

EXHIBIT

ATTACHMENT A

# CITY OF LINTON, INDIANA

## *PERSONNEL POLICY HANDBOOK*

Adopted  
August 2005

Prepared by:

— Waggoner • Irwin • Scheele  
& Associates INC  
118 S. Franklin St. Muncie, Indiana 47305  
765-286-5195/FAX 765-286-2824

CITY OF LINTON

EXECUTIVE ORDER \_\_\_\_\_

WHEREAS, the City of Linton, Indiana is an Equal Opportunity Employer; and

WHEREAS, The City of Linton, Indiana finds that it is imperative to enact a personnel policies handbook to promulgate personnel policies, procedures, and records to comply with various state and federal employment laws and regulations; and

WHEREAS, the City of Linton, Indiana has determined it is necessary to amend personnel policies from time to time; and

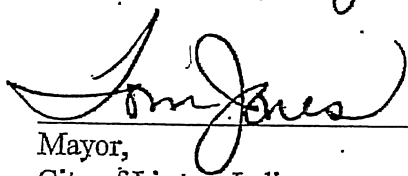
WHEREAS, the City of Linton, Indiana is committed to informing City employees and the public about working conditions, policies, and employee benefits provided by the City of Linton, Indiana; and

WHEREAS, I.C. 36-4-5-3 provides that the city executive (mayor) shall insure efficient government of the city;

NOW THEREFORE, I, Tom Jones, Mayor of the City of Linton, Indiana by virtue of the power vested in me by the laws of the State of Indiana, hereby enact the attached personnel policies handbook.

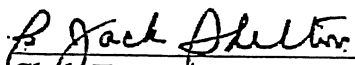
The attached personnel policies handbook shall be in full force and effect from and after this

8th day of Aug., 2005.



\_\_\_\_\_  
Mayor,  
City of Linton, Indiana

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer  
City of Linton, Indiana

# Table of Contents

## **1. PERSONNEL ADMINISTRATION**

1.1	USE AND REVISION OF PERSONNEL POLICIES HANDBOOK.....	1
1.2	EXCEPTIONS AND SPECIAL CONDITIONS.....	1
1.3	“CITY OF LINTON” DEFINED.....	1
1.4	MANAGEMENT RIGHTS.....	2
1.5	EQUAL EMPLOYMENT OPPORTUNITY.....	3
1.6	IMMIGRATION LAW COMPLIANCE.....	3

## **2. EMPLOYMENT POLICIES**

2.1	RECRUITMENT.....	4
2.2	NEPOTISM.....	4
2.3	EMPLOYMENT APPLICATIONS.....	5
2.4	APPLICANT TESTING.....	5
2.5	PRE-EMPLOYMENT INTERVIEWS.....	6
2.6	EMPLOYMENT REFERENCE AND BACKGROUND CHECKS.....	6
2.7	ORIENTATION.....	6
2.8	MEDICAL EXAMINATIONS.....	6
2.9	EMPLOYMENT CATEGORIES.....	7
2.10	PERSONNEL FILES.....	7
2.11	ACCESS TO PERSONNEL FILES.....	8
2.12	PERSONAL INFORMATION CHANGES.....	9
2.13	OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST.....	9
2.14	PERFORMANCE EVALUATION.....	9
2.15	HIPAA.....	10

### **3. SALARY ADMINISTRATION**

3.1	WORK HOURS.....	11
3.1.1	MEAL PERIODS.....	11
3.2	NORMAL WORK WEEK.....	11
3.3	TIMEKEEPING.....	11
3.4	OVERTIME.....	11
3.5	WORK TIME RESTRICTED.....	12
3.6	COMPENSATORY TIME.....	12
3.7	WAGE POLICY.....	13
3.8	JOB DESCRIPTIONS/CLASSIFICATIONS.....	13
3.9	COMPENSATION.....	14
3.10	ROUNDING.....	14
3.11	MULTIPLE POSITIONS.....	14
3.12	PAY CORRECTIONS.....	14
3.13	PAY DEDUCTIONS/GARNISHMENTS.....	14
3.14	PROBATIONARY PERIOD.....	15
3.15	EMPLOYMENT TERMINATION.....	15
3.16	RESIGNATION AND RETIREMENT.....	16
3.17	LAYOFFS AND RECALL.....	17
3.18	RETURN OF PROPERTY.....	17
3.19	EMERGENCY CLOSING.....	17
3.20	FIRE DEPARTMENT LONGEVITY.....	18

### **4. EMPLOYEE BENEFITS**

4.1	VACATION BENEFITS.....	19
4.2	PERSONAL LEAVE.....	21
4.2.1	Personal Leave for Firefighters.....	21
4.2.2	Personal Leave for Police Officers.....	21
4.3	HOLIDAYS.....	22
4.3.1	Holidays for Firefighters.....	23

4.4	BEREAVEMENT LEAVE .....	23
4.4.1	Bereavement Leave for Firefighters.....	24
4.5	EMPLOYEE INSURANCE.....	24
4.6	DEFERRED COMPENSATION.....	24
4.7	PUBLIC EMPLOYEES' RETIREMENT FUND (PERF).....	25
4.8	LEAVE OF ABSENCE WITHOUT PAY.....	25
4.9	MILITARY LEAVE.....	25
4.9.1	Annual Training .....	25
4.9.2	Active Duty/Enlistment.....	26
4.10	JURY DUTY .....	27
4.11	WORKER'S COMPENSATION .....	27
4.12	BENEFITS CONTINUATION (COBRA).....	29
4.13	FAMILY AND MEDICAL LEAVE POLICY.....	29
4.14	AMERICANS WITH DISABILITIES ACT (ADA).....	31

**5. WORKING CONDITIONS**

5.1	PRODUCTIVE WORK ENVIRONMENT .....	33
5.2	SAFETY .....	33
5.3	APPEARANCE OF WORK AREAS .....	33
5.4	USE OF TELEPHONES, FAX MACHINES, AND CITY MAIL .....	33
5.5	USE OF CELLULAR/MOBILE PHONES AND PAGERS .....	34
5.5.1	Personal Cellular/Mobile Phones and Pagers .....	34
5.5.2	City Issued Cellular/Mobile Phones and Pagers.....	34
5.6	USE OF COMPUTERS .....	34
5.7	USE OF ELECTRONIC MAIL (E-MAIL).....	35
5.8	USE OF THE INTERNET .....	36
5.9	USE OF EQUIPMENT AND VEHICLES .....	37
5.10	DRUG-FREE WORKPLACE .....	38
5.10.1	Pre-Employment Screen Policy.....	38

5.10.2	The Purpose of this Policy.....	38
5.10.3	General Policy.....	39
5.10.4	Testing.....	40
5.10.5	Employee Testing Positive.....	40
5.10.7	Police/Fire Department.....	42
5.10.8	Further Policy Revisions.....	42
5.10.9	FEDERAL MOTOR CARRIER SAFETY AND RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION REGULATIONS (Commercial Driver's License and Covered Pipeline Operations Employees Drug and Alcohol Testing).....	43
5.11	BLOODBORNE PATHOGENS.....	43
5.12	SMOKING.....	44
5.13	BUSINESS TRAVEL.....	44

## 6. PERSONAL CONDUCT

6.1	ATTENDANCE AND PUNCTUALITY.....	45
6.2	COMMISSION OF A FELONY OR UNLAWFUL ACT.....	45
6.3	GIFTS OR GRATUITIES.....	46
6.4	BUSINESS ETHICS/CONFLICT OF INTEREST.....	46
6.5	SEXUAL HARASSMENT.....	47
6.5.1	Definition of Sexual Harassment.....	47
6.5.2	Reporting a Complaint.....	48
6.5.3	Description of Misconduct.....	49
6.5.4	Time Frame For Reporting Complaints.....	50
6.5.5	Protection Against Retaliation.....	50
6.5.6	Investigating the Complaint.....	50
6.5.7	Identification of Investigators.....	51
6.5.8	False Accusations.....	51
6.5.9	Sanctions.....	51
6.5.10	Maintaining a Written Record of the Complaint.....	51
6.5.11	Prevention.....	52

6.6 WORKPLACE VIOLENCE.....52

6.7 EMPLOYEE CONDUCT.....53

7. PROBLEM RESOLUTION.....58

SEVERABILITY .....60

INDEMNIFICATION .....60

ENABLING EXECUTIVE ORDER.....60

AMENDMENTS .....60

EMPLOYEE ACKNOWLEDGMENT FORM .....61

# **1. PERSONNEL ADMINISTRATION**

## **1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK**

This City of Linton Personnel Policies Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City of Linton to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Nothing in this handbook is intended in any sense to constitute a contract of employment. The City of Linton is an "At-Will" employer. "At-Will" means the employee may resign at any time and the employer may discharge an employee at any time with or without cause.

No employee handbook can anticipate every circumstance or question about policy. As the City continues to grow, the need may arise to change policies described in the handbook. The City therefore reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

While the City believes these policies are accurate, they are only summaries, and any discrepancies between these summaries (e.g. insurance plans), shall be governed by the actual terms of the underlying, more detailed plans.

This City of Linton Personnel Policies Handbook was adopted by Executive Order by the Mayor on \_\_\_\_\_; and shall be in full force and effect upon adoption, and shall supersede and repeal existing oral or written policies in conflict with the policies herein.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

These policies apply to all City of Linton employees, except when in conflict with special employment conditions set forth by various statutes governing employment relationships, including but not limited to elected officials and sworn police officers, and collective bargaining agreements.

