or her designee.

DISCRIMINATION includes, but is not limited to, any or all of the following actions:

- (1) Hiring based upon race, color, religion, national origin, sex, age, marital status, sexual orientation, or non-job-related handicaps;
- (2) Promotions based upon race, color, religion, national origin, sex, age, marital status, sexual orientation, or non-job-related handicaps;
- (3) Pay increases based upon race, color, religion, national origin, sex, age, marital status, sexual orientation, or non-job-related handicaps;
- (4) Conduct that denigrates or shows hostility or aversion towards an individual because of their race, color, religion, national origin, sexual orientation, gender, age or disability;
- (5) Making derogatory ethnic or racial statements, or belittling one's religion or religious practices;
- (6) Perpetuating stereotypes about one's age, gender, and the like;
- (7) Refusing to assist an employee or victim/patient because of their race, gender, and the like; and
- (8) Ridiculing the sexual orientation of an employee or their associates.

IMMEDIATE FAMILY means parents, spouses, or stepparents, children, including stepchildren, siblings (including half-siblings), including stepsiblings, nieces, nephews, aunts, uncles, grandparents, grandchildren, grand-stepchildren, mothers-in-law, fathers-in-law, daughters-in-law, sons-in-law, other corresponding in-laws, or other members of the employee's household whether blood-relative or not.

POLICY MANUAL means, collectively, the policies and procedures set forth under this chapter which shall be entitled the "City of Greenfield Policy and Procedure Manual".

PHYSICAL HARASSMENT means to knowingly and intentionally cause or inflict physical pain to a fellow employee.

SAFETY SENSITIVE POSITION means any position required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds, or any position requiring the operation of a motor vehicle used to transport hazardous materials in a quantity that requires the vehicle to be placarded regardless of its size.

SEXUAL HARASSMENT includes, but is not limited to, unwanted, uninvited or offensive touching; displaying sexually suggestive or explicit material, pictures or cartoons; telling sexually suggestive or explicit stories or jokes; making sexually suggestive or explicit gestures, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

- (1) Submission to such conduct is either an expressed or implied term or condition of employment;
- (2) Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; and/or
- (3) The purpose or the effect of such conduct is to interfere with the affected individual's job performance, or to create an intimidating, hostile, or offensive work environment.

VERBAL ABUSE means to disturb or persistently irritate through repeated attacks on fellow employees and/or supervisors so as to disrupt their work or reputations.

§ 36.003 ORGANIZATION AND RESPONSIBILITY.

(A) The executive officer is responsible for administration of city business.

(B) The city is organized into various departments, or offices, to ensure adequate expertise, specialization, and efficient functioning. These departments, or offices, function under the administrative guidance and control of the department heads, who are responsible for the day-to-day management and operation of the city.

(C) Department heads are appointed by the executive officer and reviewed by the Board, as required, within each city department or office, to provide proper control and supervision of certain internal and department functions.

(D) The employees in the Clerk-Treasurer's Office work at his/her pleasure. These employees can be separated without cause.

(E) Each employee's particular duties, obligations, and areas of responsibility are defined in his/her position description and/or by assignment or directive of any supervisor. Employees are primarily responsible to their immediate supervisor for completion of specific work assignments and the quality, quantity, and timeliness of the work performed.

(F) The rights, authorities, powers, and responsibilities of employees at all levels, with respect to the policies in this policy manual, are more clearly delineated in the specific subject areas. However, in general, the executive officer, the Board, and the Common Council are charged with the development, promulgation, and adoption of the provisions of this policy manual. The various management and supervisory personnel are charged with applying, interpreting, enforcing, and generally ensuring compliance with the provisions of this policy manual. It is the obligation, and a requirement as a condition of employment, for each individual person employed by the city to comply in every respect with the provisions of this policy manual, and any related procedures and work rules, and to perform their assigned duties in a responsible manner creditable to the city. As such, all employees are expected to become knowledgeable about its contents and abide by the policies set forth herein. Any questions, concerns, or lack of understanding about a particular provision of this policy manual should be promptly discussed with one's department head.

(G) The Clerk-Treasurer has adopted this policy manual into the Office of the Clerk-Treasurer for this particular branch of city government.

§ 36.004 POLICY MANUAL ADMINISTRATION.

(A) To implement this policy manual and to oversee its administration on a day-to-day basis, the following procedures will be taken:

(1) A copy of this policy manual will be given to all current employees, and to all new employees, subsequent to its adoption.

(2) This policy manual will also be made available to part-time and temporary employees.

(B) The contents of this policy manual are subject to change without notice at the discretion of the city. Only the executive officer, the Board, and Common Council will have the authority to make revisions of policies contained herein for their areas of responsibility.

(C) Any changes in the policy manual shall in no way alter the employment-at-will policy or create a binding contract between the city and any employee.

(D) Employees are encouraged to make suggestions for improvements in personnel policies and practices. Suggestions should be directed to the department head, in writing,

together with an explanation as to how such a change could benefit the city, the department, and/or the public.

(E) The city will undertake to accomplish a review of the policy manual at 12-month intervals, or as may be indicated by law or change in characteristics of the city workforce.

(F) The department heads maintain the ultimate right to manage their workforces, consistent with the policies set forth in this policy manual and all applicable state and federal laws. The department heads' rights include, but are not limited to, determining methods and procedures, recommending: number of workforce, assignment of duties, hours of employment, compensation of personnel, hiring, disciplining, discharging, promoting and transferring employees, and laying off employees for lack of work, lack of funds, or due to job abolishment.

(G) The policies of this policy manual supersede all previous city policies, procedures, orders or ordinances, whether written or unwritten, on subjects covered or referred to herein. The respective policy manuals of the Police Department and Fire Departments will supersede this policy manual in situations where the requirements set forth in the in the Police Department policy manual or the Fire Department policy manual are more restrictive than the requirements than the corresponding requirements set forth in this policy manual. Where the Police Department policy manual or the Fire Department policy manual is silent on a requirement, the requirements of this manual shall govern the conduct of the employees of the Police Department and Fire Department.

(H) In the event that any section of this policy manual, or amendment or revisions thereto, is held to be unenforceable, contrary to law or otherwise restrained from its full force and effect by a court or other tribunal of competent jurisdiction, the remaining section(s) of this policy manual, to the extent that they remain unaffected by such declaration restraint, shall continue in full force and effect.

§ 36.005 EQUAL EMPLOYMENT OPPORTUNITY.

It is the policy of the city that all personnel actions, such as hires, rates of compensation, benefits, promotions, transfers, layoffs, recalls, city-supported training, and social or recreational programs, shall be administered without regard to race, color, religion, national origin, sex, age, marital status, sexual orientation, or non-job-related handicap. Therefore, all such personnel actions should be consistently administered to all employees without compromise, and thus should be based on the results achieved on the job, as well as objective job-relatedness in both job qualifications and performance standards.

§ 36.006 DISCRIMINATION; SEXUAL HARASSMENT; VERBAL HARASSMENT; PHYSICAL HARASSMENT.

(A) All employees should be able to work in an atmosphere free from all forms of employment discrimination, including physical harassment, verbal harassment and sexual harassment. The city's policy is to forbid harassment and any type of discrimination. This policy extends to every level of city operations. Accordingly, discrimination and harassment, whether by a fellow employee, supervisor, or executive officer, will not be tolerated. Activities of this

nature serve no legitimate purpose, have a disruptive effect on an employee's ability to perform, and undermine the integrity of the employment relationship.

(B) The city takes allegations of discrimination, physical harassment, verbal harassment and sexual harassment very seriously. Any employee who believes that he/she is a victim of discrimination, verbal harassment, physical harassment and/or sexual harassment should immediately bring the matter to the attention of his or her supervisor, or in the case where the supervisor has undertaken actions that constitute discrimination, physical harassment, verbal harassment or sexual harassment, such employee shall contact the executive officer or his or her designee. All such matters will be treated confidentially, and with the utmost caution and discretion. The process for filing a harassment or discrimination charge against an official or employee of the city is set forth under section 36.07 of this subchapter.

(C) Upon receipt of a charge of discrimination or harassment, the city will actively investigate all complaints of discrimination, verbal harassment, physical harassment and sexual harassment, and if it is determined after conducting an investigations that discrimination, verbal harassment, physical harassment or sexual harassment has occurred, the executive officer and/or Board will take appropriate disciplinary action against the employee or official determined to be in violation of this policy manual, up to and including terminating the term or employment of the official or employee determined to be in violation of the this policy manual.

§ 36.007 HARASSMENT/DISCRIMINATION GRIEVANCE PROCEDURES.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. If an employee desires to file a harassment or discrimination charge against anyone in the city, the following procedures shall be followed.

(A) Any individual who believes that he/she has been harassed or discriminated against must report this information to the Mayor or his/her designee as soon as possible.

(B) Upon notification, the Mayor/designee will conduct a thorough investigation of the alleged incident. The investigation will consist of the following:

- (1) A written statement from the victim, along with an interview;
- (2) Interviewing all of the witnesses to the alleged violation; and
- (3) Interviewing the alleged violator.

(C) A written analysis and decision will be provided to the victim, alleged violator, Board and Mayor.

(D) The Board shall conduct a hearing to render a final decision.

- (1) The Board will meet within two weeks of the initial claim.
- (2) The victim and the alleged violator will have the opportunity to make a statement and provide the Board with additional information if necessary.
- (3) The Board will render a final disposition at the closing of the hearing.
- (4) The Board's decision will be carried out immediately.

§ 36.008 AMERICANS WITH DISABILITIES ACT (ADA).

(A) It is the policy of the city that qualified individuals with disabilities are not to be excluded from participation in or benefit from its services, programs, or activities. It is the policy

of the city not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation, job training, and other terms, conditions and privileges of employment. It is the intent of the city to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

(B) The city will reasonably accommodate persons with disabilities on a case-by-case basis, which may include making facilities readily accessible to individuals with disabilities, restructuring jobs, modifying work schedules and/or equipment, or similar accommodations.

(C) Employees who desire to request an accommodation shall inform the executive officer or his or her designee of their request. Upon making any request for an accommodation, the requesting employee shall provide to the applicable such employees are required to provide pertinent medical information. Employees and the supervisors should contact the executive officer or his or her designee for assistance when an accommodation is necessary.

(D) Accommodations may not create an undue hardship for the city or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. The executive officer and the City Attorney will make the determination of reasonable accommodation.

(E) All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and where the threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on the appropriate leave.

(F) Further, disabled individuals cannot pose a direct threat to the safety of themselves or others.

§ 36.009 EMPLOYMENT-AT-WILL.

(A) The policy for employment with the city is that public employment is at-will employment. Any amendment or modification to this policy will be effective only if set forth in a writing and signed by both the employee and the executive officer or his or her designee.

(B) There are exceptions to the at-will employment that prevent wrongful termination.

(C) The city's at-will employment policy may not be modified by any statements contained in this policy manual or any other employee materials, including applications, memoranda, or other documents provided to applicants and employees in connection with their employment. None of these documents, whether single or combined, create an expressed or implied contract of employment for a definite period, or an expressed or implied contract concerning any terms or conditions of employment.

(D) Similarly, city policies and practices with respect to any matter should not be considered as creating any contractual obligation on the city's part or as stating in any way that termination would occur only "for cause." Statements of specific grounds for termination set forth in this policy manual or in any other city documents are examples only, not all-inclusive lists, and are not intended to restrict the city's right to terminate at-will employment.

(E) With respect to the termination of employees, the Police Department and the Fire Department will be required to follow the standard operating procedures governing their respective departments.

(F) Completion of a probationary period or conferral of regular status does not change an employee's status as an at-will employee, or in any way restrict the city's right to terminate the employee or change the terms or conditions of employment.

§ 36.010 NEPOTISM.

(A) The city selects employees based on their job qualifications.

(1) To make sure this standard is always followed and to protect the integrity of business operations, the city has certain restrictions on when and where relatives of employees can be hired, and how related employees can work together.

(B) Unless otherwise specified by state law, immediate family members will not be hired, promoted, or transferred to positions that:

(1) Place them in direct or indirect supervisory or managerial capacity over an immediate family member;

(2) Allow them to directly or indirectly influence salary adjustments, career progress, or other managerial activities involving an immediate family member; or

(3) Require them to audit or review the work of another immediate family member.

(C) If an elected official has an immediate family member working for the city, that elected official shall abstain from any vote affecting such employee's pay wage, benefits, promotion, demotion, and the like.

(D) Notwithstanding anything to the contrary contained herein, there is a "grandfathering clause" for elected officials and employees, elected or hired prior to July 1, 2012, with family relationships that would otherwise be in violation of the nepotism policy unless there is a break in the office holding or in employment.

(1) Grandfathered employees may remain in their positions and they may be promoted as long as such promotion is not in conflict with the nepotism policies set forth under this section.

(2) Employees hired after July 1, 2012, whose immediate family member is subsequently elected or hired in the direct line of supervision of such employee, will have no possibility for promotion.

(E) State law requires that each elected official and department head must annually certify in writing, subject to the penalties for perjury, that the elected official and department head has not violated the nepotism law, and submit the certification to the Clerk-Treasurer no later than December 31 of each year.

§ 36.011 EMPLOYER-EMPLOYEE RELATIONS.

(A) The city is committed to a mutually rewarding and direct relationship with its employees. Thus, the city attempts to be receptive to constructive suggestions, criticisms, and

questions. Departmental meetings are regularly scheduled to keep employees informed about items of interest and to discuss issues of concern to employees. The city, as part of its commitment to delivering the highest level of services to its residents and guests, expects all employees:

(1) To treat all residents, guests, and suppliers as customers of all city services;

(2) To represent the city in a positive and ethical manner;

(3) To perform assigned tasks in a safe and efficient manner

(4) To attend work as required and to be punctual;

(5) To demonstrate a considerate, friendly, and constructive attitude toward fellow employees, supervisors, and elected officials; and

(6) To follow the city and departmental policies and practices.

(B) The city retains the sole discretion to exercise all managerial functions, including the following rights:

(1) To dismiss, assign, supervise, and discipline employees;

(2) To determine and change employee work schedules to meet the needs of customers and guests of the city;

(3) To assign employees to other jobs within departments or into other departments;

(4) To determine and adjust the employee number and specific qualifications of the workforce;

(5) To assign duties to employees in accordance with the city's needs and requirements, and to carry out all ordinary administrative and management functions; and

(6) To establish, change, and abolish policies, practices, roles, and regulations as the city works to meet the needs of its constituents.

§ 36.012 ALCOHOL AND DRUG FREE WORKPLACE.

(A) (1) It is the intent and obligation of the city to provide its employees with an alcohol and drug free workplace.

(2) Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is unlawful to manufacture, consume, possess, control, distribute, or sell alcohol or illegal drugs, in any amount, at any time during working hours, or at any time while on city premises. Alternatively, when the employee is performing his/her job functions while off city premises will also constitute a violation of this policy. Violation of this policy is strictly prohibited. Violation of this policy may result in disciplinary procedures, up to and including termination.

(3) The city recognizes alcohol or drug dependency as an illness and a major health problem. Additionally, the city also recognizes alcohol or drug abuse as a potential health, safety, and security problem. The city understands that some employees are hesitant or afraid to ask for help even when they are aware that they may have a drug and or alcohol problem. Employees needing help in dealing with such problems will have one opportunity to ask for help without repercussion. They should contact their department head, who in turn will notify the executive officer's office for guidance and direction. Every effort will be made to confidentially refer the employee who needs and requests such help to qualify for help. Conscientious efforts to seek such help may not jeopardize any employee's job.