## **1.3 "CITY OF LINTON" DEFINED**

In this personnel policies handbook, the "City of Linton" and/or "City" shall be defined to mean Linton elected officials and department heads acting individually or in conjunction with each other within the areas of responsibility assigned to said individuals or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.



#### 1.4 MANAGEMENT RIGHTS

The City retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of the City to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement safety programs for employees.
5. The right to design and implement job training for employees.
6. The right to determine which services shall be rendered to the public and the maintenance procedures, materials, facilities, and equipment to be used.
7. The right to determine job responsibilities.
8. The right to determine and implement the objectives and goals of the City.
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue City operations, work shifts, and working hours.
10. The right to establish, modify, change, and discontinue work standards.
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action with employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions.
12. The right to determine composition of the work force, including the right to determine and/or modify the size of the work force.
13. The right to determine, establish, set, and implement policies for the selection, training, and promotion of employees in accordance with applicable law.
14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of City property and personnel.
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies.
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment.
17. The right to determine the size and character of inventories and their disposal.
18. The right to control the use of property, machinery inventories, and equipment owned, leased, or borrowed by the City of Linton.
19. The right to locate, establish, and organize new departments, divisions, subdivisions, or facilities thereof, and the right to relocate departments, divisions, subdivisions, and the ability to locate and to close and/or discontinue same.
20. The above enumerated rights of management rights are not an exhaustive list of rights granted to the City of Linton by constitution, statute, charter, or ordinance, and may be added to, amended, or modified to comport with all applicable laws and guidelines.

1.5 **EQUAL EMPLOYMENT OPPORTUNITY**

The City of Linton does not discriminate on the basis of race, color, gender, national origin, religion, age, or disability in employment or the provision of services.

All position notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

1.6 **IMMIGRATION LAW COMPLIANCE**

All applicants must cooperate with the City in its compliance with the Immigration Reform and Control Act of 1986 by providing proof of employment eligibility. Applicants who refuse to supply the documentation necessary to prove they are American citizens or aliens authorized to work in this country will be dropped from consideration for the position. Supervisors shall see that the appropriate forms (including I-9) are properly completed and returned to the Human Resources Director before the employee begins any work on behalf of the City of Linton.

## **2. EMPLOYMENT POLICIES**

### **2.1 RECRUITMENT**

Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the Mayor and designated City officials.

Basic qualifications of formal education, background, and experience shall be determined before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state, and local laws.

Open and new job opportunities shall be afforded to City employees subject to ability and job qualifications which will be reasonably determined by the City. Open and new jobs shall be posted on City work days, during which time any employee may submit an application. Whenever vacancies occur or new positions are created, this information shall be publicly posted within City facilities. The City encourages internal promotion and transfer whenever possible.

Based upon the urgency and specialization of the job requirements, newspaper and trade journal advertising and the City web page may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that the City is "An Equal Opportunity Employer."

A newly hired employee will receive a letter from the Mayor outlining terms of employment in effect at the time of hire.

### **2.2 NEPOTISM**

The City of Linton policy is to hire, promote, and transfer employees on the basis of individual merit and to avoid any hint of favoritism or discrimination in making such decisions. The employment of relatives in positions where one might have influence over the other's status or job security is regarded as a potential violation of this policy.

The employment of relatives in the same work area of the City may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

The City reserves the right to make employment status changes to comport with this policy in any manner it deems appropriate, including, but not limited to, transfer, demotion, promotion, termination, or any other necessary changes.

No person related to a City elected official or City department head or supervisor as father, mother, brother, sister, uncle, aunt, husband, wife, son, daughter, son-in-law, daughter-in-law, niece, or nephew shall be eligible for any position under the direct supervision of such relative.

This policy shall not apply if such person has been employed by the City for at least twelve (12) consecutive months immediately preceding the adoption of this policy.

No relatives, as specified above, may be placed in a direct supervisor-subordinate relationship.

This policy shall not be retroactive and shall not apply to part-time, seasonal, or temporary employees.

### 2.3 EMPLOYMENT APPLICATIONS

All applicants are required to complete a City Employment Application. This standardized job application form shall be maintained by and available in the local Work One office. Applications for employment shall request only that information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the City's Employment Application in its entirety. Applicants must account for periods of employment and unemployment.

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Placement of an employment application with the City does not mean all applicants will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for any open position.

Applications will be retained in active files for one year (12 months), or for the duration of applicant recruitment lists when used. Applications shall be returned to the Mayor's office for consideration for any open position.

### 2.4 APPLICANT TESTING

The City reserves the right to administer job related testing to assist in selecting potential employees for certain positions. Applicant tests may include, but are not limited to, basic written skills tests, medical tests, alcohol/drug screens, mechanical or physical agility, and psychological evaluations. Such tests are to be related to the requirements of the position.

## 2.5 PRE-EMPLOYMENT INTERVIEWS

Pre-employment interviews may be used to gather information and screen applicants for City employment. Initial interviews may be conducted by the department head, although the final interview is reserved for the Mayor as the official making the hiring decision.

## 2.6 EMPLOYMENT REFERENCE AND BACKGROUND CHECKS

To ensure that individuals who are employed by the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of all applicants.

For employment reference checks requested by outside employers of past or current City employees, the City will respond in writing only to those reference check inquiries that are submitted in writing.

Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No additional employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

At the discretion of the Mayor, applicants may be subject to criminal background checks.

## 2.7 ORIENTATION

Once employed by the City, the department head and Human Resources Director are responsible for orienting new employees to the City including, but not limited to:

- Providing the employee with his/her own workplace, which may include a phone, desk, and supplies;
- Introducing the employees to co-workers;
- Issuing the employee a copy of the **City of Linton Personnel Policies Handbook** along with the signed Drug and Alcohol Addendum and Employee Acknowledgment;
- Assisting the employee in starting assignments related to the position; and
- Assisting the employee in understanding work rules and policies.

## 2.8 MEDICAL EXAMINATIONS

To help ensure that employees are able to perform their duties safely, medical examinations may be required. After a conditional offer of employment has been extended during the hiring process, applicants may be required to undergo a pre-employment medical examination by a health professional of the City of Linton's choice, at the City's expense. Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave, employee illness or injury leave under FMLA, or to meet terms and conditions associated with performing job duties.

Applicants shall be required to submit to a drug test prior to being hired by the City of Linton. Information on an employee's medical condition or history shall be kept in a confidential file that is separate from other employee information by the Mayor. Access to this information shall be limited to the employee, department head of the employee, and persons designated by the Mayor on a need-to-know basis.

## **2.9 EMPLOYMENT CATEGORIES**

It is the intent of the City of Linton to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. **Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification.** Each employee is assigned to one of the following employment categories:

**REGULAR FULL-TIME** employees are those who are not in a probationary, part-time, or temporary status and who are regularly scheduled to work the City of Linton's full-time schedule of thirty-two (32) or more hours per week. Such employees are eligible for the employer's benefit package subject to the terms, conditions, and limitations of each benefit program. Employees designated as full-time upon adoption of this policy shall maintain their full-time status unless transferred to a part-time or temporary position.

**PROBATIONARY** employees are those employees who are considered regular full-time employees but have not yet completed the probationary period. Such employees are eligible for the employer's benefit package subject to the terms, conditions, and limitations of each benefit program and/or as expressly noted in this handbook.

**PART-TIME** employees are those who are not assigned to a temporary status and who are scheduled to work less than the City of Linton's full-time schedule. While they do receive certain benefits (such as worker's compensation and Social Security benefits), they are ineligible for all of the City's other benefit programs.

**TEMPORARY** employees are employees whose employment with the City is anticipated to be of comparatively short time or definitely limited in duration of hours of employment. An employee who gained employment with the City via federal, state, or City program designed to provide emergency and short-term employment, as well as seasonal positions, will be considered a temporary employee. While temporary employees receive certain benefits (such as worker's compensation and Social Security), they are ineligible for all of the City of Linton's other benefit programs.

## **2.10 PERSONNEL FILES**

The employment selection procedure shall be documented and recorded and shall remain strictly confidential. Accurate personnel records shall be kept on file for each employee for a period of not less than seven (7) years and should be used to substantiate and support the employment decision in the event of inquiry.

The City of Linton maintains three (3) separate personnel records concerning the employee's employment history.

1. **Personnel File:** The employee's personnel file shall contain the employee's employment application, I-9 Form, salary, emergency information sheet, retirement forms, educational accomplishments, change of address forms, records of training, and personnel policies handbook acknowledgment form. This file shall be maintained by the Human Resources Director. Certain documents in this file shall be deemed confidential.
2. **Administrative File:** This file shall contain documentation of performance such as performance evaluations, disciplinary records, and other documentation concerning disciplinary actions including employee complaints, absences, tardiness, administrative leaves, and other related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Human Resources Director and released only to persons on a need-to-know basis. Copies of records affecting employee compensation or benefits will be forwarded to the Clerk-Treasurer.
3. **Medical File:** The employee's medical file shall contain all medical information, including insurance enrollment and beneficiary forms, health insurance, disability information, ADA accommodations, worker's compensation documents, results of alcohol and drug tests, and other medically related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Human Resources Director. This file will be maintained pursuant to applicable HIPAA (Health Information Portability and Accountability Act) Regulations and all applicable Indiana Privacy Laws.

## **2.11 ACCESS TO PERSONNEL FILES**

Access to confidential personnel files shall be limited to the employee and other persons authorized by the Mayor on a need-to-know basis.

Personnel files are property of the City of Linton and access to the information they contain is restricted. Only officials or representatives of the City who have a legitimate reason to review information in a file are allowed to do so. With twenty-four (24) hour notice, an employee may review material in his/her file. Upon request the City will provide the employee copies of any documents contained in his/her personnel file.