(B) *Pre-employment screening.*

(1) Applicants for positions with the city, and former employees seeking to be rehired, will be notified of the city's drug and alcohol screening policy at the time they apply.

(2) As a condition of employment, the candidate will be required to pass a physical exam, including a drug and alcohol screening, at the applicant's expense, before becoming employed by the city. If the applicant is hired, he/she will be reimbursed for the physical, including drug and alcohol screening.

(3) The prospective employee will be denied employment if he/she fails the drug or the alcohol screening, or refuses to submit to the drug and alcohol screening.

§ 36.013 SAFETY-SENSITIVE POSITIONS.

(A) (1) Any city employee in a safety-sensitive position will be required to participate in city's alcohol and drug testing program as mandated by the Department of Transportation.

(2) The goals of the city's alcohol and drug testing policy are to insure a drug and alcohol-free work environment, and to reduce and help eliminate drug- and alcohol-related accidents, fatalities, and property damage.

(3) All applicants for safety-sensitive positions, will be notified of the city's drug and alcohol use and testing policy at the time they apply. They will be required to pass an alcohol and drug test before becoming employed by the city.

(5) A CDL driver must maintain his/her CDL license status or he/she will be terminated.

(B) *Post-accident testing.*

(1) Any employee in a safety-sensitive position must submit to a post-accident drug and alcohol test as soon as possible after an accident, whenever: (i) he/she receives a citation for a moving violation involving the accident; or (ii) either a person is injured because of the accident and the injuries require immediate medical treatment to the person away from the accident scene; or (iii) one or more motor vehicles involved in the accident incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle. (A supervisor on the scene can ask the employee to submit to drug and or alcohol test if the supervisor believes the situation warrants one, even if there is no personal injury or disabling vehicle damage.) Note: the police can also request that a test be done following an accident.

(2) An employee who is required to take a post-accident drug and alcohol test will, at the city's discretion, either be assigned to a position that is not classified as a safety-sensitive position, or placed on non-disciplinary suspension with pay while awaiting the post-accident test results.

(3) An employee who tests positive for drugs and/or alcohol, or who refuses or fails to submit to a post-accident drug and alcohol test, will be subject to disciplinary action, up to and including discharge.

(C) *Random testing—Safety Sensitive Position.*

(1) The city is required to test employees in safety-sensitive positions on a random basis, and all such tests will be unannounced. Every employee in a safety-sensitive position will have an equal chance of being selected every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of the individual drivers cannot be determined before or at the time of their selection. When an employee in a safety-sensitive position is randomly selected to be tested, he/she will be notified and instructed to report to the collection site immediately.

(2) An employee in a safety-sensitive position who tests positive for drugs and/or alcohol, or who refuses or fails to submit to a random drug and/or alcohol test, will be subject to disciplinary action, up to and including discharge.

(D) *Reasonable suspicion testing.*

(1) Each employee in a safety-sensitive position is required to submit to a drug and alcohol test whenever the city has reasonable suspicion to believe that such employee has used drugs and/or alcohol in violation of DOT regulations and/or this policy.

(2) Reasonable suspicion will exist when an employee's appearance, behavior, speech, or body odors indicate drug or alcohol use, or the withdrawal effects of drugs. Such observations must be personally observed and documented by at least one city official who has received training covering the physical, behavioral, speech, and performance indicators of probable drug and alcohol use. (If the trained individual is not available, the supervisor who observes the impairment will use his/her best judgment to determine whether a test is necessary.)

(3) An employee in a safety sensitive position who is required to submit to a reasonable suspicion test will be escorted by his/her supervisor to the appropriate specimen collection site for the drug and alcohol test.

(4) The supervisor will arrange the transportation of the employee home at the completion of the test.

(5) An employee in a safety sensitive position who is required to take a reasonable suspicion test will be considered by the city as unqualified to work and placed on immediate suspension, without pay, pending the results of the test. An employee in a safety sensitive position whose test results are positive will not be reimbursed for the time of the suspension.

(6) An employee in a safety sensitive position who tests positive for drugs and/or alcohol, or who refuses or fails to submit to a reasonable cause drug and alcohol test, will be subject to disciplinary action, up to and including discharge.

(7) If the employee in a safety sensitive position tests positive for drugs or alcohol, he/she will be required to reimburse the city for the cost of testing.

§ 36.014 MANAGEMENT RIGHTS.

(A) The city reserves all rights afforded to it by virtue of its capacity and authority under the Indiana Code, together with all such other rights of management inherent by custom to such positions.

(B) The Common Council is responsible for affixing compensation and benefits.

(C) Specifically, management rights include, but are not limited to, the following:

(1) The right to manage through the implementation, enforcement, amendment, deletion, or revision of policies, procedures, rules, regulations, and directives;

(2) The right to control the efficiency of operations through organization or reorganization of work methods or procedures; layoff or recall of employees due to operational or financial needs; and improvement in work methods, equipment, machinery, and facilities;

(3) The right to direct the workforce through the determination of its size and number; the number of shifts required; work schedules and hours of employment determine when it is necessary for overtime or compensatory time, and the amount, if required. The selection, retention, and assignment of all employees based upon qualifications and departmental functions and duties; and disciplining them as required; including suspension, termination, or reduction in pay or position; and promoting and transferring employees as needed pursuant to established policy;

(4) The right to effectively, efficiently and economically manage the department by determining acceptable standards of conduct and performance; the methods, means, equipment, materials, and processes for the accomplishment of work; the department's goals, objectives, programs, services, and work to be performed and to utilize personnel in a manner designed to meet these purposes and improve productivity; and

(5) The right to determine when an emergency exists and implement actions and assignments deemed advisable and necessary to effectively respond to such emergencies. Each department head shall have the right and authority to promulgate and enforce any reasonable work rules and operational policies and procedures necessary to carry out the mission, goals, objectives, and functions of their department.

(D) Department heads shall further have the right to create and enforce any rules, regulations, and procedures necessary to implement the personnel policies contained in this policy manual.

(E) Such rules, regulations and procedures shall not conflict in any manner with the policies of this policy manual, and are only applicable to the particular department or office.

EMPLOYMENT

§ 36.030 DEFINITIONS.

(A) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADA means the Americans with Disabilities Act (ADA), as may be amended, replaced or replaced from time to time.

DEPARTMENT HEAD means the head of any department of the city.

FULL-TIME EMPLOYEE means an employee who works an average of 1,820 hours per year (35 hours per week), on a regularly scheduled basis.

INPRS means the Indiana Public Retirement System.

PART-TIME EMPLOYEE means an employee who works less than 1,820 hours per year, or averages less than full-time as described above, but on a regularly scheduled basis.

TEMPORARY EMPLOYEE means an employee who works in a position that is of a non-permanent nature (full-time, part-time), with a specified duration of time, not to exceed ten (10) months.

§ 36.031 CLASSIFICATION PLAN.

(A) A position description based upon the duties and responsibilities of positions has been created for each position within the city.

(B) The department head shall, as needed, review the duties and responsibilities of positions to recommend to the executive officer or his or her designee, for adjustments or revisions to the position descriptions.

§ 36.032 MINIMUM POSITION QUALIFICATIONS.

(A) It is the responsibility of employees to maintain the minimum qualifications of their classifications as established by the executive officer, his or her designee or department head and/or mandated by applicable state or federal laws or regulations. The department heads shall determine the qualifications and requirements for each classification in the city.

(B) Employees failing to maintain the minimum qualifications of their classification, or who do not comply with applicable state and federal laws and regulations, may be subject to either termination of employment or a demotion.

(C) If a vacancy exists in a department for which the employee is qualified, the employee may be recommended for the position by the department head, with final approval granted by the executive officer, his or her designee or the Board.

(D) An employee who is terminated pursuant to this section may reapply for employment, upon meeting the minimum requirements of the classification. An employee who is demoted shall receive the rate of pay of new classification, and may apply for his/her former position when a vacancy becomes available and the employee can demonstrate his or her compliance with the applicable state or federal laws and regulations pertaining to the position. All employees are expected to make reasonable and diligent efforts to maintain the qualifications of their current classification. The provisions of layoff and recall shall not be applicable to this section.

§ 36.033 VACANCIES AND APPOINTMENTS.

(A) In the event the executive officer, Board, and/or department head determines that a vacancy exists, a notice of such position opening shall be conspicuously posted for a period of five working days on employee bulletin boards, or electronic bulletin boards, email, to each department head throughout the city. The notice shall include the date of posting, as well as the date the notice expires. The department heads should notify the executive officer or his or her designee to coordinate all postings.

(B) All announcements will specify the position title, nature of the position, required qualifications, and essential functions of the position, compensation range, application deadline, and the place to file such applications.

(C) Current employees desiring to be considered for the position must complete a new application and apply for a posted vacancy, provided he or she possesses the requisite minimum qualifications and is not a probationary employee. Criteria used in evaluating an applicant's qualifications may include such considerations as evaluations, aptitude, attendance records, education, training, prior work experience history, physical and mental fitness for the position, and length of service with the city and the particular city department or office.

(D) In the event that no qualified current city employee applies or the executive officer or his or her designee determines that such position requires the hiring of an outside candidate, the executive officer, his or her designee and/or department heads, at their sole and absolute discretion, may conduct a hiring process to identify an outside candidate for the vacancy.

(E) Any applicant for employment with the city must complete an employment application, which shall include such applicant's acknowledgment that he or she is a citizen of the United States, or has filed a declaration of intent to become a citizen of the United States, and a declaration that all information provided in the application is truthful. Falsification of any statements by the applicant shall be cause for denial of employment or termination from employment if discovered after the applicant has been hired. Evidence of a conviction of a felony that was not reported, or other conduct unbecoming a city employee, or posing a threat to the legitimate business concerns of the city or its various departments, shall also be cause for denial or termination from employment; provided however, prior criminal conviction(s) shall not be an automatic bar to employment. Any application for employment with the city must be delivered to the applicable department head or the executive officer or his or her designee by the close of business on the last day that the vacancy is posted.

(F) Upon determination of which applicants meet the minimum position-related qualifications, the applicant's knowledge, skill, and ability to perform the essential functions of the position may be considered. Applicants shall be required to provide any information and undergo any position-related performance tests, reference checks, background checks, or other position-related procedures necessary to demonstrate qualifications for the position sought.

(G) Full-time applicants selected for employment will be required to submit to a pre-employment alcohol and drug screen as a condition of employment. The applicant may also be required to submit to physical and/or psychological examinations to determine their ability to perform the duties of the position for which they have been selected. Such examinations shall be conducted prior to commencement of employment and shall be a condition for acceptance as an employee of the city. All testing and examinations required by the city shall be at the expense of the employee and will be reimbursed if hired. Examinations may include any position-related examinations determined to be pre-employment requirements. If an employee is being reinstated within one year of separation, another examination may not be required. Any applicant choosing

to waive the examination requirement shall submit a written affidavit from a qualified physician describing his or her state of health at the time of employment.

(H) In the event that an applicant has a disability that affects his/her abilities to complete employment testing, a request for reasonable accommodation (including accessible testing sites, modified testing conditions, and accessible testing formats), made by the applicant prior to the administration of the testing. The city will evaluate all requests for reasonable accommodations in accordance with the provisions of this subchapter to ensure that the application process is available to all qualified applicants.

(I) Requests for reasonable accommodations will be evaluated for applicants and employees with a disability as required by applicable laws and regulations, including but not limited to the ADA. Health and medical conditions shall only be a bar to employment if the employee or applicant's condition is still such that, after making reasonable accommodation, he/she could not perform the substantial and material aspects of the open position. If, at any time after hiring an employee with a disability the city believes that such employee is no longer capable of performing substantial and material duties of his or her position, the city, at its own expense, may require such employee to undergo a medical examination conducted by a licensed physician selected by the city.

(J) In conjunction with any hiring process, the city may conduct or arrange for oral examinations, written examinations and/or proficiency tests as deemed necessary to select the most qualified candidates for employment and/or promotion.

(K) In the event that the minimum requirements and qualifications of a classification are changed by state or federal laws or regulations or due to technological advancements, it shall be the sole responsibility of any employee affected by such changes or advancements to satisfy such new minimum requirements and qualifications within a reasonable period of time. Employees failing to maintain the minimum requirements and qualifications of their classification in a reasonable period of time may be subject to demotion or termination if no vacancy exists in a classification meeting such employee's qualifications. For the avoidance of doubt, the city has no obligation to create a new position or vacancy for an employee failing to maintain the qualifications of his or her position.

(L) (1) Department heads may eliminate a candidate from consideration if the candidate:

- (a) Does not possess the knowledge, skill, and abilities necessary to effectively perform the duties of the vacant position;
- (b) Has made a false statement of material fact on the application form or supplements;
- (c) Has committed or attempted to commit a fraudulent act at any stage of the hiring process; or
- (d) Is an illegal alien.

(2) An applicant may be eliminated from consideration upon other reasonable grounds relating to position requirements (i.e., inability to perform essential functions even though reasonable accommodations have been made).

(3) If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the department head may recommend termination of the employee for dishonesty, incompetence, nonfeasance, or malfeasance.

(M) Continued employment with the city is conditioned upon each employee maintaining his or her physical, mental, and emotional ability to perform the substantial and material duties of his or her position, and maintain a satisfactory record of performance and discipline as determined solely and exclusively by the executive officer and/or his or her designee.

§ 36.034 EMPLOYMENT ORIENTATION.

(A) An orientation program will be conducted for all newly hired employees. The primary purpose of the orientation program is to acquaint new employees with city policies and departmental rules and procedures, the city's organizational structure, such new city employee's position description, and to familiarize the new employees with facilities and equipment, and to introduce the new city employee to department personnel and supervisors.

(B) The department head is responsible for establishing an orientation program for new employees within his/her department and to designate individuals to conduct the orientation.

(C) Prior to a new city employee's first day of employment, the department head in conjunction with the employee designated to conduct the orientation, shall ensure that, as applicable, documentation or understanding the items listed below are included in the personnel file of the new city employee:

- (1) Employment application.
- (2) Review city benefits.
- (3) I-9 Form with identification (examples: Social Security card, driver's license, birth certificate, and passport).
- (4) W-4 form.
- (5) 457 application.
- (6) INPRS.
- (7) Emergency contact information.
- (8) Completed insurance forms.
- (9) Completed payroll information.
- (10) Provide and review city personnel policy and procedure manual and return signed acknowledgment page to Clerk-Treasurer.
- (11) An understanding of the city philosophy.
- (12) An understanding of the importance of attitude.
- (13) An understanding of the employee dress code.
- (14) An understanding of reporting to work (time, place, and daily and weekly work hours).
- (15) An understanding of where to store personal belongings while working.
- (16) An understanding of policies related to personal calls, emailing, texting.
- (17) An understanding of where to receive payroll checks.
- (18) An understanding of how to address questions or mistakes on payroll checks.

- (19) An understanding of the position description and training required the employee's new position.
- (20) An understanding of the probationary period, as described herein.
- (21) An understanding of the system for overtime/compensatory time.
- (22) An understanding of who to call if absent.
- (23) An understanding of safety in the workplace.
- (24) An understanding of what to do in case of fire or other disasters.
- (25) An understanding of first aid procedures in case of an emergency.
- (26) An understanding of how to make suggestions for improvement, how to request use of city equipment and/or vehicles, and the city's grievance procedure.
- (27) An understanding of position and employee information postings.
- (28) An introduction to all employees within the department.
- (29) Other items as determined by the department head.

(D) It is the responsibility of the department head to establish a new city employee orientation checklist memorializing the items described above. The designated employee conducting any new city employee orientation will be required to verify that each item listed above has been satisfied during the orientation process, and, upon completion of the orientation, to obtain the new city employee's signature and date indicating they have completed the orientation program, and, as applicable, they have either provided the requisite materials or understand the corresponding concept set forth above.

§ 36.035 PROBATIONARY PERIOD.

(A) Newly hired employees shall be required to complete a 90-day probationary period. Newly hired employees of the Police Department and the Fire Departments shall have a one-year probationary period.

(B) New employees shall be eligible for health and life insurance benefits the first day of employment.

(C) New employees will begin accumulating PTO days on their hire date.

(D) The probationary period allows department heads and supervisors the opportunity to closely observe and evaluate the new city employee's fitness and suitability for the position to which they have been hired or appointed.

(E) Only those employees who demonstrate an acceptable standard of conduct and performance during the probationary period shall be retained as an employee of the city.

(F) If the service of a new city employee is unsatisfactory during the probationary period, such new city employee may be removed, upon the recommendation of the department head and at the discretion of the executive officer or his or her designee, without notice. Such termination shall require final approval of the Board.

(G) Any period of employment attributable to inactive pay status or an unpaid leave of absence shall not be counted toward the completion of the probationary period.

(H) INPRS benefits begin date of hire regardless of probationary period.

(I) The Police Department and the Fire Department, respectively, shall adopt their own departmental policies relating to the probationary period.

§ 36.036 PERFORMANCE EVALUATIONS.

(A) The executive officer or his or her designee should evaluate each department head on an annual basis. The date of each evaluation shall be determined by the executive officer.

(B) All completed performance evaluations shall be kept in the personnel file in the Clerk-Treasurer's Office.

(C) All other full-time employees may be evaluated by the department head on an annual basis as determined by the executive officer or his or her designee.

(D) Part-time employees and program instructors may be evaluated on an annual basis as determined by the department head.

(E) Performance appraisals, when written, shall include an employee's performance, efficiency, and dependability appraisal during the previous year. Appraisals may be used in determining promotions, demotions, terminations, and rehiring.

(F) Performance appraisals will be discussed between the employee and the evaluator shortly after the written evaluation is prepared. An employee may submit a written response to the evaluator.

(G) The intent of performance evaluations is to determine whether an employee is maintaining an acceptable level of performance, and as an instrument to correct employee deficiencies in performance. Although the specific intent of the section is not to use performance evaluations for the sole purpose of disciplining employees, it may be used as a basis for disciplining employees; it may be used as a basis for disciplinary action if the employee repeatedly fails to maintain an acceptable level of performance.

§ 36.037 EMPLOYEE FILE.

(A) The Clerk-Treasurer's Office shall maintain a confidential personnel file for each city employee. The contents of the personnel file shall include, but not be limited to, the following items: employment application, reference responses, attendance records, and evaluation reports. A copy of any written disciplinary action shall be delivered to the applicable city employee, and shall be placed in such employee's personnel file.

(B) In its discretion, the city, by and through the Clerk-Treasurer, may retain in a separate employee file information pertaining to planning, training, promotion and such other items as the city or the Clerk-Treasurer desire to retain.

(C) A city employee must make an appointment with the Clerk-Treasurer's Office at least two working days in advance to view his or her personnel file.

(D) City employee medical records will be maintained in accordance with HIPAA requirements.

§ 36.038 TRANSFER AND PROMOTION.

(A) Where current employees demonstrate the performance and expertise required for a vacant position, the city's policy is to promote then current employees whenever possible.

(B) Where an employee is interested in a vacant position, and such employee believes that he or she is qualified to fill such vacancy, such employee should contact his or her supervisor. Where a current employee demonstrates the performance and expertise for a vacancy in another department, interdepartmental transfer is permissible.

(1) City hiring decisions will be made based upon evaluation of the qualifications, work experience, and job performance of all eligible applicants.

(2) Interviews will be conducted for selection in supervisory positions.

(C) All employees transferred or promoted to a different position classification must complete an additional training period.

(D) Normally the training period will be 180 calendar days in the position to which appointed, and may be used to evaluate an employee's fitness for the position classification in question.

(E) During the training period, the city employee's performance will be reviewed with respect to quality and quantity of work, ability, skills, attitude, attendance and such other factors as may be deemed appropriate.

(F) Subject to staffing needs and budgetary requirements, employees who satisfactorily complete the training period may be offered either full-time or regular part-time positions.

§ 36.039 DEMOTION.

(A) A demotion may occur due to any of the following circumstances:

(1) A city employee's inadequate performance in his or her position;

(2) A city employee requests, and is granted, a transfer that results in a demotion; or

(3) There is a change in the requirements for a given position, there is a departmental restructuring, or another related circumstance occurs.

(B) Following the occurrence of any demotion under A(1)-A(3) above, the demoted city employee's salary or wage may be affected.

(C) Upon the demotion of a city employee, the department head supervising such city employee and/or the executive officer will notify the city employee and discuss the demotion with the city employee.

§ 36.040 RESIGNATION; SEPARATION.

(A) In the event that a city employee intends to resign, he or she should notify the executive officer, his or her designee or department head, as appropriate, in writing at least two weeks prior to the effective date of such resignation.

(B) For purposes of the INRS, a city employee who resigns while in good standing with the city and is subsequently rehired for employment in the same or a similar position within

one year following the effective date of his or her resignation will be considered as “reinstated.” After the expiration of one year, a former city employee is eligible for rehire.

(C) Upon separation from employment, an employee shall not remove any city property without proper authorization.

(D) Upon separation from employment, an employee will be paid in a lump sum check, all remaining vacation days, the applicable percentage of remaining PTO as set forth in this ordinance, and accrued compensatory time.

§ 36.041 TRAINING.

(A) It is the policy of the city to help employees develop or enhance job-related knowledge and skills through workshops, seminars, and the like.

(B) It is the employee’s responsibility for maintaining and upgrading job skills. Each supervisor and employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, and for upgrading skills necessary to meet technological change or to seek promotion. The city will facilitate those efforts and provide training from time to time.

(C) Employees on leave of absence are not eligible for this benefit.

(D) Out-of-state travel must be approved, in advance, by the Board.

(E) Only course work approved, in advance, by the department head or executive officer or his or her designee will be accepted for reimbursement.

(F) Certificate and/or proof of attendance and/or grade are required for reimbursement. Pre-registration and pre-arranged fees may be paid in advance with the executive officer or department head approval.

(G) Only courses that will help develop necessary or useful skills or knowledge relevant to the employee’s current position, or to future responsibilities that are reasonably anticipated, will be approved. Job relevance is determined by the executive officer, his or her designee and/or the department head.

(H) The intent of approved educational assistance is not afforded the employee for the purpose of obtaining a degree.

(I) *Procedure for reimbursement.*

(1) After successful completion of a workshop, seminar, and the like, the employee must submit a certificate and/or proof of attendance and/or grades(s) or a certificate of satisfactory performance to the department head or executive officer.

(2) The city will reimburse the employee for registration and tuition, and appropriate fees paid by the employee.

(3) Reimbursement shall be made by special check after all paperwork has been submitted and approved.

(4) Employees, who fail to attend a training event and receive an excused absence from the department head, will be required to reimburse the cost to the city of the training event.

(J) Employees of the Electric Utility, Water Utility, Wastewater Utility, and Storm Water Utility are encouraged to participate in the apprentice training program under the guidelines as approved by the Board. Note: employees transferred or promoted may be required to have special training and there will be a probationary period. See § 36.24, Transfer and Promotion.

BEHAVIOR/CONDUCT

§ 36.056 DEFINITIONS.

EMPLOYEES means all employees of the city, including part-time employees, full-time employees, temporary employees and department heads.

LATE ARRIVAL means any circumstance in which an employee reports to work after his or her scheduled starting time, whether formally excused or not.

OFFICIALS means all members of commissions, committees or boards of the city, whether established by state statute, local ordinance, policy, motion, order, resolution or otherwise.

§ 36.057 ETHICS; CONFLICT OF INTEREST.

(A) It is the policy of the city that officials and employees perform their duties for the benefit of the citizens of the city and conduct the operations of the city with loyalty, integrity and impartiality, without allowing prejudice, favoritism or the opportunity for personal gain to influence their decisions or actions, or to interfere with serving the public interest. The purpose of this policy is to establish legal and ethical standards of conduct for all officials and employees, and to require disclosures by all officials and employees of personal or financial interests in matters that may affect the city.

(B) *Application.* This policy shall apply to all officials and all employees.

(C) *Impartiality; non-discrimination.* While performing official duties, no official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the city policy to grant or make available to the public at large, without the prior written approval of the Mayor. No official or employee shall discriminate against any person in violation of state or federal law or regulation or city ordinances.

(D) *Representation.* Except in the performance of his or her official duties, no official or employee shall represent any individual petitioner other than the city or himself or herself before the Common Council, a commission, a board or a committee of the city.

(E) *Bid acceptance by department heads.*

(1) All bids for work to be completed by a third-party will be received by the Clerk-Treasurer and opened in public view at a regularly scheduled Board meeting.

(2) Non-sealed bids or bids sent via email for projects to be completed by a third-party will not be accepted by the department head.

(3) All project bids will be accepted and processed in accordance with applicable state law provisions and city ordinances.

(F) *Financial or personal interest disclosure.*

(1) No official or employee, either on behalf of themselves or on behalf of any other person, shall have any financial or personal interest in any business or transaction with a public body, unless such official or employee makes full public disclosure of the nature and extent of such financial or personal interest and, if the circumstances so require, disqualifies himself or herself from participating in the business or transaction. In the event the aforementioned financial or personal interest of such official or employee is determined to be ethical and not a violation of state law, then prior to any vote on the business or transaction, the applicable public body shall require the employee or official to fully disclose the substance of the prior to the vote.

(2) If an official or employee believes that he or she has a potential conflict of interest, such official or employee shall file a written public disclosure form with the Clerk-Treasurer prior to the final approval of any business or transaction by the applicable public body. After submission of the public disclosure form, discussion of the nature of the conflict shall then be scheduled for review at the next public meeting of the public body of which that individual is a member.

(3) If a potential conflict of interest arises during an approving bodies consideration of a transaction or business, that member shall declare that a conflict may or does exist, and shall immediately disqualify himself or herself from participating and acting on that matter.

(4) If covered by this policy is unsure as to the existence or non-existence of a conflict of interest, that individual may seek an advisory opinion from the City Attorney. The opinions rendered shall be advisory only, and shall not serve to exempt or excuse any employee or officer from applicable penal or civil statutes, ordinances, and regulations. The City Attorney shall give prompt notice to the Mayor of a receipt of any such request.

§ 36.058 CONFLICT OF INTEREST—PERMITTING.

(A) *Purpose.* The purpose of this section is to satisfy the requirements of IC 36-1-27-4, as the same may be amended from time to time.

(B) *Definitions.*

(1) “Conflict of Interest” As used in this section, conflict of interest means, a direct or indirect financial interest in the issuance of a permit, pursuant to IC 36-1-27-1, as the same may be amended from time to time.

(2) “Permit” As used in this section, permit, shall have the meaning given to such term under IC-36-7-4-1109(b), as the same may be amended from time to time.

(C) *Issuance of Permits.* A building commissioner, building code official, inspector or other employee charged with approving and issuing permits in the City may not issue a permit or oversee the issuance of a permit through a subordinate if such official or employee has a conflict of interest with respect to the permit.

(D) *Reporting Conflict.* A building commissioner, building code official, inspector or other employee charged with approving and issuing permits in the City shall report a conflict of interest to the Director of Planning and the City Attorney.

(E) *Action Subsequent to Report of Conflict of Interest.* Promptly upon receipt of a conflict of interest report made under this subsection, the Director of Planning, in consultation with the City Attorney, shall appoint a qualified temporary official or employee to review and grant or deny the permit based such temporary official or employee's disinterested evaluation.

§ 36.059 GIFTS.

(A) No official or employee shall directly or indirectly solicit, accept or receive any gift or consideration, whether in the form of money, services, a loan, travel, entertainment, tickets, or a thing of promise intended to influence himself or herself to act other than impartially in the performance of his or her official duties, or intended as a reward for any such action on his or her part.

(B) The following shall not constitute gifts or consideration for purposes of this section:

(1) A gift of nominal value is a gift that does not exceed \$250.00 or such greater amount approved upon written request by the Board;

(2) Trade discounts offered to all employees or all members of one or more city departments;

(3) Trade discounts offered to general public or to private groups such as professionals, religious, or service organizations;

(4) Food consumed at public, professional, governmental, IMPA or community-sponsored receptions, functions or events;

(5) Entertainment provided at a public, professional, governmental, IMPA, or community event, function or reception in which multiple officials or employees of the city or of other municipalities are present. Examples include, but are not limited to, picnics, holiday parties, celebrations, golf outings, sporting events, social events, or other forms of entertainment;

(6) Acceptance of professional or public awards, reflecting positive performance or community service; and

(7) Campaign contributions reported in full compliance with federal, state and local statutes and ordinances as they may apply.

§ 36.060 CONFIDENTIAL INFORMATION.

No employee or official shall use or permit the use of any confidential information regarding city business to advance their or any other person's financial or personal interest.

§ 36.061 USE OF PUBLIC PROPERTY.

(A) No official or employee shall use the funds, property, equipment, supplies or labor of the city or any public body for the private benefit of the official, employee or any other individual or group of individuals, unless the same benefit is available to the general public on equal terms, or the use is in accordance with city policies or ordinances.

(B) No official or employee shall use the funds, property, equipment, supplies or labor of the city or any public body to perform services or provide benefit to any non-public property unless an emergency exists, the use or service is in accordance with municipal policies or ordinances, or authorization is granted by the appropriate department head and approved by the Board.

§ 36.062 NOTICE OF ALLEGED ETHICS NON-COMPLIANCE.

If anyone has reason to believe that there has been non-compliance with this policy, he or she shall deliver a written complaint thereof to the Clerk-Treasurer.

§ 36.063 ETHICAL STANDARDS.

(A) All officials and employees shall receive a copy of this policy from the Office of the Clerk-Treasurer within 30 days of its adoption or upon hire of new employees or upon appointment of new officials.

(B) An official or employee should address any inquiries as to the revisions or references made herein to the Clerk-Treasurer in writing. The Clerk-Treasurer shall respond in writing to any written request for an interpretation of a rule or regulation of this policy.

(C) In the event that the terms of this policy are in conflict with any federal or state law or ruling of a federal or state agency, the law, rule, regulation or ruling of the federal or state agency shall supersede the terms of this policy.

(D) This policy shall not prohibit an official or employee from being reimbursed for expenses, receiving money as a campaign contribution, participating in collective bargaining, being paid for a service as a city or employee, or any other exception that may be provided by applicable state law or state rules and regulations or any ruling of a state agency.