**No information shall be provided to any person concerning the employment of the employee other than job title, department, date of hire, date of termination, and wages.**

## 2.12 PERSONAL INFORMATION CHANGES

It is the responsibility of each employee to promptly notify their department head and the Clerk-Treasurer of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments and other such status reports should be accurate and current at all times. **Any unreported changes in personal status may impact eligibility under the City of Linton's benefits plans.**

## 2.13 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the City of Linton. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements. Employees who are provided Family and Medical Leave Act (FMLA) leave for their personal illness or injury under the City of Linton's FMLA policy shall not be employed by outside employers when on FMLA leave; any exceptions shall be presented in writing for authorization by the Mayor.

If the City of Linton determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City of Linton as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with the City.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the City of Linton. City employees are to file a conflict of interest statement with the Clerk-Treasurer and the Greene County Clerk of the Circuit Court whenever an employee's outside business activities are directly or indirectly linked to the City of Linton in a business relationship such as vendor, supplier, contractor, or independent subcontractor.

## 2.14 PERFORMANCE EVALUATION

Supervisors and employees need to discuss job performance and goals on an informal day-to-day basis. Annual performance evaluations shall be conducted by department heads and submitted to the Human Resources Director by September 1<sup>st</sup> of each year to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. **Performance Evaluation Forms** are available from the Human Resources Director's office located in City Hall.



## 2.15 HIPAA

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) has four major administrative requirements for private and government sponsored health plans: portability, nondiscrimination, fraud and abuse, and administration simplification.

The City of Linton is compliant with applicable HIPAA requirements and standards and has established guidelines regarding the privacy of individually identifiable health information accordingly. The City has designated the Human Resources Director as the City's "privacy official" who is responsible for developing and implementing privacy policies and procedures and is the contact person who is responsible for receiving complaints regarding compliance.

All City HIPAA inquiries shall be directed to the Human Resources Director located in City Hall.

### **3. SALARY ADMINISTRATION**

#### **3.1 WORK HOURS**

Regular work hours are established by the Mayor.

##### **3.1.1 MEAL PERIODS**

Meal periods will last thirty (30) minutes and will be unpaid.

#### **3.2 NORMAL WORK WEEK**

The normal work week for regular, full-time employees shall begin on Monday at 12:01 A.M. and end on Sunday at midnight.

The normal work week for regular full-time employees shall consist of forty (40) hours within a payroll week.

#### **3.3 TIMEKEEPING**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt and exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the department head before it is performed.

Tampering with, altering, or falsifying time records, or recording time on another employee's time record shall result in disciplinary action, including discharge.

#### **3.4 OVERTIME**

Each City employee holds a position that is designated as either **NON-EXEMPT** or **EXEMPT** from federal and state wage and hour laws.

**NON-EXEMPT** employees are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws for all hours worked over forty (40) in a work week. Pursuant to the FLSA 7(k) exemption, non-exempt Firefighters are entitled to overtime pay or compensatory time off for all hours worked over two hundred and twelve (212) in a twenty-eight (28) day cycle. Non-exempt Police

Officers are entitled to overtime or compensatory time off for all hours worked over 171 in a twenty-eight (28) day cycle. For purposes of calculation of overtime, vacation time, holidays, sick leave, and compensatory time shall be calculated as time worked. Unpaid leaves will not be counted as hours worked.

**EXEMPT** employees are exempt from specific provisions of federal and state wage and hour laws and are not entitled to overtime compensation or compensatory time off under specific provisions of federal and state laws. Exempt employees must maintain time keeping records to satisfy Indiana statutes governing public employers. To be considered exempt, a position must comply with federal regulations and laws regarding exempt status.

**Overtime Pay:** Overtime pay is based on one and one half (1 ½) times the regular hourly rate which shall include the base rate plus any other pay above the base rate.

**Compensatory Time:** Compensatory time may be substituted for overtime pay and will be awarded at the same rate as overtime pay.

### 3.5 WORK TIME RESTRICTED

Non-exempt employees shall not commence any work activities in behalf of the City of Linton before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after completion of the work shift, unless specifically authorized by the department head.

### 3.6 COMPENSATORY TIME

Non-exempt, non-public safety employees will receive compensatory time on a one and a half (1½) hour basis for additional approved hours worked in excess of forty (40) in a normal work week. Public safety employees (Police, Firefighters, etc.) shall receive overtime at 1 ½ times normal pay rate, according to the FLSA 7(k) exception [212 hours in a 28-day cycle for Firefighters and 171 hours in a 28-day cycle for Police Officers]. Use of compensatory time must be determined in advance of submission of the payroll.

Non-exempt, non-public safety employees may accrue one hundred and twenty (120) compensatory time hours before monetary compensation is paid. Non-exempt, public safety employees may accrue two hundred and forty (240) compensatory time hours before monetary compensation is paid. The department head shall schedule use of compensatory time as soon as possible to avoid accrual beyond the stated limit that would require monetary payment.

The City shall provide a "Compensatory Time-Off Notice" to advise non-exempt employees of the City's compensatory time off policy.

This policy applies to all non-exempt employees of the City as determined by the designation of jobs for compliance with the Fair Labor Standards Act.

The City of Linton reserves the right to make monetary payment for any accrued compensatory time at any time.

### 3.7 WAGE POLICY

Employee wages shall be docked for violations of paid leave policies as follows:

- (A) An employee's wages shall be docked computed on an hourly basis for the unauthorized time away from work. Such shall be charged against accrued paid leave time when such time exists in the order of compensatory time, vacation time, sick time, and any other paid leave benefits.
- (B) The penalty for employees paid on an hourly wage shall be the amount of the gross hourly wage.
- (C) The penalty for employees paid a salary rate shall be computed by the normal work hours in a work week divided into the gross weekly salary to determine the hourly rate
- (D) The wages of an elected official cannot be docked, as set by law.

### 3.8 JOB DESCRIPTIONS/CLASSIFICATIONS

The City of Linton has installed and adopted a job classification system for all City jobs. It is regularly monitored and revised to reflect changes in job duties as they occur.

All City of Linton positions, except those of elected officials described by state statute, have been described in job descriptions and systematically grouped into job classes based on their fundamental similarities. City of Linton job descriptions on file in the Mayor's office and Clerk-Treasurer's office are adopted by reference to this policy.

The classifications are as follows:

<b>COMOT</b>	Computer and Office Machine Operation, Technician
<b>PAT</b>	Professional, Administrative, Technological
<b>LTC</b>	Labor, Trades, Crafts
<b>POLE</b>	Protective Occupations, Law Enforcement
<b>SO</b>	Special Occupation

New job descriptions or any modifications to existing job descriptions shall be submitted to the Mayor for approval.

### **3.9 COMPENSATION**

The annual salary ordinance of the City of Linton sets the pay rates for all positions annually. Approved pay rates generally become effective at the beginning of the next budget year, unless otherwise indicated. All appropriate City documentation shall be provided to the Human Resources Director and the Clerk-Treasurer prior to an employee being compensated.

### **3.10 ROUNDING**

Time is to be recorded to the quarter hour, using the seven (7) minute rule (i.e. leeway of seven (7) minutes before and seven (7) minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour will be paid on a quarter hour schedule and all employee work continued more than seven (7) minutes after the end of last work hour will be paid on a quarter hour schedule.

### **3.11 MULTIPLE POSITIONS**

Non-exempt employees working in more than one City position shall count the combined hours worked in more than one position in determining overtime obligations under the FLSA.

### **3.12 PAY CORRECTIONS**

The City of Linton takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Clerk-Treasurer so corrections can be made as quickly as possible.

### **3.13 PAY DEDUCTIONS/GARNISHMENTS**

The City of Linton is legally required to make certain deductions from each employee's paycheck, including federal, state, and local income taxes. The City must also deduct social security taxes on each employee's earnings.

The City offers programs and benefits which may include employee authorized pay deductions. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

Questions concerning paycheck deductions and/or methods of calculation should be directed to the Clerk-Treasurer.

### 3.14 PROBATIONARY PERIOD

The probationary period is intended to provide new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance to determine if the employee should be retained.

All new and rehired employees work on a probationary period or basis for six (6) months; except for Police Officers who shall work on a probationary basis for the first twelve (12) months after their date of hire and Firefighters who shall work on a probationary basis for the first twenty-four (24) months after their hire date.

Any significant absence will automatically extend a probationary period by the length of the absence. If the City determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, it may be extended. A probationary employee may be discharged at any time during his/her probationary period, or extension thereof, with or without cause.

An employee shall satisfactorily complete the probationary period.

During the probationary period, new employees are eligible for those benefits that are required by law, such as worker's compensation insurance and Social Security. They may also be eligible for other employer-provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements.

### 3.15 EMPLOYMENT TERMINATION

Since employment with the City of Linton is "At-Will" and based on mutual consent, both the employee and City have the right to terminate employment at any time, with or without cause.

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

**Resignation:** Voluntary employment termination initiated by an employee. Although advance notice is not required, the City requests at least two (2) weeks written notice from the employee.

**Discharge:** Involuntary employment termination initiated by the City.

**Layoff:** Involuntary employment termination initiated by the City for non-disciplinary reasons.

**Retirement:** Voluntary employment termination initiated by the employee meeting City retirement criteria as established by the Public Employees Retirement Fund (PERF).