(E) No official or employee shall represent a person, entity, or petitioner in any matter before the city for a period of 90 days following termination of their duties or responsibilities with the city.

§ 36.064 ETHICAL STANDARDS—HONEST/INTEGRITY.

Employees and officials shall conduct themselves with honesty and integrity which shall include but not be limited to the following duties and actions:

(A) To act with moral courage.

(B) To make decisions for the public's best interests, even when such decisions may not be popular.

(C) To refrain from business that would be, directly or indirectly, inconsistent with the conscientious performance of one's public duties.

(D) To refrain from making private promises of any kind that may unduly influence one's public duties.

(E) To accept the responsibility to:

(1) Expose corrupt practices and/or behaviors; and

(2) Where empowered to do so, to protect from retaliation any public employee who has exposed corrupt practices and/or behaviors.

§ 36.065 ETHICAL STANDARDS—RESPECT/CIVILITY.

Employees and officials shall conduct themselves with respect and civility which shall include but not be limited to the following duties and actions:

(A) To treat others as one would wish to be treated.

(B) To accomplish the goals and responsibilities of one's individual position, while respecting one's role as a member of a team and the community at large.

(C) To act in a professional and responsive manner.

(D) To work together in a spirit of tolerance and understanding.

(E) To work to build consensus and accommodate diverse opinions.

(F) To communicate effectively by listening carefully, asking questions, and responding in a way that adds value to conversations.

(G) To treat all citizens with respect and courtesy.

(H) In the case of employees, to refrain from arguments, debates, or lengthy discussions with private citizens regarding the city's policies, procedures, or services. Any employee who feels he or she cannot resolve the complaint from a private citizen should refer that individual to his or her department head.

§ 36.066 ETHICAL STANDARDS—ACCOUNTABILITY/RESPONSIBILITY.

Employees and officials shall conduct themselves with accountability and responsibility which shall include but not be limited to the following duties and actions:

(A) To not participate in any decision where there is a conflict of interest or from which one's family, business, or professional associates may personally or financially benefit.

(B) To not use one's position, public property or public resources for the personal benefits of oneself, one's family or one's business or professional associates.

(C) To refrain from soliciting or accepting any favor or benefit for one's family, one's business, professional associates or oneself that might be construed as influencing the performance of one's public duties.

(D) To make full public disclosure of the nature of any conflict of interest prior to any action taken.

(E) To avoid disclosing or abusing the information that one gains by virtue of one's position for the personal or financial benefit or for the benefit of any third-party or professional associates.

(F) To not engage in direct competition with the city while an employee, an appointed official, elected official or executive officer.

(G) To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

§ 36.067 ETHICAL STANDARDS—FAIRNESS/JUSTICE.

Employees and officials shall conduct themselves with fairness and justice which shall include but not be limited to the following duties:

(A) To promote non-discrimination in decision-making for the city, and to make decisions based upon the merits of the issue at hand.

(B) To recognize the function of government to serve the best interest of the citizens.

(C) To use one's authority to promote the efficient and effective delivery of public services.

(D) To refrain from proposing services where adequate resources are not available.

(E) To work to remedy the imbalance where inadequate resources adversely affect the best interest of the citizens.

Behavior inconsistent with the values set forth in this policy may be subject of disciplinary proceedings, up to and including termination from employment or removal from office.

§ 36.068 GROOMING.

When appropriate, a clean and neat appearance is required. (It is understood that some employees may become dirty during in the course of performing their job duties. Every effort should be made to provide the community with a neat and clean appearance when possible.) Beards and hairstyles must be neatly kept and trimmed to instill public confidence and respect.

§ 36.069 CLOTHING/ATTIRE.

(A) The city is a place of business and employees should dress accordingly.

(B) The city provides some of its employees with uniforms. These uniforms are provided and maintained at no cost to the employee. It is required that all employees who are provided uniforms wear them when they are on duty unless otherwise directed by their supervisor. If not dressed in clothing provided during a work period, the employee shall be sent home to dress in work clothes.

(C) The employee will not be paid while traveling to and from home to change into work attire.

(D) Employees of the Police Department and the Fire Department must refer to the standard operating procedures of their department pertaining to uniform policies.

(E) All clothing allowances will be taxed according to IRS rules and included on the employee's W-2.

(F) All employees' clothing attire must follow OSHA laws and regulations.

§ 36.070 EMPLOYEE FITNESS FOR DUTY.

The city has a strong commitment to provide a safe and healthy environment for its employees.

(A) All employees must be able to perform their job duties. Any employee deemed unfit to perform such duties will be subject to a written reprimand, up to and including being sent home for the day. Discipline for the same infraction may be cause for disciplinary action, up to and including dismissal.

(B) Fitness for duty will be determined when reasonable suspicion exists that the employee is unfit to continue working. When an employee's appearance, behavior, speech, or body odors indicate he/she may have an illness, drug or alcohol use, or other health-related issues that could affect the entire staff, or the employee's ability to perform his/her duties, he/she will be disciplined or sent home according to this policy. Such observations must be personally observed and documented by at least one supervisor. This supervisor will use his/her best judgment to determine whether disciplinary action or merely sending the employee home is required.

(C) An employee is obligated to notify his/her immediate supervisor when reporting for duty or in the course of work, if the use of any substance, even if medically required, may adversely affect his/her ability to satisfactorily perform his/her normal job.

§ 36.071 BEHAVIOR.

(A) Employees shall always treat the public with respect and are expected to adopt a friendly, courteous, and service-oriented attitude towards the public.

(B) The possession or use of a firearm, ammunition, or other deadly weapons on city property, or while on duty by employees who are not authorized to possess such weapons, is strictly prohibited.

(C) Personal telephone calls are acceptable, but should be limited. Receiving personal telephone calls at work shall be limited as much as possible. (Family/friends should be informed concerning this policy.) When telephone calls are necessary, employees should try to limit the length of the call. No personal long-distance calls may be made without the supervisor's authorization. All personal long-distance calls shall be reimbursed to the city by the employee.

(D) Use of personal cellular phones during working hours shall not interfere with the employee's regular duties and should be kept to a minimum.

(E) Use of the city's internet system for personal use shall be limited. Employees should check with their department head for specific limitations of their respective departments.

(F) Fighting, immoral acts, threats, intimidation, or similar behavior aimed at the public or other employees will not be tolerated.

(G) Visits from family and friends while on duty should be limited.

(H) While not everything can be listed, employees should remember that their behavior should reflect the fact that they work for the public and that their behavior could negatively affect the people they meet.

(I) Department heads may have additional behavior policies not referred to in this manual.

§ 36.072 LATE ARRIVAL.

(A) Late arrival on a regular basis is inexcusable and will not be tolerated.

(B) In addition, if an employee is late, that employee may be subject to appropriate disciplinary action.

§ 36.073 OUTSIDE EMPLOYMENT.

(A) Employment conflicts, as described in this policy, are when a second job impairs an employee's ability to perform the duties of his/her position.

(B) Full-time employment by the city shall be considered the employee's primary occupation, taking precedence over all other occupations. "Outside" employment, or moonlighting, shall be a concern to the department head only if it adversely affects the job performance of the employee's city job.

(C) Should the department head feel that an employee's outside employment is adversely affecting the employee's job performance, the department head may recommend, but may not demand, that the employee refrain from such activity.

(D) However, any conflict, policy infractions, or other specific offense that is the direct result of an employee's participation in outside employment will subject the employee to discipline or discharge, in a manner that is otherwise consistent with the policies set forth in this manual.

§ 36.074 PROGRESSIVE DISCIPLINE.

(A) (1) All employees are expected to perform their duties in a competent, efficient, and professional manner. Further, employees are required to act courteously and cooperatively with their fellow employees, supervisors, and the public. When employee conduct falls below these standards, disciplinary action may be warranted.

(2) In order to promote the common good and welfare of the city and its employees, the city has established rules of conduct. The commission of any of the acts listed below will result in disciplinary action, ranging from verbal or written warnings to suspension or to immediate discharge, depending on the act and the circumstances.

(3) Notwithstanding any provision contained herein, for the purpose of imposing discipline in accordance with the provisions set below, a disciplinary action that has occurred more than ten years prior to the event precipitating the current disciplinary action, shall not be considered in determining the nature and extent of the current disciplinary action to be

taken, unless the prior disciplinary event is of a similar type and/or nature as the one being considered. This list is not exhaustive.

(B) *Group I rules.* If a violation of a Group I rule occurs, the department head/assistant will use the following procedures:

(1) *Step 1.* Corrective interview, confirmed in writing.

(2) *Step 2.* Continued violation of any Group I rule within a 12-month period may subject the employee to up to three days suspension without pay.

(3) *Step 3.* Continued violations of any Group I rule, following a disciplinary suspension may be subject to discharge. (Pending review by an executive officer and board hearing.)

(4) The following list, which is not intended to be an exhaustive list, provides examples of disciplinary violations:

(a) Excessive tardiness or absence.

(b) Leaving city premises during working hours without permission.

(c) Failing to report absence within one-half hour of starting time.

(d) Unprofessional behavior while performing job duties.

(e) Neglect of duty and/or failure to perform assigned duties.

(f) Failure to follow established work procedure and policies.

(g) Horseplay or use of machinery, equipment, or tools in a hazardous

manner.

(h) Creating or contributing to any unsanitary condition.

(i) Unauthorized use of bulletin boards.

(j) Posting notices in unauthorized places.

(k) Restricting one's own production or interfering with the production

of other employees.

(l) Conducting personal business on city time.

(m) Failing to make an immediate report of an occupational injury.

(n) Failure to report a traffic ticket while driving a city vehicle.

(o) Loafing, loitering, or sleeping on the job.

(p) Smoking in restricted areas.

(C) *Group II rules.* Any violation of a Group II rule will result in the employee being relieved from duty with pay, and may be subject to discharge pending a Board hearing. Examples of Group II disciplinary actions include, but are not limited to, the following:

(1) Absence without notification for three or more consecutive workdays.

(2) Failing to return from leave of absence as scheduled; improper use of accident leaves or extended disability leave benefits.

(3) Insubordination.

(4) Possessing firearms, weapons, explosives, and so forth, on the premises or in city vehicles (with the exceptions of authorized personnel).

(5) Disclosure of confidential city information to outsiders without proper authorization.

(6) Completing another employee's time record or allowing another to complete one's time record.

(7) Mistreatment of members of the public, fellow employees or supervisory personnel or blatant disrespect of fellow employees, supervisor or citizens.

(8) Using abusive or threatening language

- (9) Sexual harassment.
 - (10) Unwanted physical contact.
 - (11) Using, selling or being under the influence of illegal substance or controlled substances not prescribed by a physician.
 - (12) Disorderly, offensive, or illegal conduct.
 - (13) Falsifying any city records or employment application.
 - (14) Stealing or committing any criminal offense on city property or while on duty.
 - (15) Damage to or improper use of city property, either willfully or through gross negligence.
 - (16) Intentional making of scrap or waste.
 - (17) Unauthorized use or possession of city property.
 - (18) In certain departments, felony conviction may lead to termination.
 - (19) Fighting or committing an assault.
 - (20) Violating safety regulations.
 - (21) Failure to report an accident while on city time.
- (D) At the discretion of the executive officer, Board, Police Board and Fire Board, the employee's disciplinary history may be considered when addressing disciplinary matters.

§ 36.075 EMPLOYEE APPEAL.

(A) In the event that disciplinary action must be taken against an employee, it will be for just cause and normally in a progressive manner in an attempt to correct an employee's conduct, except in those cases of gross or serious misconduct where an employee may be subject to suspension, reduction, or removal from employment for violation of Group II rules.

(B) In instances of possible suspension without pay, reductions in pay or position, or termination, an employee shall be notified of the charges in advance, and be afforded the opportunity to present evidence and witnesses on his or her behalf prior to the instatement of disciplinary action. The disciplinary hearing will be before the executive officer, his or her designee or the Board. The employee may also be represented by third party if so requested.

§ 36.076 GRIEVANCE PROCEDURE.

(A) It is inevitable that misunderstandings and differences will arise when employees of the city are working together on a day-to-day basis. To ensure that employees have a formal process through which to resolve their problems, the following grievance procedure is hereby established.

(1) *Step 1.*

(a) The employee will submit a written grievance to his or her department head within three working days of the occurrence of the action giving rise to the grievance. The grievance must be signed and dated by the employee.

(b) The employee's immediate supervisor shall meet with the employee and make every effort to resolve the grievance within three working days of the date of the grievance.

(c) The department head will respond in writing to the employee within three working days of the immediate supervisor's informal review, outlining his or her decision regarding the requested remedy.

(2) *Step 2.*

(a) If the grievance is not resolved through the Step 1 intervention, a written appeal shall be prepared in detail, dated, and signed by the employee, and presented to the Board or such other appropriate board deemed appropriate by the department head. The written appeal shall be delivered within three working days after the receipt of the department head's reply from Step 1.

(b) Upon receipt of the written appeal and a copy of the department head's response, the Board or such other appropriate board shall attempt to resolve the grievance in writing within five working days of the date of presentation of the written grievance.

(3) *Step 3.* A hearing may be held before the Board or such other appropriate board if requested by the employee. The employee and department head shall appear at such hearing, along with any other persons having relevant information pertaining to the grievance. A detailed investigation will follow such hearing, and thereafter the Board shall issue a final decision within ten working days of the date of the hearing. The decision of the board conducting the hearing will be final and binding upon the employee and the department.

(B) The time limits set forth in the procedures contained herein may be extended by mutual written agreement of the parties due to extenuating circumstances.

(C) A grievance shall be considered resolved if, at any point during the 3 step process, the employee who filed the grievance withdraws his or her grievance in writing, or fails to prosecute the grievance in accordance with the time limits set forth herein. Any grievance not answered by the department head shall be deemed to be a denial of the relief requested, and may be advanced to the next step by the employee who filed the grievance.

GENERAL POLICIES

§ 36.090 DEFINITIONS

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVATAR means computer user's representation of himself/herself, or an alter ego

BLOG means a series of entries, written by either one person or a group of people, in an online journal, usually posted in chronological order, like a diary.

BLOGGING means to read, write or edit a blog and also to comment or otherwise engage with other commenters on a blog.

COMMENTING means the act of creating and posting a response to a blog post, news article, social media entry or other social networking post, and can also entail the act of posting an original composition to an unrelated post or article.

COMMENTS means responses to a blog post, news article, social media entry or other social networking post.

CRITICAL SERVICE EMPLOYEES means those employees who are employees of any public safety department, (i.e., employees of the Police Department and Fire Department), and those employees of departments that render services to the public, ensuring its safety, directly contribute to the city's emergency operations designed to combat the specific emergency situation at hand, and/or ensure continued essential public service.

DISTRIBUTION means the passing out of any type of literature, advertising, handbills, circulars, forms, or any other memorabilia.

EXEMPT EMPLOYEE means any employee classified as executive, administrative, or professional according to provisions of the Fair Labor Standards Act (FLSA), plus any Elected Officer. These individuals are not subject to the overtime payment requirements of the FLSA. Due to the nature of their work, these employees are expected to have flexible working hours, which may exceed 40 hours per week. These individuals should not expect to receive overtime pay or formal compensatory time for such.

FORUM means an online discussion site.

HANDLE means an online pseudonym.

HOURLY EMPLOYEE means an employee paid an hourly rate weekly based upon a 35-hour workweek.

IDENTITY means an online identity, internet identity or internet persona that a social networking user establishes.

INTERNET means a computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

IOSHA means the Indiana Occupational Health and Safety Act, as the same may be amended, repealed or replaced from time to time.

MOBILE SOCIAL NETWORKING means social networking using a mobile phone or other cellular-based device.

NON-CRITICAL SERVICE EMPLOYEE means any employee of a department who renders services determined to be non-critical in case of emergency.

NON-EXEMPT EMPLOYEE means any employee of a department that does not meet the Fair Labor Standards Act (FLSA) exempt provision, such individuals will be eligible for overtime and or compensatory time off.

NON-WORK AREA means any area on or off the city's premises not designed as a work area.

NON-WORK TIME means any time during an employee's workday where the employee is completely relieved of work duties, such as break time and lunchtime.

OSHA means the Occupational Safety and Health Act of 1970, as the same may be amended, repealed or replaced from time to time.

POST means an item submitted to a blog or an entry submitted for posting on any type of computerized platform or forum.

POSTING. The act of creating, uploading, editing, or adding content, whether photographs, videos or writings, to any social medial outlet.

SALARIED EMPLOYEE means an employee paid a predetermined annual sum on a bi-weekly basis.

SOCIAL MEDIA means a variety of online sources that allow people to communicate share information, share photographs, share videos, share audio and exchange text messages and other multimedia files with others via some form of online or cellular network platform.

SOCIAL NETWORKING means the use of such internet or mobile formats as Facebook, Twitter, Myspace, Usenet groups, online forums, message boards or bulletin boards, blogs or other similar formats or forums, to communicate with others using the same group, while also networking with other users based upon similar interests, geographical location, skills, occupations, ideology, beliefs, and the like.

SOLICITATION means, but is not limited to, any act that requests, urges, or seeks to induce an employee to give or obligate him/her to pay money for any cause or for any reason, or to sign any document indicating membership in any obligation, association, or group, or indicating support for or a pledge to any such organization, association, or group.

SPAM means unauthorized and/or unsolicited electronic mass mailings.

USER NAME means the name provided by the participant during the registration process associated with a website that will be displayed publicly on the site.

WEATHER/CIVIL EMERGENCY means a significant weather event, such as a blizzard, a flood or a tornado that causes the Mayor, or other individual designated by local or state law, to declare a state of emergency.

WORLD WIDE WEB means a computer network consisting of a collection of internet sites that offer text, graphics, sound and animation resources through the hypertext transfer protocol.

WORK AREA means areas, including, but not limited to, offices, work sites, locations, conference rooms, common areas, and corridors leading directly thereto, and other areas essential to the performance of an employee's duties.

WORK TIME means periods of time, including but not limited to, periods of time when an employee's duties require that he or she to be engaged in work tasks, but does not include the employee's personal time such as meal periods, scheduled break periods, and time before or after a work shift.

§ 36.091 TRAVEL AND EXPENSE REIMBURSEMENT.

(A) An employee may be reimbursed for mileage at the federal government mileage rate for the use of privately owned automobiles for official business. However, such reimbursement may be made only if the employee carries motor vehicle liability insurance as required by law, and demonstrates proof thereof.

(B) To obtain reimbursement for mileage, an employee must file all receipts on travel expense reports provided by the employee's department from time to time. On each travel expense report the employee must state the origin and destination of each trip in sufficient detail to account for the mileage claimed. Under no circumstances shall an employee received reimbursement for travel between an employee's home and the city offices. Travel expense reports detailing travel expenses that an employee incurred more than 60 days prior to the date of the travel expense report must be accompanied by a letter of explanation detailing the reason for tardy submission of such report.

(C) Where an employee uses a city credit card to incur travel expenses, all claims and receipts must be delivered to the Clerk-Treasurer within forty-five (45) days of such travel expenses and the monthly credit card statement must be provided to the Clerk-Treasurer on a monthly basis.

(D) Personal travel expenses are not reimbursable. For the purposes of this section, "personal travel expenses" include but are not limited to, personal telephone calls, cable television, movies, laundry, entertainment, and alcoholic beverages.

(E) All meal receipts submitted for reimbursement must be itemized. According to IRS regulations, meal expenses incurred during non-overnight travel will be a taxable fringe benefit.

(F) Notwithstanding anything to the contrary contained in this section 36.49, the failure of an employee to submit receipts within the time period set forth herein may result in such employee not receiving reimbursement for eligible travel expenses.

§ 36.092 HEALTH/SAFETY.

(A) In accordance with the OSHA, the city has established that, as a matter of policy, a safe and healthful workplace shall be provided for all employees. The executive officer has the ultimate responsibility and authority for compliance with the federal and state laws pertaining to occupational safety and health.

(B) Each employee is to work in a safe manner, and observe the safety procedures as instructed by his or her supervisor.

(C) Any employee who has a valid prescription for a narcotic and is required to take the medication during work hours is required to inform his or her supervisor of the prescription. This employee will not be allowed to operate a city-owned vehicle or heavy equipment.

(D) Any accident hazards or unsafe conditions of equipment are to be corrected or reported to the employee's department head immediately, who will then notify the Director of Human Resources. The Director of Human Resources has been designated as the central point of contact for OSHA/IOSHA issues. Nothing in this appointment shall reduce the responsibility or authority of department heads, managers, and/or supervisors from the effective and ongoing performance of OSHA/IOSHA.

(E) If an employee is involved in an accident while working, or witnesses an accident by another employee, such accident shall be reported immediately to the supervisor for further action in accordance with applicable city policies.

(F) Workers' compensation forms will be filed for all injuries. All department heads or their designees will file their report, on behalf of the employee, within 24 hours of the accident. The degree of injury does not matter. If the employee has complications later, a properly completed form will allow the treatment to be covered by workers' compensation.

(G) If an employee is injured and is physically unable to complete the balance of the workday, he or she shall be paid for the remainder of that day. Further absence may require the employee to apply for benefits pursuant to workers' compensation.

(H) The city's compliance with applicable OSHA/IOSHA laws, standards, policies, and the like shall be monitored, and documented by the Director of Human Resources.

§ 36.093 LACTATION POLICY.

- (A) The City of Greenfield will provide a room designated as the employee lactation room. This room will be private and sanitary, to express their milk during work hours
 - (i) Employees may also use their private office area.
- (B) The City will provide refrigeration for safe storage of expressed breastmilk.
 - (i) Employees may use their own cooler packs to store expressed breastmilk, or may store milk in a designated refrigerator/freezer.
 - (ii) Employees should provide their own containers, clearly labeled with name and date.
- (C) Employees shall be provided flexible break periods to accommodate milk expression.

§ 36.094 SAFETY DATA SHEETS.

- (A) The city will maintain and utilize appropriate safety data sheets required by federal law on any products, chemicals, or substances used in the community.
- (B) In case where an employee may come in contact with a substance and medical treatment is necessary, a copy of the material safety data sheet will accompany the employee to the medical facility.

§ 36.095 BLOOD-BORNE PATHOGENS.

All departments within the city may have occupational exposure to blood or other potentially infectious material.

- (A) Universal precautions will be observed at the city in order to prevent contact with blood or infectious materials. All blood and potentially infectious material will be considered infectious, regardless of the perceived status of the source of the material.
- (B) Employees should not compress trash in waste cans, as it would be easy to be stuck by a needle or other sharp object. Employees should also not place their hand on the bottom of trash bags for support as they could be stuck by sharp objects in the bag. Employees should examine the bags before picking them up to be sure there are no sharp objects sticking out of the bag.
- (C) Hand washing facilities are also available to employees who are exposed to potentially infectious materials. Upon such exposure, employees should wash their hands and bodies as soon as possible.
- (D) When encountering potentially hazardous materials, employees should wear protective gloves whenever possible.
- (E) When performing CPR, proper face guards must be used.

(F) Employees shall refrain from reusing protective gloves, face guards, or other protective equipment.

§ 36.096 HIPAA PRIVACY RULE.

(A) The HIPAA privacy rule (Standards for Privacy of Individually Identifiable Health Information) provides national standards for protecting the privacy of health information. The privacy rule regulates how certain entities, called covered entities, use and disclose certain individually identifiable health information, called protected health information (PHI). PHI is individually identifiable health information that is transmitted or maintained in any form or medium (e.g., electronic, paper, or oral), but excludes certain educational records and employment records.

(B) This excluded information must relate to:

- (1) The past, present, or future physical or mental health, or condition of an individual;
- (2) Provision of health care to an individual; or
- (3) Payment for the provision of health care to an individual. If the information identifies or provides a reasonable basis to believe it can be used to identify an individual, it is considered individually identifiable health information.

(C) The city will maintain the employee's health and medical records in accordance with the requirements of HIPAA.

§ 36.097 SMOKING POLICY.

(A) The use of any tobacco products, including electronic and vapor cigarettes by an employee or non-employee shall be prohibited in all City owned buildings.

(B) Tobacco use areas must be at least eight (8) feet from any public building.

(C) The use of any tobacco products, including electronic, and vapor cigarettes within City owned vehicles shall be prohibited.

(D) Violation of this policy by any employee may result in disciplinary action up to and including termination.

§ 36.098 TOOLS, EQUIPMENT AND VEHICLES.

(A) Employees are prohibited from using and loaning city vehicles, materials, tools, equipment, and labor for personal or private use, regardless of whether it is during work or non-work time.

(B) Employees may not expend labor during scheduled work hours for work not related to City business. This prohibits any employee from performing private work for himself, another employee, or a non-employee.

(C) Any city employee required to operate a city vehicle in the course of his or her employment shall be subject to the following conditions and restrictions:

- (1) Annual record checks at the Bureau of Motor Vehicles;
- (2) Use of seat belts by all occupants; and
- (3) Reassignment or other appropriate personnel action in the event of license revocation, suspension, or arrest for a DUI.

(D) Employees who are required to operate City vehicles during the course of their employment must immediately report any condition that adversely affects their ability to operate such vehicle(s) and/or equipment.

(1) Must be able to meet insurability standards/requirements of the city's liability insurance provider.

(2) Must maintain a valid driver's license and provide a photocopy of the same to the Clerk-Treasurer upon initial hire, and thereafter within five (5) days of license renewal, exclusive of temporary license permits.

(E) In addition, employees must use assigned City vehicles, when available, for the purpose(s) authorized. Reimbursement for necessary emergency road service and repairs, parking, and highway-related tolls require appropriate receipts for reimbursement.

(F) Employees will not operate any city vehicle or personal vehicle during working hours in such a manner so as to cause public criticism or create a nuisance.

(G) In the event of an accident, employees must do the following:

- (1) Assist any injured party if possible and call 911;
- (2) Do not move any vehicles unless instructed to do so by proper police authority;
- (3) Write down all pertinent facts such as the other driver's name, address, telephone number, license plate number, driver's license number, Social Security number, name of city's insurance policy and number, name, address, and telephone number of any injured party or witness;
- (4) Employees should not admit any fault or make any oral or written statements, but give their name, address, telephone number, and the like, as required;
- (5) Notify the supervisor and submit a written report as soon as possible; and
- (6) Supervisors must report all accidents to the Director of Human Resources.

(H) Any employee driving a City vehicle which is involved in an accident will be required to undergo a drug and alcohol test.

(I) Employees assigned a city vehicle for duty-to-domicile travel are subject to Internal Revenue Service rulings regarding such usage. The use of such a vehicle for commuting is considered by the IRS to be a taxable benefit. A value must be established and the total annual amount reported to the IRS on each employee's W-2 form.

(J) Prior to a non-city employee riding in a city vehicle, it must be authorized by the department head.

(K) The city will require mileage log books in all city vehicles. Employees may be required to log mileage and purpose of the trip, as well as any authorized passenger.

(L) Any vehicle owned by the city and used by an employee will display a city decal except those vehicles designated by the Board of Public Works and Safety.

(M) Any employee driving a City vehicle who receives a traffic or parking citation shall immediately notify their supervisor.

(N) Standard operating procedures of the Police and Fire Departments supersede this section.

(O) Prior to a non-City Employee riding in the City Vehicle it must be authorized by the department head.

(P) Employees shall refrain from operating handheld cellular telephones or any other device that may cause vehicle operator distraction while operating a City vehicle. Employees shall make every attempt to properly park their vehicle or use a hands-free device when using such equipment.

(Q) Any vehicle owned by the City and used by an employee will display a City decal except those vehicles designated by the Board of Public Works and Safety.

§ 36.099 TAKE HOME VEHICLES.

- (A) The following classifications of employees may be assigned a take home vehicle:
- (1) Department Heads;
 - (2) Assistant Department Heads/foremen who assist with after hours on call.

(B) Any employee assigned a take home vehicle under this chapter are subject to Internal Revenue Service regulations and rulings regarding usage of a take home vehicle, including that under current law the use of such a take home vehicle for commuting is considered by the IRS to be a taxable benefit. With respect to any take home vehicle assigned to an employee in accordance with this chapter, a value for such vehicle must be established with such value being reported to the IRS on an annual basis on each employee's W-2 Form.

(C) Except as otherwise provided herein, no employee will be permitted to use a take home vehicle for conducting a private business or enterprise, or for personal use. However, it is recognized that a *de minimus* amount of personal use during a scheduled shift as well as to and from work is acceptable.

(D) The City will require mileage log books in all City Vehicles, employees will be required to log mileage and purpose of the trip, as well as any authorized passenger

(E) Employees shall not transport any persons other than City employees in a City vehicle, except with written permission of the department head.

(F) The operation of a take home vehicle for travel to and from work does not constitute work time. All employees operating take home vehicles shall be deemed to be off of the clock until they arrive at a bona-fide work assignment.

(G) Any employee who has a take home vehicle and is placed on light duty or suspension shall be prohibited from transporting their take home vehicle to their residence during such light duty assignment or suspension. The applicable department head or the city reserve the right to reassign take home vehicles while an employee is suspended or assigned to light duty.

(H) Except in the case of emergency, employees shall park take home vehicles legally and keep take home vehicles secured. Employees shall not leave sensitive information or public documents (other than reference material) in their take home vehicle while off duty

(I) Any employee on vacation or PTO leave exceeding ten (10) days will park his or her take home vehicle at a secure location on city property.

(J) Take home authorization may be revoked upon the occurrence of any of the following:

(1) Failure of an employee to comply with the provisions of this policy or the city travel policy.

(2) A change in an employee's job duties or assignments such that a take home vehicle is no longer required or justified in the sole and absolute discretion of the applicable department head or the city.

(3) An employee is involved in two accidents in a City vehicle within an eighteen-month period and is determined to be at fault for such accidents.

(4) An employee fails to maintain a valid driver's license.

(5) A leave of absence attributable to a worker's compensation claim or other medical care the terms of which prohibit operating a vehicle.

(6) An employee fails to properly care for, maintain and/or operate his or her take home vehicle.

(K) The standard operating procedures of the Police Department and Fire Department shall supersede this take-home vehicle policy.

§ 36.100 SOLICITATION AND DISTRIBUTION.