The City schedules exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits and repayment of outstanding debts to the City or return of City-owned property. Suggestions, complaints, and questions may also be expressed. Exit interviews should be scheduled with the Mayor and Human Resources Director.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner:

All accrued, vested benefits that are due and payable at termination will be paid; unpaid portions of medical expenses will be collected by the City. Some benefits may be continued at the employee's expense, if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. An employee's termination date shall always be the last day worked, unless the employee is on an approved leave. **An employee's termination date may not be extended to include accrued and/or unused paid or unpaid time off (e.g., sick days).**

If an employee is discharged from City employment for disciplinary reasons, the employee shall not be rehired by the City in the same department or any other City department.

### **3.16 RESIGNATION AND RETIREMENT**

To resign in good standing, an employee must submit his/her notice through his/her supervisor to the department head at least two (2) weeks before the effective date of termination.

An employee absent for three (3) consecutive scheduled work days without notification of valid reason to the City, and who has no legitimate reason for not notifying the City for his/her absence, may be considered as having resigned.

### 3.17 LAYOFFS AND RECALL

Employees may be laid off or demoted for reason of lack of work or funds or the abolishment of positions. The order in which employees are laid off or demoted shall be determined in accordance with the interest of efficiency of public operations. Insofar as practicable, department heads will give at least one (1) week advance notice of a layoff or demotion. Employees who are laid off are entitled to all accrued vacation pay.

### 3.18 RETURN OF PROPERTY

Employees are responsible for all City of Linton property, materials, or written information issued to them or in their possession or control. All City property must be returned by employees on or before their last day of work. Written documentation shall be provided to the Human Resources Director. When permitted by applicable laws, the City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

### 3.19 EMERGENCY CLOSING

Periodic emergencies, such as severe weather or power failures, can disrupt City of Linton operations, sometimes requiring closing of a work facility. When such emergencies occur during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When a City work facility is officially closed by the Mayor or his/her designee for emergency conditions, before the beginning of the workday, the time off from scheduled work will be paid to full-time employees affected by the facility closing. If the employee is on paid leave they will be paid for leave time, but not paid for the emergency closing.

Any employee who reports to work and the facility is later closed due to an emergency after his/her arrival shall be paid for a full work day without being penalized by using vacation, personal days, compensatory time, or by making up this time within the pay period. However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged to sick leave, vacation, personal days, compensatory time, or time without pay.

Emergency closings may affect singular City facilities and the closing of one City facility does not apply to all City facilities. For example: *City Hall may be closed due to a power outage and affected employees will be covered as described in this policy. Employees working at City facilities other than City Hall that remain open will not be covered by this policy.*



3.20 FIRE DEPARTMENT LONGEVITY

All employees of the Fire Department irrespective of rank shall receive additional compensation based on the length of service with the said department according to the following schedule:

5-8 years of service	\$50 per year
9-15 years of service	\$55 per year
16-20 years of service	\$65 per year
20 years and above	\$70 per year

The maximum amount of longevity pay shall not exceed \$1200.

## **4. EMPLOYEE BENEFITS**

The City of Linton provides a wide range of benefits to eligible employees. Some benefit programs (such as social security, worker's compensation, and unemployment insurance) are required by law and are administered according to the applicable statutes. Other benefits are awarded based on the belief of the City that providing employee benefits is a positive force in attracting, retaining, and rewarding the best qualified personnel.

Eligibility for benefits depends on a variety of factors, many of which are described in benefits plans. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

Some benefit programs may require contributions from the employee, but most are fully paid by the City.

### **4.1 VACATION BENEFITS**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees are eligible to earn and use vacation time as described in this policy. Years of service are based on full-time continuous employment.

The calculation for vacation time is based on an employee's anniversary date of hire. Eligible City of Linton employees shall accrue vacation days on their anniversary date-of-hire as follows:

#### **GENERAL EMPLOYEES**

<u>Service Time Completed</u>	<u>Vacation Earned</u>
After 6 months	1 week (5 days)
After 1 year	2 weeks (10 days)
After 7 years	3 weeks (15 days)
After 14 years	4 weeks (20 days)
After 20 years	5 weeks (25 days)

#### **POLICE OFFICERS**

<u>Service Time Completed</u>	<u>Vacation Earned</u>
After 6 months	1 week (5 days)
After 1 year	2 weeks (10 days)
After 11 years	3 weeks (15 days)

## **FIREFIGHTERS**

### Service Time Completed

After 1 year  
After 9 years  
After 15 years  
After 21 years

### Vacation Earned

2 weeks (6 days)  
3 weeks (9 days)  
4 weeks (12 days)  
5 weeks (15 days)

*For Firefighters, one week of vacation is recognized as three consecutive duty days.*

All employees are requested to take their annual vacation leave within the calendar year in which it was earned. An employee may carryover unused vacation to the following calendar year, but it must be used within the first quarter of the new year. If an employee is unable to take their vacation time, the employee shall receive payment for the unused vacation days at the employee's regular straight time pay rate.

To take vacation, employees should request advance approval (as soon as possible) from their supervisors. Vacation requests will be approved based on a number of factors, including performance, impact on department efficiency, business needs, and staffing requirements. In the event of employee conflict resulting in multiple requests for the same vacation time, requests received before March 1<sup>st</sup> of each year will be approved in order of employee seniority.

Upon termination of employment, employees are entitled to payment for the unused balance of their accrued vacation time.

Vacation time shall be taken in no less than eight (8) hour increments and must be scheduled in advance and approved by the employee's department head. Firefighters may take vacation time in a minimum of one (1) shift increments.

No vacation shall accrue while an employee is on an unpaid leave of absence, except for Family and Medical Leave Act leave and Military Leave as specified in this policy. No temporary employee or part-time employee is eligible to accrue vacation. Vacations may not be taken in advance of having earned them and only current employment time shall be used in computing vacation time.

Any employee who returns to work after being off for a period of thirty (30) days or more for a workmen's compensation injury must work thirty (30) consecutive business days before he/she will be entitled to use any accumulated vacation time.

Vacation time off is paid at the employee's regular straight time rate at the time of vacation.

In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.

**AN EMPLOYEE'S TERMINATION DATE MAY NOT BE EXTENDED TO GAIN ADDITIONAL ACCRUED AND UNUSED VACATION TIME.**

**4.2 PERSONAL LEAVE**

After the first year of employment, eligible full-time employees excluding Firefighters shall receive personal days as follows:

Police, specified per contract	Six (6) days
Fire, specified per contract	Four (4) days
All other City employees, per union agreement	Twelve (12) days
All non-union full-time employees	Six (6) days (accrued one (1) day every two (2) months)

Personal days not used by December 31<sup>st</sup> of each year may be carried over from one year to the next. Personal days can accumulate up to a maximum of thirty (30) days. Employees with unused personal days may elect payment for unused personal days at fifty dollars (\$50.00) per day, with payment due in February of the following year. Personal days for non-union employees accrue at a rate of one (1) day per two (2) months of employment.

Unless an emergency exists, the department head must receive a request forty eight (48) hours in advance of the day the employee would like to use paid personal time off. Upon termination, pay for unused personal days will be included in the employee's last regular paycheck at the rate of fifty dollars (\$50.00) per day.

Use of personal days shall be subject to department head approval, based on staffing requirements and business needs of the department. Personal days may be used in four (4) hour increments, except in an emergency.

Employees using personal days for personal illness or for the care of a family member as described under the Family and Medical Leave Act may be required to provide a physician's certification for any illness or injury that exceeds three (3) days.

**4.2.1 Personal Leave for Firefighters**

Each Firefighter shall accrue four (4) paid duty days off for personal leave per year. Utilized personal leave will be deducted at the rate of twenty four (24) hours per duty day. Firefighters may not carry over these days from one year to the next. Firefighters are requested to contact the Chief at least one (1) hour before the scheduled beginning of their regular scheduled work shift. In the event that the Firefighter is unable to make contact with the Chief, he/she must notify his/her commanding officer, fire station, or city hall.

#### **4.2.2 Personal Leave for Police Officers**

Each Police Officer shall accrue four (6) paid duty days off for personal leave per year. Utilized personal leave will be deducted at the rate of twenty four (24) hours per duty day. Police Officer may not carry over these days from one year to the next. Police Officer are requested to contact the Chief at least one (1) hour before the scheduled beginning of their regular scheduled work shift. In the event that the Police Officer is unable to make contact with the Chief, he/she must notify his/her commanding officer, police station, or city hall.

#### **4.3 HOLIDAYS**

Each year the schedule of holidays will be determined by the Mayor and is subject to change upon his/her approval.

The following are legal holidays for all purposes in the City of Linton and are designated official paid holidays for City employees, except Police Officers and Firefighters:

New Year's Day  
Memorial Day  
Independence Day  
Labor Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve  
Christmas Day

In addition to the holidays listed above, an employee's birthday is considered a holiday for the individual employee.

In the event a recognized holiday falls on a Saturday, the observed holiday will be the preceding Friday. In the event a recognized holiday falls on a Sunday, the observed holiday will be the following Monday.

Calculation of holiday pay will be based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee otherwise would have worked on that day.

If an eligible employee works on a recognized holiday, he/she will receive holiday pay, which is calculated at the rate of two (2) times the employees straight time rate for the hours actually worked on the holiday.

Holiday pay will not be paid in advance of holiday time earned.