(A) Non-employees of the city who wish to visit city facilities for purposes of solicitation or distribution or employees who wish to take part in solicitation or distribution shall give the executive officer, his or her designee and/or department head not less than 24 hours notice of such solicitation or distribution. The notice given by non-employees shall be accompanied by a list of persons intending access and a designated time for the solicitation. The notice of employees shall be accompanied by a designated time for solicitation. All solicitation and distribution activity shall be confined to non-work time and in non-work areas designated by the city, and must not jeopardize health and safety. Exceptions to this are at the sole discretion of the executive officer, his or her designee and/or department head and may include such persons as suppliers, vendors, and manufacturer's representatives who make regular visits with the continuing knowledge of the executive officer, his or her designee and/or department head.

(B) The executive officer, his or her designee or department heads may regulate any solicitation and distribution activity by any employee or non-employee, which disrupts or interferes with the normal work of the city on its premises or in areas under the operational control of the city.

§ 36.101 SOCIAL MEDIA.

(A) The purpose of this policy is to direct employees with respect to their use of social media and social networking, and the direct affect such use has upon the reputation and perception of the city.

(B) Employees are prohibited from posting any of the following on any social media networking platform, either on their own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums:

(1) Any text, photograph, audio, video, or any other multimedia file related to any action and or investigation of the city, both current and past;

(2) Any text, photograph, audio, video, or any other multimedia file related to any action of the city, both current and past, either in homage or critique;

(3) Any text, photograph, audio, video, or any other multimedia file related to any occurrence of within the city, including but not limited to:

(a) Fellow employees;

- (b) Work performed on behalf of the city;
- (c) Fellow employees.

(C) Pictures of employees in uniforms or other forms of city identification are not to be used in any form of social media (without the prior written approval of the applicable department head).

(D) Employees who choose to maintain or participate in social media or networking platforms while off duty shall always conduct themselves with professionalism and in such a manner that will not reflect negatively upon themselves or the city. The following rules shall apply:

(1) Employees will be held responsible for content that appears on their maintained social media or social networking sites, and will be obligated to remove any posting or material contributed by others that is detrimental to the reputation of this city, or that is not in accordance with this policy and all other policies.

(2) Employees shall not post sexually graphic or explicit material of any kind on any form of social media or social networking, and shall immediately remove any material of this nature posted on their site by another individual.

(3) Weaponry of any kind shall not be displayed or referenced to in any multimedia format on sites that might depict promote or glorify violence or terrorism of any type.

(4) Any text, photograph, audio, video or any other multimedia file included on a site that infers, implies, state, opines, or otherwise expresses the employee's view on the public, legal, judicial, criminal systems, or other department shall not be detrimental to the department's mission, values or vision statement or violate any policies.

(5) Any text, photographs, audio, video or any other multimedia file that contains obscene or explicit language, including but not limited to, cursing, racist, sexist, religious, or slanderous comments.

(E) Employees should be aware that they may be subject to civil litigation along with formal discipline for publishing or posting false information that harms the reputation of another person, group, or organization, otherwise known as defamation.

(F) Employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

(G) Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in public online forum or social media or social networking sites may be accessed by the city at any time without prior notice.

§ 36.102 HOURS OF WORK.

(A) The city shall establish the standard workday, workweek, and starting and quitting times for each department, taking into account current and anticipated workloads, public service needs, and other factors. The standard workweek will be based upon a 35-hour workweek, with the exceptions of the Police Department and Fire Department, in accordance with state statute. No established schedule shall be construed as a guarantee of work hours or as a restriction of the city's right to restructure the workday or workweek.

(B) Records will be maintained showing which hours were worked each day by all employees of the city. All-time records will be signed by the department head and/or executive officer or his or her designee. Department heads shall keep records of their days worked.

(C) The city is open for business Monday through Friday, 52 weeks a year, unless there is a scheduled holiday. Employees should contact their department head for the hours of operation for their department.

(D) The hours of work, including the workday, workweek, and work shift, for all employees shall be as established by the executive officer and/or department head.

(E) Subject to the discretion of the city, employees may be authorized to take break periods each full working day. Such breaks shall not interfere with the proper performance of the employee's work responsibilities, will be set by the executive officer and/or department head, and are subject to change.

(F) Operational needs and/or emergencies, however, may necessitate the establishment of other work hours, days, or weeks on a temporary or permanent basis.

(G) *Lunch period.* Employees will be granted a non-paid lunch period, not to exceed one hour in length.

(H) There are times when employees may be called into work during an emergency. Employee who have been drinking alcoholic beverages or taking prescription medications, and should not be driving city vehicles, and should inform their supervisors at the time they are called.

(I) If it appears that a weather emergency is imminent, employees may voluntarily contact their supervisors to see if their services are needed.

§ 36.103 WEATHER/CIVIL EMERGENCIES.

It is the policy of the city to provide normal services during the event of a weather emergency to the maximum extent possible, while ensuring the greatest possible safety to employees and citizens, and to provide the fullest obtainable staffing levels during such an emergency.

(A) *Critical service employees.*

(1) Critical service employees are expected to report for their regular shift assignment during a weather/civil emergency, without exception, unless the department head has contacted employees personally, with alternate instructions.

(2) Critical service employees may use personal time; however, the request may be denied, with no recourse available to the employee except to report to work for his or her regular shift.

(B) *Non-critical service employees.* Non-critical service employees are expected to report for their regular shift assignment during a weather emergency, unless the following occurs:

(1) The Mayor or his or her designee issues a media broadcast statement to the contrary requiring that citizens are to remain off city streets.

(2) The employee's department head or executive officer contacts the employee prior to the start of his or her shift with alternate instructions.

(3) Employees covered in the division will receive regular pay for not reporting for work only if instructed to remain at home. If the employee chooses to stay home by his or her choice, for whatever reason, he or she will not be paid for the day but will be allowed to utilize accrued time.

(4) Failure to comply with the provisions of this policy may subject the employee to disciplinary action as deemed appropriate by his or her department head or executive officer.

(5) All employees are subject to call to duty at reasonable times and must respond to emergency call, unless physically unable to do so.

§ 36.104 COMPUTERS, INTERNET AND EMAIL, CELLULAR PHONES.

(A) *Intentions.* The intentions for publishing an acceptable use policy are not to impose restrictions contrary to city's established culture of openness, trust and integrity. It is, however, to establish the city's commitment to protecting its employees, partners and itself from illegal or damaging actions by individuals, either knowingly or unknowingly.

(1) Internet/intranet-related systems, including but not necessarily limited to, computer equipment, software, operating systems, storage media, network accounts, electronic mail, WWW browsing, FTP, cellular phones, pagers, radios, and any other electronic processing equipment are the property of the city. These systems are to be used for business purposes in serving the interests of the city and its constituents in the course of normal operations.

(2) Effective security is a team effort involving the participation and support of every city employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

(B) *Acceptable use and ownership.* City information technology should only be used for conducting productive city business. Employees may access the city's network system remotely from a home computer, smart phone or other compatible devices, provided they are authorized by the Information Technology Department, and comply with all applicable security procedures. Information accessed via home computers and other compatible devices are subject to federal and state laws and regulations, this policy, and other company rules.

(1) While the city network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of city. Because of the need to protect the city network, management cannot guarantee the confidentiality of personal information stored on any network device belonging to city.

(2) Authorized individuals within the city may monitor equipment, systems and network traffic at any time for security, assistance, and network maintenance purposes.

(3) The city reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

(4) The city's computer network is the property of the city and is to be used for legitimate business purposes. Users are provided access to the computer network to assist them in the performance of their jobs. Additionally, certain users may also be provided with access to the internet through the computer network. All users have a responsibility to use the city's computer resources and the internet in a professional, lawful, and ethical manner. Abuse of the computer network or the internet may result in disciplinary action, including possible termination, and civil and/or criminal liability.

(5) To ensure security, avoid the spread of viruses and malware, and to maintain the city's internet usage policies or acceptable use policies, employees may only access the internet through a computer attached to the city's network and approved internet firewall or other security device(s). Bypassing the city's computer network security by accessing the internet directly by personal connections, such as (but not limited to) cellular networks, Wifi, wireless routers, modems, proxy avoidance techniques, or by any other means is strictly prohibited.

(6) Files obtained from sources outside the city, including disks, flash drives, files downloaded from the internet, newsgroups, bulletin boards, or other online services; files attached to email, and files provided by customers or vendors, may contain dangerous computer viruses that may damage the city's computer network. Users should never download files from the internet, accept email attachments from outsiders, or use disks from non-city sources, without first scanning the material with the Information Technology Department-approved virus checking software. Employees who suspect that a virus has been introduced into the city's network should notify the Information Technology Department immediately.

(C) *Security and proprietary information.*

(1) *Expectation of privacy.* Employees are given computers and internet access to assist them in the performance of their jobs. Employees should have no expectation of

privacy in anything they create, store, post, send or receive using the city's technology equipment. The computer network is the property of the city and may be used only for city purposes.

(2) *Waiver of privacy rights.* Users expressly waive any right of privacy in anything they create, store, post, send or receive using the city's computer equipment or internet access. Users consent to allow IT personnel access to and review of all materials they have created, stored, sent, or received through any city network or internet connection.

(3) *Monitoring of computer and internet usage.* The city has the right to monitor, log, and archive any and all aspects of its computer system, including but not necessarily limited to, monitoring internet sites visited by users, monitoring chat and newsgroups, monitoring file downloads, and all communications sent and received by users via email, IM and chat and social networking, and cellular phone calls and text messages.

(4) *Blocking sites with inappropriate content.* The city has the right to utilize hardware and software that makes it possible to identify and block access to internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

(5) *Blocking sites with non-productive content.* The city has the right to utilize hardware and software that makes it possible to identify and block access to internet sites containing non-work-related content such as, but not necessarily limited to: drug abuse; hacking; illegal or unethical use or content; discrimination; violence; proxy avoidance; plagiarism; child abuse; alternative beliefs; adult materials; advocacy organizations; gambling; extremist groups; nudity and risqué; pornography; tasteless; weapons; sexual content; sex education; alcohol; tobacco; lingerie and swimsuits; sports; hunting; war games; online gaming; freeware and software downloads; file sharing and offsite storage; streaming media; peer-to-peer file sharing; internet radio or TV; internet telephony; online shopping; malicious websites; phishing; spam; advertising; brokerage and trading; web-based personal email; entertainment; arts and culture; education; health and wellness; job search; medicine; news and media; social networking; political organizations; reference; religion; travel; personal vehicles; dynamic content; folklore; web chat; instant messaging or IM; newsgroups and message boards; digital postcards; education; real estate; restaurant or dining; personal websites or blogs; content servers; domain parking; personal privacy; finance and banking; search engines and portals; government and legal organizations; web hosting; secure sites; or web-based applications.

(D) *Acceptable use.*

(1) Individuals are required to keep network and email passwords secure and should not share accounts or passwords. Authorized users are responsible for the security of their passwords and accounts.

(2) All information systems, (laptops, phones, workstations and servers) may be secured with a password-protected screensaver with the automatic activation feature set at 15 minutes or less, by manual log-off, or locking system (control-alt-delete) when system is unattended.

(3) All systems used and connected to the city network, whether owned by the employee, city, or consultant, shall be armed with approved virus-scanning software and current

virus definitions. This includes situations where a virtual private network connection is established and a user gains access to city network resources.

(4) Employees should use caution when opening email attachments received from unknown senders, which may contain viruses, email bombs, or Trojan horse code. If uncertain, delete email or contact the City System Administrator.

(5) Occasional limited appropriate personal use of the computer is permitted if such use does not:

(a) Interfere with the user's or another employee's job performance;
(b) Have an undue effect on the computer's or city network's performance;

(c) Violate any other policies, provisions, guidelines or standards of this agreement or any other of the city.

(E) *Unacceptable use.* The following activities are prohibited. If required, employees may be exempted from these restrictions during the course of their job responsibilities, following written approval from their department supervisor or the IT Director.

(1) *Illegal activities.* Under no circumstances is an employee of city authorized to engage in any activity that is illegal under local, state, or federal law, while utilizing a city-owned resource. The lists below are by no means all inclusive, but attempt to provide a framework for activities that fall into the category of unacceptable use.

(2) *System and network activities.*

(a) Violations of the rights of any person or company protected by copyright, patent or other intellectual property, or similar laws or regulations, including but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the city.

(b) Use of unauthorized copying of copyrighted material, including but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which city or the end user does not have an active license, is strictly prohibited.

(c) Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, and the like).

(d) Malicious acts to delete or remove valuable city government information.

(e) Installing software on city computing devices operated within the city network. Software requests must first be approved by the requester's manager, and then be made to the Information Technology Department in writing or via email.

(f) Revealing one's account password to others or allowing use of one's account by others.

(g) Using a city computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.

(h) Making fraudulent offers of products, items, or services originating from any city account.

(i) Causing a security breach or a disruption of network communication. Breaches include, but are not limited to, accessing data of which the employee is not an intended recipient. "Disruption" includes, but is not necessarily limited to, network sniffing, port scanning, packet spoofing, denial of service attacks, and other malicious activities.

(j) Circumventing user authentication or security of any host, network or account.

(k) Providing information about or lists of employees to parties outside of city staff.

(l) Using the city's computer network to disseminate, view or store commercial or personal advertisements, solicitations, promotions, destructive code (e.g., viruses, Trojan horse programs, and the like), or any other unauthorized materials.

(m) Illegally copying material protected under copyright law or making that material available to others for copying. Employees are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material they wish to download or copy. Employees may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of their supervisor.

(n) Attempting to access or accessing another user's account, private files, or email, or misrepresenting oneself as another individual in electronic communication.

(o) At all times users are responsible for the professional, ethical and lawful use of the computer system. Personal use of any device is a privilege that may be revoked at any time.

(p) To install software, upgrade hardware, attach unauthorized hardware or media, or change configurations on computers, networks or systems.

(q) To attempt to power down or up any server, or network device.

(r) To stream audio, video or real time applications (such as stock ticker, weather monitoring, internet radio, or streaming video).

(s) To give any subcontractor, consultant or other non-employee access to the city's information technology without express consent.

(t) To knowingly introduce worms, viruses or other malicious programs into the network or server.

(u) To engage in personal business activity.

(v) To attempt to test, modify, circumvent or defeat security or auditing systems of the city or any other organization without prior authorization.

(3) *Email and communications activities.*

(a) Sending unsolicited email messages, including "junk mail", spam or chain letters, as well as advertising material to individuals who did not request such material.

(b) Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.

(c) Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.

(d) Personal use of email account, including:

1. Registering for personal sites or services whereby the account receives messages that are not utilized for city use.

2. Communication with other entities outside of the city that is unrelated to city business.

(4) *Blogging.*

(a) Unless it is in the course of business duties, posting to newsgroups or blogging from a city email address should contain a disclaimer, stating that the opinions expressed are strictly those of the employee and not necessarily those of city.

(b) Blogging by employees, whether using the city IT systems or personal computer, is also subject to the terms and restrictions set forth in this policy. Posting should be done in a professional and responsible manner that is not detrimental to city's best interests, and does not interfere with an employee's regular work duties.

(c) Employees are prohibited from revealing any confidential or proprietary information, trade secrets or any other material as covered by the city confidentiality policy.

(d) Employees are prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging, or engaging in any conduct prohibited by the city.

(e) Employees may also not attribute personal statements, opinions or beliefs to the city when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent himself or herself as an employee or representative of the city. Employees assume any and all risks associated with blogging.

(f) Apart from following all laws pertaining to the handling and disclosure of copyrighted or export-controlled materials, city trademarks, logos and any other intellectual property may also not be used in connection with any blogging activity.

(5) *Frivolous use.* Computer resources are limited. Network bandwidth and storage capacity have finite limits, and all users connected to the network have a responsibility to conserve these resources. As such, users must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. Any files/documents found to be in violation may be removed by the Information Technology staff without notification at any time. These acts include, but are not necessarily limited to:

(a) Sending mass mailings or chain letters.

(b) Spending excessive amounts of time on the internet, playing games, engaging in online chat groups or other social media.

(c) Uploading or downloading large files.

(d) Accessing streaming audio and/or video files or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the internet.

(e) Storing personal pictures, music, or videos on the city's servers.

(F) *Portable electronics.*

(1) *Cellular phones.* Cellular phones are the property of the city and are loaned to employees to conduct city business. The equipment, minutes, applications, and air time are all purchased by the city and therefore must not be abused for personal use. The following list outlines unacceptable cellular phone usage:

(a) Personal calls made or received on a city-issued cell phone must be kept to a minimum.

(b) Exchanging excessive personal text messages or instant messages during work hours.

(c) Installing applications or other software on the device without express approval from the Information Technology Department.

(d) Utilizing video, music, pictures and internet for any activities not related to city business.

(e) Transferring personal calls and number to the city-issued phone.

(f) Any expense, such as purchasing apps, music, messaging, or excess personal use, that results in additional expenses in city billing statements will be expected to be paid by the employee.

(2) *Laptops.* Laptops and portable devices owned by the city may be issued by the Information Technology Department. Since they are mobile and may connect to various other networks, it is the user's responsibility to securely utilize the device and verify the virus definitions are up-to-date. The use of laptops improves convenience so that the user may perform city-related business outside of their designated office area. All internet browsing and use must be in accordance with acceptable use policy. Only the employee may use the equipment and shall not allow contractors, friends, relatives, or others to use the device without the consent of the employee's supervisor.

(3) *Tablets.* Devices such as tablets, iPads, and the like must be used in accordance with the acceptable use policy.

(G) *Enforcement.* Any employee found to have violated this policy may be subject to disciplinary action, which may include termination of employment.

§ 36.105 HANDLING CITIZENS' QUESTIONS AND COMPLAINTS.

(A) All citizens should be treated with respect and courtesy. Employees should not engage in arguments, debates, or lengthy discussions with private citizens regarding the city's policies, procedures, or services.

(B) Any employee who feels he or she cannot resolve the complaint from a private citizen should refer that individual to his or her department head.

(Ord. 2013-7, passed 8-28-13; Ord. 2019-25, passed on 5-13-2020)

§ 36.106 POLITICAL ACTIVITY.

(A) Employees shall not participate in any partisan or non-partisan political activity while on-duty or off-duty in a uniform required by, used by, or identified with any department of city government.

(B) Employees may not use municipal vehicles for any partisan or non-partisan political activities.

(C) Any municipal employee found violating any provisions of this policy is subject to reprimand, suspension, or dismissal from city employment.

(D) Employees may use paid time off to engage in political or civic activities.

(E) Employees may be granted unpaid personal leave to engage in political or civic activities.

(F) Employees pursuing their own interests shall not use the city name, trademarks, logos, phone number, stationery, or other resources except to the extent required or permitted by their job responsibilities.

(G) The city may require employees to remove any political material from their work space, clothing or property on the city's premises that disrupts the workplace.

WAGES AND HOURS

§ 36.120 PAYROLL.

(A) Payroll is paid on a bi-weekly basis. All deductions shall be made in accordance with applicable state and federal law.

(B) All non-elected office personnel will be required to maintain a time sheet. All time sheets must be authorized and signed by the executive officer or the department head.

(C) Straight time will be paid to hourly employees, 40 hours or less per workweek. Employees will be paid straight time pay for hours worked in excess of 35 hours until they reach 40 hours for such week.

(D) Police and fire should review their standard operating rules to determine overtime rules. (For purposes of calculating overtime holidays will be included as time worked).

(D) Work performed by all hourly employees in excess of 40 hours per week will be considered overtime and will be paid at the rate of time and one-half the employee's regular rate of pay for hours actually worked over 40 hours. (For purposes of calculating overtime holidays will be included as time worked).

§ 36.121 DIRECT DEPOSIT.

(A) All employees of the city are required to have their payroll check direct deposited into a personal account held at a banking institution of their choice.

(B) Prior to receiving a paycheck, an employee must provide a direct deposit form to the Clerk-Treasurer's Office for processing.

§ 36.122 OVERTIME.

(A) Elected Officials, department heads and any other exempt employees are not eligible for overtime pay.

(B) Any employee, regardless of classification, may be required to work in excess of the normal workday or workweek to meet operational demands. Overtime will be paid under the guidelines set out by the FLSA (Fair Labor Standards Act). Eligibility for overtime shall be based upon all hours in “active pay status.”

(C) Overtime is generally discouraged and is usually performed only when the supervisor determines it is necessary. All overtime must be approved by the employee’s supervisor in advance, except in unusual or emergency situations.

(D) Exempt employees are not subject to the overtime payment requirements of the FLSA due to the nature of their work. These employees are expected to have flexible working hours, which may exceed eight hours in a day. These individuals should not expect to receive overtime pay or formal compensatory time for such.

(E) Non-exempt employees of the City (see provisions of the Fair Labor Standards Act (FLSA)) shall receive overtime pay (or compensatory time off in lieu of overtime payment) for all time authorized and actually worked in excess of forty (40) hours per week at a rate of one and one-half (1½) times the employee's hourly base rate of pay. (For purposes of calculating overtime holidays will be included as time worked).

(F) Non-exempt employees of the city may alternatively decide, per agreement between city and employee, to receive compensatory time off for overtime hours worked in lieu of overtime.

(G) Upon termination of employment, the non-exempt employee is entitled to receive payment for accrued and unused compensatory time at the regular hourly wage rate in effect at the date of termination.

(H) Police and Fire Departments should refer to their policy concerning overtime. (For purposes of calculating overtime holidays will be included as time worked).

§ 36.123 COMPENSATORY TIME.

(A) Elected Officers, the executive officer and department heads are not eligible for compensatory time.

(B) Any employee who agrees to receive compensatory time off in lieu of overtime must complete a compensatory time agreement form. The department head should contact the executive officer’s office to get a comp time agreement form.

(C) Compensatory time should be kept to a minimum.

(D) Non-exempt employees of the City (see provisions of the Fair Labor Standards Act - FLSA) shall receive compensatory time off in lieu of overtime payment for all time authorized and actually worked in excess of forty (40) hours in a work week at a rate of one and one-half (1½) times the employee's hourly base rate of pay. ((For purposes of calculating overtime holidays will be included as time worked).

(E) Non-exempt employees can take compensatory time off after a proper request has been submitted and approved by the employee's supervisor or department head. Compensatory time must be used within six months from the pay period in which it was accrued. In cases where the compensatory time off cannot be scheduled within the six months, he/she will be granted the time off as soon as possible.

(F) The city may, at any time, choose to pay out all compensatory time to the employees. The employee may at any time request to have all or part of their accumulated compensatory time paid to them, but at no time may an employee have accrued compensatory time in excess of 35 hours. All accrued compensatory time over 35 hours shall be paid to the employee at the end of the next ensuing pay period.

§ 36.69.124 EMERGENCY CALL OUT.

(A) If a non-exempt employee is called in to work during an emergency, he/she shall be compensated for a minimum of two (2) hours.

(B) If a non-exempt full-time employee is called in to work during an emergency, he/she shall be compensated rate of 1 ½ times the employee's regular rate of pay.

(C) Emergency call outs during approved scheduled vacation or personal days by the department supervisor or designee shall be paid to non-exempt (hourly) employees at the rate of 1 ½ times the employee's regular rate of pay.

§ 36.125 FLEXTIME.

(A) The city may utilize "time-off" or flexible hours in order to avoid having employees work in excess of 40 hours in a workweek.

(B) The department head must approve flextime scheduling.

(C) Flextime is paid as time for time.

(D) Flextime must be taken within a 40-hour pay period if possible.
(Ord. 2013-7, passed 8-28-13; Ord. 2019-25, passed on 5-13-2020)

§ 36.126 PENSION PLAN.

(A) All full-time employees are covered by the Indiana Public Retirement System (INPRS). Membership will become automatic upon employment. Employees are required by state law to contribute 3% of their gross wages (regular and overtime pay) to their annuity saving account.

(B) See INPRS policy for further details.

(C) Police and Fire officers are under plans as approved by the State of Indiana.

§ 36.127 GARNISHMENTS.

A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt by legal authority is a garnishment, and shall be recognized and executed by the city. When a garnishment is received for an employee, the Clerk-Treasurer's Office will notify the employee.

HOLIDAYS, VACATIONS, LEAVES

§ 36.140 HOLIDAYS.

All full-time employees are entitled to paid holidays (subject to change yearly).

(A) Paid holidays shall be determined on an annual basis by the Mayor and announced late in the prior year.

(B) Any hourly full-time employee who is called in or scheduled to work on Christmas or Thanksgiving, shall be compensated at one and one-half times their regular rate of pay for all hours worked.

(C) In observance of each authorized holiday, full-time and part-time employees will normally be granted the day off from work. Only full-time employees shall receive straight time holiday pay for each authorized holiday. Due to the emergency areas covered by the city, some areas are required to work holidays.

(D) If a holiday occurs while an employee is on vacation, that vacation day will not be charged against his/her vacation leave.

(E) Employees must be in a paid status the day before and the day after a holiday in order to be paid for the holiday.

(F) An employee scheduled to return from a non-paid leave on the day after a holiday will not be paid for the holiday. An employee whose leave without pay is approved through the

end of the last business day preceding a holiday is also presumed to be on leave during the holiday, and will not receive compensation for the holiday.

§ 36.141 VACATION LEAVE.

(A) A full-time employee shall be entitled to annual vacation leave with pay according to length of service and vacation benefit. All vacation days will automatically be converted to hours based upon the employee’s weekly work schedule.

(1) Upon the first anniversary, the employee will receive five days of vacation.

(2) On January 1 of two years of employment through five years of employment, the employee will receive ten days of vacation per year.

(3) On January 1 of six years of employment through 14 years of employment, the employee will receive 15 days of vacation per year.

(4) On January 1 of 15 years of employment through 19 years of employment, the employee will receive 20 days of vacation per year per year.

(5) On January 1 of 20 years of employment, the employee will receive 25 days of vacation per year thereafter.

(B) Employees begin earning vacation leave on their hire date.

(C) Vacation leave is credited for all continuous service in active pay status. Vacation leave is not earned while an employee is in a non-paid status (i.e., leave of absence without pay, disciplinary suspensions, and disability leave under unpaid family and medical leave).

(D) Vacations are scheduled in accordance with workload requirements of the individual department or office. For this reason, it is essential that vacation requests be made at least one week in advance of the proposed starting date. The executive officer, his or her designee, and department heads have the authority to approve or deny vacation requests.

(E) Vacations cannot be carried over to the following year unless approved by the Board, with the following exception: because some employees are hired late in the year, vacation leave can be carried over into the first 90 days of the following year after their first anniversary only.

(F) If an employee resigns and leaves in good standing on or after January 2 of that year, after giving proper notice, he/she will be paid for any unused vacation days.

(G) Employees may take Vacation time in a minimum of one half hour increments.

(H) (1) Vacation time accrualment for firefighters working 24-hour shifts shall be as follows:

After 1 year	3 days
After 5 years	6 days
After 10 years	9 days
After 15 years	12 days

After years	20	15 days
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(2) For firefighters working an administrative schedule, vacation time accrual shall be as follows:

After 1 year		5 days
After 2 years		10 days
After 6 years		15 days
After years	15	20 days
After years	20	25 days

§ 36.142 BEREAVEMENT LEAVE.

(A) Bereavement leave must be arranged with the executive officer, his or her designee, and/or department head through a written request. This must be done as soon as practical. The request must be executed by the employee. It must state the relationship between the deceased and the employee, and the length of time needed for the requested absence.

(B) All other regular full-time City employees will be granted a paid leave of five (5) consecutive work days in the event of the death of the employee’s spouse, child, stepchild or parent and paid leave of three (3) consecutive work days in the event of the death of the employee's grandparent, grandchild, sibling, stepparent, step-grandchild, half sibling, corresponding in-laws to any of the foregoing, uncle, aunt or other resident of the household of the employee.

(C) For firefighters working 24-hour shifts, bereavement leave will be as follows:

- (1) Three days off work for the death of an immediate family member:
 - (a) Spouse;
 - (b) Child;
 - (c) Stepchild; and
 - (d) Parent.
- (2) One day off work for the death of the following family members:
 - (a) Stepparent and corresponding in-laws;
 - (b) Sibling and corresponding in-laws;
 - (c) Grandparent and corresponding in-laws;
 - (d) Grandchild;
 - (e) Step-grandchild;
 - (f) Mother-in-law and father-in-law;
 - (g) Half-sibling and corresponding in-laws;
 - (h) Uncle;
 - (i) Aunt; and

- (j) Other resident of the household of the employee.
- (D) For firefighters working administrative shifts, bereavement leave will be as follows:
 - (1) Five days off work for the death of an immediate family member:
 - (a) Spouse;
 - (b) Child;
 - (c) Stepchild; and
 - (d) Parent.
 - (2) Three days off work for the death of the following family members:
 - (a) Stepparent and corresponding in-laws;
 - (b) Sibling and corresponding in-laws;
 - (c) Grandparent and corresponding in-laws;
 - (d) Grandchild;
 - (e) Step-grandchild;
 - (f) Mother-in-law and father-in-law;
 - (g) Half-sibling and corresponding in-laws;
 - (h) Uncle;
 - (i) Aunt; and
 - (j) Other resident of the household of the employee.

(E) All regular, full-time Fire Department employees will be granted a paid leave of three (3) consecutive workdays in the event of the death of the employee's spouse, child, stepchild, parent, grandparent, grandchild, sibling, stepparent, step-grandchild, half sibling, corresponding in-laws, uncle, aunt or other person residing in the household of the employee.

(F) In the event of the death of a family member not in the immediate family, an employee should use personal time.

(G) It is the intention of the city that its bereavement or supplemental thereto. If the provisions of the policy conflict with the Family Medical Leave Act, the FMLA provision shall control.

§ 36.143 COURT LEAVE.

(A) If an employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, that employee shall continue to receive his/her full city pay, but any compensation received for jury duty will be submitted to the Clerk-Treasurer for credit to the proper city account.

(B) The employee must provide the executive officer, his or her designee and/or department head written documentation of court appearance/jury duty.

(C) The employee will be expected to report for work following jury duty, if a reasonable amount of time (two hours or more) remains during his/her scheduled workday. If any employee is called for court jury duty or subpoenaed to testify in a court of law, outside of his/her regularly scheduled working hours, all compensation received for that court service shall be retained by the employee.

(D) The city will not reimburse employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters,

such as traffic court, divorce proceedings, custody, appearing as directed with a juvenile, and the like, unless the employee utilizes unused vacation, personal, or compensatory time.