#### 4.3.1 Holidays for Firefighters

Firefighters shall earn five (5) paid holidays per year and the City of Linton shall pay each Firefighter and additional \$100.00 for each holiday worked. Some Firefighters will not be able to avoid being on duty on recognized holidays. Only employees who are required to work will receive the additional compensation. Seniority and Departmental procedures shall prevail. All holiday schedules are the responsibility of the Fire Chief. The Holidays will include:

New Years Day (January 1st)  
Labor Day, the first Monday in September  
Thanksgiving Day, the fourth Thursday in November  
Christmas Day, December 25<sup>th</sup>  
The employee's birthday

#### 4.4 BEREAVEMENT LEAVE

Full-time regular employees are entitled to paid bereavement leave. An employee wishing to take time off for the death of a family member should notify his/her department head and the Mayor immediately.

Eligible employees may receive up to a maximum of three (3) regularly scheduled working days. Two (2) of these days must be consecutive and in conjunction with the date of death or the funeral, with an additional one (1) day to be used at the employee's discretion. Such bereavement leave days are intended for use in conjunction with the death of the employee's father, mother, husband, wife, child, brother, sister, grandchild, grandparent, spouses's grandparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or any person living in the employee's same household.

Employees will be granted unpaid bereavement leave for the death or funeral of an employee's aunt or uncle. Such time may be charged against vacation time or personal leave.

Any other absence in connection with funerals of other relatives or friends shall be excused without pay at the discretion of the Mayor or may be charged against vacation time or personal leave, up to a maximum of two (2) weeks.

Additional time for travel to and from the funeral site and for other necessary funeral duties may be granted upon request, but will be charged against unused vacation or personal leave.

#### **4.4.1 Bereavement Leave for Firefighters**

Firefighters are governed by the same policy regarding bereavement leave as other full-time City employees, however, Firefighters shall receive one (1) day in conjunction with the date of death or the funeral, with an additional one (1) day to be used at the employee's discretion for the death of a father, mother, husband, wife, child, brother, sister, grandchild, grandparent, spouses's grandparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or any person living in the employee's same household.

Paid bereavement leave is intended to be used for days in which a Firefighter otherwise would be scheduled to work.

#### **4.5 EMPLOYEE INSURANCE**

The City of Linton provides certain insurance programs for employees in a full-time position eligible for such benefits, and other employees and retirees as designated by the Mayor or specified in the insurance handbook. A portion of the annual premiums are paid by the City. Employees may be charged a portion of insurance costs.

Each employee shall receive an insurance handbook describing all benefits upon completion of their orientation interview. The terms and conditions specified in such plans shall govern coverages. Group insurance benefits will continue while an employee is on disability leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

For additional information concerning specific insurance programs, contact the Human Resources Director.

All insurance plans are subject to available City funds.

#### **4.6 DEFERRED COMPENSATION**

The City of Linton offers a voluntary deferred compensation program to eligible employees. Employees interested in participating should contact the Clerk-Treasurer's office.

#### 4.7 PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)

Eligible City employees are covered by PERF, a retirement program established and maintained by the State of Indiana. PERF pays benefits to cover workers or their dependents upon retirement, death, and, in certain cases, serious illness or injury. The City contributes a percentage of employees' gross wages for deposit in an annuity savings account. The contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. PERF's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the City based on an employee's length of employment, average salary, and age at retirement.

**Questions concerning the program should be directed to: Deputy Clerk-Treasurer or other City officials as designated by the Mayor and/or the Public Employees' Retirement Fund of Indiana.**

#### 4.8 LEAVE OF ABSENCE WITHOUT PAY

Full-time employees who have completed the probationary period may apply in writing to their department head and the Mayor for an unpaid leave of absence. Such leave may not exceed twelve (12) consecutive months. During such period, personal leave, vacation leave, or any other paid leave shall not accrue, and such employee shall not receive compensation for designated holidays. Employees granted such leave shall be required to pay the employee share of any insurance coverages

Authorization for such leave shall be by the department head and the Mayor. The Mayor retains the authority to place an employee on unpaid leave.

#### 4.9 MILITARY LEAVE

A military leave of absence will be granted to all full-time City employees to attend scheduled drills or training, or to respond to call to active duty with the U.S. armed services.

##### 4.9.1 Annual Training

Employees with appropriate military orders will be granted paid leave for annual training for Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to civilian (City of Linton) and military pay up to fifteen (15) days per year. Such military leave will not be charged against an employee's vacation time, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the annual training period.



Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

#### 4.9.2 Active Duty/Enlistment

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

If an employee's health plan coverage would terminate because of an absence due to uniformed service, the person may elect at his/her own cost to continue the health plan coverage for up to eighteen (18) months after the absence begins, or the period of service, whichever is shorter.

Upon returning from military leave of absence an employee will be reinstated to a City position provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to undergo a medical examination by medical provider(s) paid for by the City.

Employees on such leave must notify the City of the intent to return to employment in accordance with all applicable state and federal laws.

#### 4.10 JURY DUTY

The City of Linton encourages employees to fulfill their civic responsibilities by serving jury duty when required. Regular full-time employees shall receive regular pay for jury duty.

Employees must provide a copy of the jury duty summons to their department head and the Clerk-Treasurer as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence and process payments. Of course, the employee is expected to report for work whenever the court schedule permits.

Either the City or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

The City will continue to provide health insurance benefits for the full term of the jury duty absence.

Accrual for benefits calculation, such as vacation, sick leave, or holiday benefits, will not be affected during jury duty leave.

#### 4.11 WORKER'S COMPENSATION

The City of Linton provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period. While on worker's compensation disability, the City will continue to pay the employee's insurance. All other benefits will be suspended until the employee returns to work. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Any employee who sustains a work-related injury or illness should inform his/her department head immediately within 24 hours. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. If the employee has a life threatening condition, he/she should proceed directly to the nearest hospital or medical facility.

**Employees should contact the Deputy Clerk-Treasurer or Human Resources Director to obtain information and forms regarding filing worker's compensation claims. Medical certifications are required. Once completed, all such forms are to be filed directly with the Deputy Clerk-Treasurer or the Human Resources Director, NOT with the insurance carrier.**

As specified by Indiana worker's compensation statutes, when a compensable injury renders an employee unable to work, compensation for lost wages is paid starting on the eighth (8<sup>th</sup>) day. However, on the twenty-second (22<sup>nd</sup>) day of disability the employee will receive compensation for the first seven (7) days.

The first weekly installment of compensation is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment is due, the employer/carrier must tender to the employee an Agreement of Compensation, along with compensation due.

If however, the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

Certain injuries are excluded from worker's compensation coverage (e.g. employee intoxication, self-inflicted injuries, failure to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, knowing failure to perform a statutory duty). Neither the City or the insurance carrier will be liable for the payment of worker's compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored or not-sponsored by the City.

While an employee is on worker's compensation leave, he/she shall not be engaged in outside employment.

Holiday pay will not be paid in addition to major illness/injury in-line-of-duty leave pay.

During worker's compensation leave employees are required to check in every week with the Deputy Clerk-Treasurer or Human Resources Director to give him/her an update as to his/her condition. Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

Any employee who returns to work after being off for a period of thirty (30) or more days due to a workmen's compensation injury, must work thirty (30) consecutive business days before he/she will be entitled to take any accumulated vacation time.

Worker's compensation leave is designated as Family and Medical Leave Act (FMLA) leave beginning with the first day of leave. All such leave time used counts against the employee's twelve (12) week FMLA entitlement.

#### **4.12 BENEFITS CONTINUATION (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus an administration fee.

The City or agents acting in behalf of the City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

#### **4.13 FAMILY AND MEDICAL LEAVE POLICY**

The Family and Medical Leave Act provides eligible employees, with up to twelve (12) weeks of unpaid leave for their own serious illness, the birth or adoption of a child, or the care of a seriously ill child, spouse, or parent. An employee shall use any accrued paid sick, personal, compensatory time, or (vacation leave accrued above 14 days) for any part of the 12-week period under the City FMLA policy. Employees are not required to use accrued vacation leave under 14 days, but may use such time at their discretion.

Benefits, such as vacation, paid personal leave, or holidays, will accrue during family/medical leave.

For an employee to be eligible for family medical leave, he or she must have been employed by the City for at least one (1) year and worked 1,250 hours within the previous 12-month period.

In addition, any employee who completes a period of leave will be returned either to the same position the employee was in prior to the leave, or to a position equivalent in pay, benefits, and other terms and conditions of employment.

For purposes of calculating employee entitlement for subsequent FMLA leaves, the "12-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee would be entitled to twelve (12) weeks of leave during the year beginning on the first date FMLA is taken (e.g. March 5, 2005); the

next 12-month period would begin the first time leave is taken after completion of that 12-month period ending (e.g. March 4, 2006).

When an employee plans to take family or medical leave, the employee is required to give the City thirty (30) days written notice or, if this is not possible, as much notice as is practical.

An employee undergoing planned treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to City operations.

**The provisions of this policy shall be governed by The Family and Medical Leave Act of 1993. All requests for FMLA leave must be submitted, in writing, to the Mayor to make a determination. Such requests shall be supported by medical certification on FMLA forms provided by the City. Employees should contact the Mayor to secure such forms and procedures used for requesting leave under the City of Linton's Family Medical Leave Act policy. A determination for granting or denying a FMLA leave will be delayed until medical certifications are provided by the employee.**

The City requires medical certification to support a claim for leave for an employee's serious illness or injury; or the serious illness or injury of a child, spouse; or employee's parent. For an employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. The City reserves the right to require a second medical opinion from an independent medical provider. The City will pay for the second opinion and will designate a provider. If the two opinions conflict, a third medical opinion may be sought, the City will pay for the third opinion. The opinion of the third medical provider is final and binding on both the City and the employee.