§ 36.144 PERSONAL TIME OFF (PTO).

(A) Starting on the date of hire, all full-time regular employees will receive one (1) Personal Time Off (PTO) day for each month of employment for a maximum of ten (10) days. Full-time firefighters will receive one-half (1/2) PTO day for each month of employment for a maximum of five (5) days.

(B) On January 2, following the full-time employee's hire date, and every year of employment thereafter he/she shall receive ten (10) PTO days.

(C) On January 2nd, after the firefighter's employment date, and every year of employment thereafter he/she shall receive five (5) PTO days.

(D) Except as otherwise provided under subsection (D)(1) hereof, All full-time regular employees may utilize a maximum of fifteen (15) PTO days per year as needed without written documentation.

(1) Employees may utilize additional PTO days in excess of the fifteen (15) day maximum upon providing the employee's department head with written documentation of the reason for such PTO usage. Acceptable reasons for exceeding the fifteen (15) day maximum, include the following:

- (a) A sick child, injured child or hospitalized child;
- (b) Employee illness, injury or hospitalization;
- (c) A sick spouse, injured spouse, or hospitalized spouse;
- (d) A sick, injured, or hospitalized parent; or
- (e) A court date or jury duty.

(2) For the purposes of this Chapter 36.76, the following forms of written documentation are acceptable when an employee will be absent:

- (a) Written documentation from a healthcare provider visit; or
- (b) Written documentation from a child's school concerning student's absence.

(E) As long as staffing permits, firefighters shall be permitted to take five (5) additional PTO days per year as needed without written documentation. To use additional PTO days in excess of the five (5) PTO day maximum, a firefighter will be required to provide the department head with written documentation for the reason of the PTO usage. Acceptable reasons for use of additional PTO days include the following reasons:

- (1) Sick child, injured child, or hospitalized child;
- (2) Employee is sick, injured, or hospitalized;
- (3) Sick spouse, injured spouse, or hospitalized spouse;
- (4) Sick parent, injured parent, or hospitalized parent; or
- (4) A court date or jury duty.

(F) For the purposes of this Chapter 36.76, the following forms of written documentation are acceptable:

- (1) Written documentation of a healthcare provider visit; or
- (2) Written documentation from a child's school concerning student's absence.

(Reference Fire Dept. General Order 5.05)

(G) To the greatest extent possible, prior notice of PTO leave should be given, to the employee's department head. When prior notice is not possible, the employee or someone on his or her behalf shall notify the department head as soon as possible prior to the scheduled hours of work. It is preferred that such notice is given at least one (1) hour prior to the employee's starting time. (Reference Fire Dept. General Order 5.05, Section III)

(H) At the end of each year unused PTO days will be carried forward to each subsequent year; provided however, the maximum number of PTO days for a regular employee is one hundred (100) PTO days, and the maximum number of days for a firefighter is fifty (50) PTO days.

(1) For each day accumulated in excess one hundred (100) PTO days for regular employees, and for each day accumulated in excess of fifty (50) PTO days for firefighters, the City will "buy-back" the excess PTO days at the employee's then-current base rate of pay;

(2) The annual "buy-back" amount for PTO days in excess of the applicable limit will be calculated by the Clerk-Treasurer, approved by the Board of Public Works and Safety, and paid to the employee no later than February of the subsequent year.

(H) Employees may take PTO time in a minimum of one half hour increments.

(I) An employee who transfers from one department or office of the City to another shall be permitted to take his or her accumulated personal leave with him or her.

(J) All PTO days will automatically be converted to hours based upon the employee's weekly work schedule.

(K) PTO Day Donation Program. There is hereby created a PTO Day donation program, which shall operate in accordance with the following procedures:

(1) *Program Eligibility and Procedures.*

- (a) Prior to being eligible for the PTO day donation program, an employee must first exhaust all of his or her personal benefit time, including PTO days, vacation days and Comp. Time.
- (b) If an employee is utilizing FMLA leave and becomes aware that he or she will exhaust all personal benefit time prior to the end of such FMLA leave, then either the employee or the employee's department head may request PTO day donations from fellow employees.
- (c) When it appears that an employee will run out of benefit time, the human resources department will notify the department head (during employee's last fully funded pay cycle) that the employee will exhaust all benefit days within the next pay cycle. The human resources department will then suggest that the department head consider requesting PTO donations for the employee. Each year an employee may donate as many PTO days to fellow employees as he or she may desire; provided however, no employee may donate more than five (5) PTO days in one year to any individual employee.
- (e) Employees who wish to donate PTO days to other employees will be required to complete a PTO day donation form.

- (f) An employee may receive a maximum of twelve (12) weeks of donated PTO days.
- (g) Firefighters who work a 24 hour shift may only donate to other firefighters who work a 24 hour shift. Police officers who work a 12 hour shift may only donate to other police officers who work on a 12 hour shift.
- (h) City employees who are not on a 12 or 24 hour shift schedule may only donate to other city employees who are not on a 12 or 24 hour shift schedule.
- (K) Upon termination, or resignation unused PTO days will be forfeited.
- (L) Any employee who retires after a minimum of twenty (20) years of employment with the City of Greenfield or is eligible for Police/Fire pension will receive one (1) day of pay for every two (2) days of PTO he or she has remaining upon retiring.
Example: An employee has fifty (50) PTO days remaining at retirement he/ she will be paid for twenty-five (25) of those days.

§ 36.145 MILITARY OR RESERVE SERVICE.

(A) *Reserve training.* I.C. §§ 10-5-8-1, 10-5-8-2, and 36-8-5-8 require that Indiana National Guard, Defense Corps, Naval Militia, and all U.S. Armed Forces reserve component members be authorized up to 120 hours leave with pay per calendar year for training purposes.

(B) Along with requests for such leave, employees are required to submit the published order authorizing the military duty, or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete the necessary leave papers.

(C) *Active duty.* A permanent employee who is drafted or is called for active duty in the Armed Forces of the United States, the Coast Guard, Public Health Service, Civil Defense, or is drafted in the Merchant Marine Service, shall (in accordance with existing law) be entitled to re-employment after honorable discharge or discharge under honorable conditions from such services, provided the employee is physically and mentally able to do the work required, and reports for work within 90 days of such discharge, or within 90 days after he/she is released from hospitalization continuing after discharge for a period of not more than one year. He/she shall be employed in the position or a similar position to the one held at the time of entry into military service. All salary adjustments or position upgrades shall be granted to the employee upon reinstatement. In the event his/her former job no longer exists, the employee shall be employed in a capacity for which he/she is qualified at a salary comparable with the one he/she formerly received.

(D) Employee's current medical insurance benefits only, will continue while employee is on active duty. Employee will not accrue vacation, personal, or sick time during active duty.

§ 36.146 LEAVE OF ABSENCE.

(A) Leave of absence must be requested in writing and may be granted to employees with the written approval of the Board. Leave of absence may be granted for a period of up to six months and will be unpaid.

(B) During a leave of absence, the employee may retain his/her group insurance policy, but it will be the responsibility of the employee to pay the full group rate after 90 days. During the leave, the employee will not accrue time, nor will he/she be eligible for any other benefits set out herein. The employee is covered under health benefits for the first 90 days of leave.

(C) An employee on an approved leave must notify his/her supervisor of his/her intent to return to work at least two weeks in advance. The city will make every effort to place the employee in a comparable position and pay upon his/her return to work. However, there is no guarantee of being placed in the exact vacated position. The returning employee will be considered for open positions available upon his/her return. The returning employee will not be allowed to displace another employee. Failure to report for a work assignment at the designated return date specified will result in termination, unless an extension is requested and approved.

§ 36.147 FAMILY MEDICAL LEAVE ACT (FMLA).

(A) The Family and Medical Leave Act of 1993, enacted February 5, 1993, allows for “eligible” employees to request and, if approved, receive up to a total of 12 weeks of unpaid leave. The city will calculate the leave date, based upon a rolling 12-month period, measured backward from the date an employee uses any FMLA leave. FMLA can be utilized for the following four circumstances:

- (1) Because of the birth of a child of the employee and in order to care for the child;
- (2) Because of the placement of a child with an employee for adoption or foster care;
- (3) Because a spouse, parent, or child (including biological, adopted, foster and stepchildren) of the employee has a “serious health condition” that requires care by the employee; or
- (4) Because the employee suffers from a “serious health condition” that prevents the employee from being able to perform the functions of his/her position.

(B) *Service member family leave program.* This specifically provides that an eligible employee may take up to 26 weeks of FMLA leave to care for a spouse, son, daughter, parent or next of kin (“nearest blood relative”) who is a covered service member.

(1) The service member must have a “serious illness or injury” incurred while on active duty that may render the member unable to perform the duties of his or her office, grade, rank or rating and for which the member is:

- (a) Undergoing medical treatment, recuperation or therapy;
- (b) An outpatient; or
- (c) On a temporary disability retired list.

(2) This provision also defines several key terms, including “covered service member,” “next of kin” and “serious injury or illness” as it applies to a member of the Armed Forces.

(3) The FMLA care-giver leave is available only during a single 12-month period.

(C) The employee will be required to start FMLA leave at the same time he/she begins the extended sick leave.

(D) An **ELIGIBLE EMPLOYEE** is an employee that has been on the city payroll for at least 12 months, and has worked at least 1,250 work hours during the 12 months preceding the request for leave.

(E) Requests are to be made in writing to the employee's supervisor with approvals as required.

(F) In the case of leaves for the birth or adoption of a child, an employee is required to provide not less than 30 days advance notice, or as much advance notice as possible, of the intent to take leave.

(G) Employees seeking leave for a foreseeable medical treatment for himself/herself or a family member must also give 30 days' notice, or as much notice as possible, and attempt to schedule the treatment so that the leave does not unduly disrupt city operations.

(H) The city has the right to request that the medical leave be properly certified by the health care provider, and the employee is to provide such certification in a timely manner. If an employee requests a leave to care for a family member, the certification must confirm that this is necessary, and contain an estimate of the amount of time involved. When intermittent medical leave is sought, the certification must recite the anticipated dates and duration of treatment.

(I) Failure to return to work on the determined return to work day will be considered as a resignation by the employee.

(J) *Utilization of accumulated paid leave.* Employees are required to utilize accumulated paid leave for all or part of the FMLA 12-week period. Unpaid FMLA shall be authorized when all eligible accrued paid leaves have been exhausted (personal day, vacation). Family and medical leave and paid leave, for conditions that qualify under FMLA, run concurrently. The entire 12-week FMLA is not in addition to the paid leave, just any remaining portion after the paid leave time is subtracted.

Any employee who is participating in the benefit provided through the city of long term disability, will not be required to continue using paid leave once they become eligible to begin receiving their long-term disability payment. The employee will be required to request this exception in writing at the time he or she files for FMLA.

(K) *Insurance coverage during FMLA.* Employees are entitled to maintain the same health benefits during the FMLA. However, it is the employee's responsibility to make arrangements through the executive officer for his/her portion of the contribution of monthly premiums. Should an employee fail to return to work after his/her FMLA expires; the department head may recover from the employee, the city's share of health insurance premiums paid during the period of unpaid FMLA. Insurance premiums may not be recovered if the employee fails to return to work due to the continuation, recurrence, or onset of a serious health condition or circumstances beyond the employee's control.

INSURANCE COVERAGE

§ 36.160 GROUP HEALTH INSURANCE.

(A) Beginning the first day of the month following hire date, a full-time employee and his/her dependents will be eligible for coverage under the current employee group health insurance plan. The employee's share will be deducted from the employee's paycheck automatically. However, the employee will need to read the health insurance information booklet for co-payment and benefit information. It is not mandatory that employees enroll. However, employees will be given the opportunity at the time of new hire, then not again until open enrollment each year. Those employees who wish to add a spouse and/or dependents(s) to their coverage may do so during open enrollment. Newborns, new spouses, and new stepchildren must be added within the first 30 days of the birth, marriage, and the like.

(B) Employees, their spouses, or dependents who are enrolled in the city's group health insurance at the time of the employee's termination from employment (other than for gross misconduct or as the result of retirement) or because of another qualifying event, may, unless otherwise provided by law, elect to continue participating in the group health insurance plan through the Consolidated Omnibus Reconciliation Act (COBRA). In addition to termination of employment (except for gross misconduct), qualifying events include death, divorce, legal separation of marriage, and other similar change of status (example: dependent age no longer qualifies for coverage under the parent's group plan). When there is a qualifying event, the employee must notify the Clerk-Treasurer's Office within thirty (30) days of the qualifying event. The city administers the COBRA and the monthly payment/expense is paid directly to the city by the qualifying person or employee.

§ 36.161 LIFE INSURANCE.

(A) Beginning the first day of employment, all full-time employees shall be enrolled in the city's life insurance plan. This plan covers the employee only.

(B) Benefits are described in detail in the booklet provided by the current insurer.

§ 36.162 DEFERRED COMPENSATION PLAN.

(A) Employees are eligible to participate in the city's deferred compensation plan, under which he/she may defer a portion of the employee's pay.

(B) The rules for this plan are available from the Clerk-Treasurer.

§ 36.163 WORKERS' COMPENSATION.

Workers' compensation insurance provides coverage for work-related injuries and illnesses as required under the workers' compensation laws of the State of Indiana. Workers' compensation insurance covers all authorized expenses related to the treatment of a work-related illness or injury and provides "lost time benefits" when an employee must be absent from work on a workers' compensation disability leave.

(A) *Workers' compensation considered as FMLA leave time.*

(1) An absence resulting from a work-related injury or illness will be considered as FMLA leave time if the employee has worked for the city for at least 12 months and for a minimum of 1,250 hours in the immediately preceding calendar year (not including holidays).

(2) The employee will be mailed the notification that he/she is being placed on FMLA during their absence from work while on workers' compensation.

(B) *Reporting a work-related injury or illness.*

(1) Any illness or injury related to an employee's work assignment must be reported to the department head so that the necessary forms can be completed and sent with the employee prior to evaluation and treatment, if possible. The city will inform an injured employee of its approved medical facility at the time of injury.

(2) The department head or injured employee must notify the executive officer as soon as possible so that all claims and compensation can be administered properly and in a timely manner.

(C) *Compensation and benefits for an absence resulting from a work-related injury or illness and a workers' compensation disability leave.*

(1) An employee injured while on duty will be paid by the city his/her full pay starting day one of the injury. If the absence from work extends longer than 21 calendar days, the initial seven-day waiting period will be retroactively paid by the workers' compensation insurance carrier. The employee will be required to return this payment to the city.

(2) Employees injured while in a duty status will be paid the difference of their normal straight time salary and their workers' compensation insurance benefits by the city. The city will pay the employee their normal (straight time) bi-weekly paycheck. The employee will then turn the workers' compensation check over to the city to be reimbursed for the difference.

(D) *Insurance coverage.* Group health insurance coverage and other insurance benefits will continue on the same basis, as coverage would have been provided had the employee been continuously employed during the period of a workers' compensation disability leave, as long as the employee pays his/her regular portion of the premium on a timely basis. Employees must arrange with the Clerk-Treasurer's Office to pay their portion of this insurance coverage.

(E) If an employee has a secondary job and is required to be off work from his/her primary job with the city due to a workers' compensation injury, he/she will be prohibited from working the secondary job until he/she is released to return to work at his/her primary job.