For leave to care for a seriously ill or injured child, spouse, or employee's parent, the certification must include an estimate of the amount of the employee's time that will be needed to care for the child, spouse, or parent. The City reserves the right to require a second medical opinion from an independent medical provider. The City will pay for the second opinion and will designate a provider. If the two opinions conflict, a third medical opinion may be sought, the City will pay for the third opinion. The opinion of the third medical provider is final and binding on both the City and the employee.

The City may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work. The employer may consider an employee failure to report to work at the end of the leave period as the employee's voluntary resignation.

In situations where both husband and wife both work for the City and the FMLA is requested and approved to care for a newborn child or a child newly placed for adoption or foster care the husband's and wife's combined total leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

Any health plan, including self-insured plans, provided by the City will be continued for the employee on Family and Medical Leave on the same terms as such coverage would have been provided if the employee had continued his or her work during the period that he or she was on leave covered by the FMLA. City employees are responsible for paying their share of the premium costs while on FMLA leave. If the employee fails to return to work, he or she shall repay the City's portion of the premium costs.

**While an employee is on FMLA, he/she shall not be engaged in outside employment; any exceptions shall be approved in advance of taking FMLA by the Mayor.**

#### **4.14 AMERICANS WITH DISABILITIES ACT (ADA)**

It is the policy of the City of Linton that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of the City. 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 this organization to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, then the person is not qualified for the position.

The City will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.

Accommodations may not create an undue hardship for the City of Linton or other employees.

An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected or retained in the position. A **Conditional Offer of Employment form** is available for use in the Human Resources Director's office.

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, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "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 are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the City ADA Coordinator designated as the Human Resources Director on how the City might better meet the needs of individuals with disabilities pursuant to this policy.

Employee requests for an accommodation under the City's ADA policy shall be submitted in writing on ADA forms (**Reasonable Accommodation Request form**) available in the Human Resources Director's office. The City requires medical certification to support a request of reasonable accommodation on the organization's **Medical Review form** available in the Human Resources Director's office. It shall be the responsibility of the employee to submit such forms in a timely manner.

The City reserves the right to require a second medical opinion from an independent medical provider. The City must pay for the second opinion. If the two opinions conflict, the City may seek and pay for a third medical opinion that will be final and binding on both the City and the employee.

Based on the medical information provided, the City will evaluate what, if any, reasonable accommodation may be extended to the employee. A determination for granting or denying a reasonable accommodation will be delayed until medical certifications are provided by the employee.

Any employee who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the "Americans with Disabilities Act" (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the City of Linton Human Resources Director, who is the ADA Coordinator, located at City Hall, 86 South Main Street, Linton, IN 47441.

## 5. WORKING CONDITIONS

### 5.1 PRODUCTIVE WORK ENVIRONMENT

It is a policy of the City of Linton to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

### 5.2 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of the City and employees from all levels of the organization. The City shall take all reasonable steps to ensure a safe environment and compliance with federal, state, and local safety regulations. All employees should report for work in an alert, fit condition and able to effectively perform assigned position duties.

Employees are expected to obey safety rules and to exercise caution in all their work activities. Employees shall immediately report any unsafe conditions to their supervisor. Employees need not fear retaliation for reporting safety hazards. Not only supervisors, but employees at all levels of the organization are expected to correct unsafe conditions as promptly as possible. Employees who engage in unsafe work habits or violate safety standards may be subject to disciplinary action, up to and including discharge. **ALL accidents that result in injury must be reported immediately to the department head, and to the Mayor within twenty-four (24) hours or less, regardless of how insignificant the injury may appear.** Such reports are necessary to comply with laws and to initiate insurance and worker's compensation procedures.

### 5.3 APPEARANCE OF WORK AREAS

The City expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. Employees are responsible for maintaining the cleanliness of non-work areas that are used by employees, such as meal and break areas. This policy applies to all employees.

### 5.4 USE OF TELEPHONES, FAX MACHINES, AND CITY MAIL

Personal telephone calls should be limited in frequency and duration. Personal use of telephones and FAX machines for long-distance and toll calls is not permitted, except for emergencies. For any emergency personal use employees shall reimburse the City for all long-distance and/or toll charges.



To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail or other delivery packages at the workplace. Any personal use of City postage must be reimbursed.

## **5.5 USE OF CELLULAR/MOBILE PHONES AND PAGERS**

The use of a cellular/mobile phone while driving may present a hazard to the driver, other employees, and the general public. Employees shall exercise caution and adhere to all applicable motor safety laws if using a City issued cellular/mobile phone while driving, or using a personal cellular/mobile phone while driving a City owned vehicle.

### **5.5.1 Personal Cellular/Mobile Phones and Pagers**

Personal cellular/mobile phones and pagers are disruptive in the workplace. The use of personal cellular/mobile phones and/or pagers during office hours is prohibited except for emergency purposes, such as injury or illness involving transport to a hospital. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others. Employees using cellular/mobile phones or pagers during office hours will be subject to appropriate disciplinary action.

### **5.5.2 City Issued Cellular/Mobile Phones and Pagers**

Any cellular/mobile phone and/or pager issued by the City to an employee for business purposes should be turned off during meetings and training courses, except in circumstances where it is absolutely necessary to take an urgent business phone call. In these circumstances, it is courteous to alert others in attendance to the fact that such a call is expected.

City of Linton employees that are issued City owned cellular/mobile phones may use their phones off duty for personal phone calls provided that the total monthly usage does not exceed that of the purchased phone plan. Any phone minutes exceeding the monthly plan, whether personal or for business use, shall be paid by the employee.

## **5.6 USE OF COMPUTERS**

Computers, computer files, hardware, and software are the property of the City of Linton, intended for business use and job related purposes. Employees should not use City computer equipment without authorization. Personal use of such equipment and software should be limited in frequency and duration.

The City of Linton purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on multiple machines according to software license agreements. The City prohibits the illegal duplication of software and its related documentation. No licensed software may be installed on City computers that has not been authorized by the City, and/or is not property licensed to the City. City employees who make, acquire, or use unauthorized copies of computer software are violating federal copyright law and are subject to the disciplinary action, up to and including termination.

Users should not alter or copy a file belonging to another user without first obtaining permission. The ability to read, alter, or copy a file belonging to another user does not imply permission to read, alter, or copy that file.

All material downloaded from the Internet or from computers or networks that do not belong to the City MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their department head in the scanning process.

The City of Linton maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by employees and reviewing e-mail sent and received by employees.

#### **5.7 USE OF ELECTRONIC MAIL (E-MAIL)**

The e-mail system is the property of the City of Linton, intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. Employees should exercise the same care in drafting e-mail, communicating in chat groups, and posting items to news groups as they would for any other written communication.

The City strives to maintain a workplace that is free of harassment and sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually-explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect to others.

Unnecessary use of electronic communication systems hinders their performance. Chain letters, jokes, and messages sent to large lists of employees create clutter in computer systems wasting time and space. The receipt and forwarding of messages originating outside the network can expose systems to crippling computer viruses that can unduly hinder the system's performance and/or capacity, as well as waste time in clean-up and repair.

E-mail may not be used to solicit others for commercial venture, religious or political causes, outside organizations, or other non-City business matters.

Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on a City of Linton computer or through City of Linton provided Internet access under the Electronic Communications Privacy Act, and any other state or federal law regarding e-mail and Internet use. Employees do not have a personal privacy right in any matter created, received, or sent from the City e-mail system. The electronic mail system may be monitored when City of Linton deems it necessary to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed.

E-mail from or to an attorney representing the City must include the following header on each page: "ATTORNEY-CLIENT PRIVILEGED/DO NOT FORWARD WITHOUT PERMISSION."

## 5.8 USE OF THE INTERNET

Employees may be provided access to the Internet to assist them in the performance of their duties. Personal use of the internet during work hours on City of Linton provided equipment should be limited in frequency and duration and may not interfere with work assignments. Usage of City of Linton provided internet services is limited to employees unless specifically authorized by the Mayor.

The Internet is a worldwide network of computers containing millions of pages of information and many diverse points of view. Because of its global nature, users of the Internet may encounter material that is inappropriate, offensive, and in many instances, illegal. The City cannot control the availability of this information or restrict access to it. Employees are notified that they are responsible for the material they review and download on the Internet. The City will not be responsible for any damages, direct or indirect, arising out of the use of Internet resources.

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited. Employees encountering such material should report it to their department head.

Employees may not use City Internet resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use.

Employees may not disseminate City property or confidential information via the Internet.

Because of export restrictions, programs, or files containing encryption technology are not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from the City.

Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property and online activity.

## **5.9 USE OF EQUIPMENT AND VEHICLES**

City of Linton equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. City equipment use shall be limited to City business, any exceptions shall be approved by the Mayor in advance of use. When using City property, including City telephones, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Contact your supervisor with any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees operating City vehicles shall maintain the ability to legally operate assigned vehicles. Employees who operate City vehicles are required to notify their department head and the Mayor in the event that their driver's license is suspended or revoked. An employee's failure to notify their department head and the Mayor of a driver's license suspension or revocation is subject to disciplinary action, up to and including discharge.

All employees who use their private vehicle for City business shall have on file in the Mayor's office a copy of a valid driver's license and proof of liability insurance coverage. Failure to comply with this policy is subject to disciplinary action up to and including discharge.

Each occupant of a City or personal vehicle while on City business must wear appropriate seat belts. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a City vehicle or personal vehicle for City business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

Except for official City business, or as provided in any special policies or procedures that supersede this policy, City owned vehicles shall not be driven out of a twenty (20) mile radius of the City, unless authorized by the department head and the Mayor.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge.

## **5.10 DRUGS AND ALCOHOL POLICY**

It is the policy of the City of Linton to provide a safe working environment for all city employees, inclusive of safety sensitive positions, employees who drive City vehicles or drive their own vehicle for city business, and for fire and law enforcement personnel. It is also this City's policy to assist employees who have a problem with drug and alcohol abuse. Our goal is to eliminate the abuse, not to eliminate the abuser. Our goal is to help, not apprehend.

### **5.10.1 Pre-employment Screen Policy**

As a final step in the employment process, all applicants who are conditionally considered for employment and those former employees who are to be reinstated for employment after layoff or a leave absence will be required to submit to a drug screen test. For any employee who transfers to a department where drug testing is required to have testing performed, and any employee who is promoted to a department where drug testing is required, and where having a positive drug test result will have the promotion withdrawn, Drug and Alcohol Rehabilitation will be offered at the employee's expense. Refusal to submit to any drug and alcohol test shall result in denial of employment. If the applicant or former employee tests positive, employment or re-employment will be denied.

### **5.10.2 The Purpose of the Policy**

1. To establish and maintain a safe and healthful working environment for all employees;

2. To ensure the reputation for the City of Linton and its employees within the community;
3. To reduce the number of accidental injuries to persons or property;
4. To reduce absenteeism, tardiness, and improve productivity; and
5. To provide rehabilitation information assistance for any employee who seeks such help.
6. To comply with the United States Drug-Free Work Place Act.

The City regrets any inconvenience or problems that the policy may cause, but believes that the overall benefit to the City and the employees make it both necessary and helpful.

### **5.10.3 General Policy**

The following is the City's policy concerning substance abuse, which will be enforced uniformly with respect to all employees, as indicated.

1. All employees are prohibited from being under the influence of alcohol or illegal drugs during work hours.
2. The manufacture, use, misuse, abuse, sale, possession, transfer, or purchase of illegal drugs or controlled substances on or in the City property or while on duty or performing City business is prohibited and will subject the employee to immediately being terminated.
3. Any employee who commits an unlawful act involving illegal drugs, alcohol, or controlled substances on or off City premises or whose conduct discredits the City in any way, will be immediately terminated.
4. No alcoholic beverage will be brought or consumed on the job site. Employees may be tested randomly, post-accident, or for probable cause, at the discretion of the City. Anyone with a BAC of .02 - .0399 will be considered positive.
5. No prescription drug will be brought onto City premises by any person other than the one for whom it is prescribed. Such drugs will be used only in the manner, combination, and quantity prescribed.

6. As a continuing condition of employment, each employee agrees to abide by the terms of this policy. Employees shall notify the City of any drug conviction in a Court of competent jurisdiction involving alcohol, illegal drugs, or controlled substances no later than five (5) days after conviction. The city will subject the employee to the same disciplinary procedures as those employees who test positive under drug screening procedures.

#### **5.10.4 Testing**

All employees will be required to submit to a drug screen test as a condition of employment:

1. Each employee will be tested for drugs and alcohol; (a) after a work-related accident; (b) if the employee has been observed using substances that are suspected to be prohibited substances on the job; (c) if the employee exhibits a significant and prolonged reduction in productivity; (d) if the City has reasonable cause for testing the employee. The City may perform baseline testing on all employees, or by department at any given time.
2. Each employee will be tested for drugs and alcohol when such employee is involved in a vehicular accident. The test should be done as soon as possible following the accident.
3. The City may conduct RANDOM drug and alcohol testing of employees at any time with or without cause or suspicion in order to assure compliance with its drug-free work place policy.
4. An employee returning from a Leave of Absence may be required to "RETEST".
5. An employee who alters a specimen, or who fails or refuses to submit to testing when requested to do so, shall be subject to immediate termination.

#### **5.10.5 Employee Testing Positive**

Employees who test positive are subject to immediate disciplinary action including termination, but may be allowed to continue employment on conditions based on the following terms:

1. The employee agrees to participate in counseling in a certified rehabilitation program and successfully completes the program.

2. The employee agrees to and does remain drug and alcohol free during the conditional employment period.
3. The employee agrees to routine, periodic, and unscheduled drug screening and alcohol tests to ensure that the employee remains drug and alcohol free.
4. The cost of a rehabilitation program and subsequent drug tests (6 during a calendar year) will be payable by the employee.
5. A second positive test will be grounds for immediate termination.
6. All positive test results will remain in your personnel file as long as the City employs you.

#### **5.10.6 Prescription Drugs**

Employees taking prescription drugs must adhere to the following procedure:

1. If you are taking any prescription medication that may affect your ability to perform your duties and work responsibilities, you must notify the immediate supervisor prior to the commencement of the work shift. Warning labels normally appear on the prescription bottle and state exactly what, if any, side effects there may be. As an example, and not meant as a limitation, "May cause drowsiness," "May cause dizziness," "May cause periodic nausea," "Use caution while operating machinery," "Use caution when driving," or any other warning, caution, or description of side effects that may affect your ability to perform your work duties must be disclosed before you begin your work shift so that your work responsibilities may be assigned or reassigned to take into account your medical condition. **YOU ARE NOT REQUIRED TO STATE THE NAME OF THE MEDICATION, THE DOCTOR WHO PRESCRIBED IT, OR THE REASON IT HAS BEEN PRESCRIBED,** in accordance with the Patient Privacy Laws under HIPAA (Health Insurance Portability and Accountability Act), and all applicable Indiana Privacy Laws.

The only time that you may be asked to identify what medication(s) you are taking is during reasonable assessment of a serious reaction to the medication, during medical treatment for an accident or injury, or for purposes of determining what medication was prescribed to you after a drug or alcohol test has been performed and a positive result would require reprimand or disciplinary action. At that time, you will be asked privately, by the testing agent or agency, what, if any, prescription medication you



are currently taking, and you will be required to show proof that the prescription medication was prescribed to you.

2. Carry the medication in the original prescription container with no more than the necessary dosage required for the work shift. Your Pharmacist will provide you with an extra empty bottle upon request so that you will not be susceptible to criminal charges for transporting medication in a non-prescribed container.
3. Failure to abide by the provisions of this section on Prescription Drugs shall subject the employee to disciplinary action, including termination.

#### **5.10.7 Police/Fire Department**

Any law enforcement officer or firefighter exposed to drugs in the line of duty should immediately notify the superior officer. Any officer who is under cover, and whose identity may be compromised by presenting for testing, or who may be involved in a drug-related investigation, will be exempt from this policy, but only during the period of time such officer is performing under cover duties.

HOWEVER, when practicable, if the under cover officer is not involved in a narcotics-related investigation, and identity will not be compromised, mere status as "under cover" does not preclude officers from being tested if probable cause exists that the officer is misusing, manufacturing, selling, trafficking in, purchasing, using, or abusing drugs or alcohol.

#### **5.10.8 Further Policy Provisions**

1. All employees who test positive for drugs and/or alcohol, which includes pre-employment testing, probable cause testing, random testing, and post-accident testing, shall be responsible for the cost of the test, including any (GCMS) conformation testing.
2. Any employee who tests positive and is sent for Substance Abuse Professional Evaluation, shall be required to pay for the return to duty tests. The cost of follow-up testing requested by the Department of Transportation and/or the City will be paid for by the employee and shall be deducted from the employee's paycheck.
3. The City will pay for all drug and alcohol tests performed concluding with a negative result.

**5.10.9 FEDERAL MOTOR CARRIER SAFETY AND RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION REGULATIONS (Commercial Driver's License and Covered Pipeline Operations Employees Drug and Alcohol Testing)**

This policy shall apply to an employee who is required to hold a commercial driver's license in order to operate a vehicle or equipment, and/or an employee who performs operations, maintenance, or emergency response functions on a pipeline as part of his/her employment with the City of Linton.

The City of Linton has instituted this policy to provide a healthy and safe work environment for its employees and to ensure the safety of the public. The provisions of this policy are established to address the use and possession of alcohol, Schedule I Controlled Substances, physician-prescribed medications, and over-the-counter medications by employees in positions that have been classified as "safety-sensitive."

It is the policy of City of Linton to comply with and abide by all laws and regulations that have been established by 49 CFR PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT); and 49 CFR PART 199 - DRUG AND ALCOHOL TESTING for the Research and Special Programs Administration, DOT. In complying with these regulations, the City of Linton hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as safety sensitive. In accordance with DOT regulations, included in this classification of safety-sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license and/or perform operations, maintenance, or emergency response functions on a pipeline.

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety sensitive positions.

**5.11 BLOODBORNE PATHOGENS**

Employees working in high risk jobs will be offered Bloodborne Pathogen training and a series of Hepatitis B vaccinations for their protection. The City will provide this service free of charge for those employees wishing to participate in this program.

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties. To ensure that City employees are aware of occupational exposure to bloodborne pathogens the City has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens such as Hepatitis B virus and HIV. Control plans are available in the Mayor's Office.

#### 5.12 SMOKING

In keeping with the City's intent to provide a safe and healthful work environment, smoking in the work place is prohibited while inside City facilities.

Employees may smoke outside City facilities during designated break times, but they are not to stand directly outside facility entrances or subject non-smokers to passive smoke.

This policy applies equally to all employees, citizens, and visitors and signs are posted in City facilities.

#### 5.13 BUSINESS TRAVEL

The City of Linton is responsible for authorizing employee business travel and reimbursement of travel expenses. All employees must obtain authorization from the department head and Clerk-Treasurer before business travel or reimbursement of expenses.

Whenever practicable, travel will be accomplished in a City of Linton vehicle or via common carrier. If a personal vehicle must be used for authorized travel, the employees shall be reimbursed at prevailing rates established by the Board of Works.

Travel claims may be paid by the Clerk-Treasurer after submission of proper documentation and claim forms, including department head written approval.

Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act.

## **6. PERSONAL CONDUCT**

### **6.1 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the City of Linton expects employees to be reliable and to be punctual in reporting for scheduled work.

Absenteeism and tardiness place a burden on other employees and on the City of Linton. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the department head at least twenty four (24) hour before the time the employee would normally begin the shift or work day; or one (1) hour in the case of emergency, such as being transported to a medical facility by ambulance.

Supervisors are to oversee employee timekeeping records on City of Linton forms; including all employee absences and designation of whether supervisor notification was properly provided by the employee.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

### **6.2 COMMISSION OF A FELONY OR UNLAWFUL ACT**

Any employee found guilty of a felony, if reasonably related to employee job duties or the public trust, is subject to immediate dismissal by the Mayor. An employee charged with a felony or found participating in felonious activity either during work hours or while off duty will be subject to immediate dismissal by the Mayor or an unpaid leave of absence from work until a court of law establishes innocence or guilt.

Any employee found guilty of a misdemeanor, if reasonably related to employee job duties or the public trust, may be subject to suspension or discharge by the Mayor, including not being legally qualified to operate assigned vehicles or equipment.

Misdemeanors that involve City of Linton vehicles/property, or in which the employee's behavior reflects poorly upon the employee and/or the City of Linton, will result in disciplinary action.

6.3 **GIFTS OR GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom the City of Linton may have business dealings. However, the practice of accepting gifts or gratuities may be contrary to the public interest.

Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with the City of Linton in furnishing materials, goods, and services to the City of Linton.

6.4 **BUSINESS ETHICS/CONFLICT OF INTEREST**

The City of Linton recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on the City of Linton.

The City of Linton also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the City of Linton. At such times the City of Linton must take whatever action is necessary to resolve the situation, including but not limited to, terminating employment. This policy applies to all employees as well as to former employees, where applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the City of Linton must file a conflict of interest statement with the Greene County Clerk and Clerk-Treasurer. If deemed by said official to be in the best interest of the City of Linton, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the City of Linton.

A City of Linton employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the City of Linton commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code (I.C.) 35-44-1-3.

Violation of I.C. 35-44-1-3 includes failure to disclose a conflict of interest of an employee or member of employee's immediate family having a monetary interest/business interest or deriving a profit in any matter directly related to the employee's official duties and the discharge of those duties. This includes having a personal interest in a business which supplies goods and services to the City of Linton.

## 6.5 SEXUAL HARASSMENT

This policy applies to all City of Linton employees.

Everyone who works for the City of Linton is entitled to a workplace free from sexual harassment and intimidation. The City of Linton is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. The City of Linton prohibits any form of sexual harassment and will take corrective action against offenders, including discipline or discharge.

All City of Linton employees are expected to conduct themselves in a professional and ethical manner at all times, whether it is during regular working hours, while attending any functions on behalf of the City, or at any time where the nature of the conduct may cast a negative light on the City or any of its departments.

It is the responsibility of each staff member to respect the rights, opinions, and beliefs of others. Discrimination and unlawful harassment reduce the morale of everyone - even those who are not the victims of the harassment.

### 6.5.1 Definition of Sexual Harassment

Any request for sexual favors and/or any other unwanted verbal or physical conduct of a sexual nature between employees in the workplace or job-related contacts with citizens or persons outside City of Linton employment, constitutes sexual harassment and is prohibited.

There are two types of sexual harassment: quid pro quo harassment and hostile environment harassment. Quid pro quo ("this for that") harassment occurs when submitting to or rejecting a sexual request is used as a basis for decisions affecting a person's employment, job, pay, or career.

Hostile environment harassment occurs when the unwelcome sexual behavior of one or more persons creates an abusive, intimidating, or offensive work environment and interferes with the employee's work performance.

Examples of sexual harassment are listed below:

1. Unwelcome sexual advances or behavior.
2. Physical or verbal conduct of a sexual nature, or joking that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, discussing sexual activities, leering, touching,

pinching, assault, or coerced sexual acts; or suggestive, insulting, obscene comments or gestures; written, photographic, cartoon, or electronic displays in the workplace of sexually suggestive objects or pictures. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others. This behavior is unacceptable in the workplace itself, and in other work-related settings such as business trips and business-related social events.

3. Submission which is expressed or implied as a condition of employment, promotion or preferential treatment.
4. Printed or electronic display or transmission of sexually explicit images, messages or cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes or anything that may be construed as harassment or showing disrespect for others.
5. Conduct or speech with implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile or offensive work environment is considered sexual harassment. Examples of this type of inappropriate and hostile conduct include: derogatory comments based on an individual's membership in a protected group; cartoon, pictures, or posters that are degrading or reflect negatively on a protected group; jokes, slurs, or nicknames that have the purpose or effect of stereotyping, demeaning, or making fun of a person or persons in a protected group; or verbal or physical innuendoes that reflect negatively on any protected group.

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

#### **6.5.2 Reporting a Complaint**

While the City of Linton encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the City of Linton also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

In order to take a corrective action, the City of Linton must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior.

Any employee who experiences sexual harassment should contact his/her department head immediately. If unresolved, or in the event the harassment is alleged against the department head, the employee is advised to obtain a sexual harassment complaint form from the Human Resources Director. The employee is directed to submit the completed form to the Human Resources Director, or in the event the alleged harassment is against the Human Resources Director, the completed form is to be submitted to the Mayor. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the Human Resources Director. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

### **6.5.3 Description of Misconduct**

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be recorded in written form by either the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the City of Linton encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law, and the notes may have to be disclosed.

The Human Resources Director has copies of the City of Linton sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to the Human Resources Director to initiate a formal complaint.



#### **6.5.4 Time Frame For Reporting Complaints**

The City of Linton encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude the City of Linton from taking remedial action.

#### **6.5.5 Protection Against Retaliation**

The City of Linton will not in any way retaliate against the individual who makes a report of sexual harassment nor permit any supervisor or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

#### **6.5.6 Investigating the Complaint**

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner possible to protect the privacy of persons involved. The City of Linton will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

Upon completing the investigation of a sexual harassment complaint, the City of Linton will communicate its findings to the complainant and the alleged harasser. If the City of Linton and the alleged harasser's department head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed of the disciplinary action to be taken.

In determining whether alleged conduct constitutes sexual harassment, the City of Linton will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred. The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

### **6.5.7 Identification of Investigators**

Complaints will be investigated by the Human Resources Director and/or the appropriate designees retained by the City of Linton. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the Mayor.

### **6.5.8 False Accusations**

The City of Linton also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can have devastating effects on the lives and reputations of innocent women and men. Therefore, the City of Linton may discipline, up to and including termination of employment, those employees who after an investigation are found to have falsely accused others of sexual harassment, knowingly or in a malicious manner.

### **6.5.9 Sanctions**

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including discharge. Additional action may include: referral to counseling, withholding of a promotion; reassignment, demotion, temporary suspension without pay or termination.

Although the City of Linton's ability to discipline a non-City of Linton employee harasser is limited, any City of Linton employee who has been subjected to sexual harassment by a non-City of Linton employee at the workplace in a work-related setting should file a complaint so that action may be taken.

### **6.5.10 Maintaining a Written Record of the Complaint**

The City of Linton will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the Human Resources Director's office, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

### 6.5.11 Prevention

Prevention is the best policy for the elimination of sexual harassment. Employees shall remain cognizant of sexual harassment to avoid contributing conditions that would encourage such activity. Sexual harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

## 6.6 WORKPLACE VIOLENCE

The safety and security of the City of Linton employees and citizens is very important. It is the intent of the City to provide a workplace for all employees which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to, intimidation, threats, physical attack or property damage. These terms are defined as follows:

- A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress, or which may frighten, coerce, or induce duress.
- B. "Threat" is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- D. "Property damage" is intentional damage to property which includes property owned or leased by the City, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on City-owned or leased property may be removed from the premises.

Threats, threatening behavior, or acts of violence executed off City-owned or leased property but directed at City employees or members of the public while conducting official City business, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax or electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from City-owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

Employees are responsible for notifying their department head of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on City-owned or leased property or in connection with City employment.

Any employee who receives a protective or restraining order which lists City-owned or leased premises as a protected area is required to provide their department head with a copy of such order.

If an emergency exists, contact the police department at 911, and notify your supervisor.

If not an emergency, employees should inform their department head. If the department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the department head, the employee may bring concerns to the Mayor or Human Resources Specialist.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

## 6.7 EMPLOYEE CONDUCT

When City of Linton employees are part of a collective bargaining agreement or union agreement with specific conflicting language to this section, or when covered by specific State of Indiana statutes, the collective bargaining agreement, union agreement, and/or specific statutes shall prevail.

Employee job performance and personal conduct directly impact the City of Linton's ability to achieve its mission of public service. Therefore, the following work rules and principles of job performance are adopted as guidelines for monitoring behavior and exercising disciplinary actions. City of Linton employees are expected to follow procedures and guidelines set forth by the City of Linton and the employee/department policies and procedures.

**Behavior of Employees.** In monitoring the behavior of its employees, the City of Linton has classified offenses as first, second, and third level offenses based upon their seriousness. These classifications are provided only to illustrate the procedures that will generally be followed with respect to such conduct.

This classification system should not be construed to in any way limit the City of Linton's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstances.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination. This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.

### **GROUP I OFFENSES**

(Examples of, but not limited to the following:)

1. Tardiness or failure to report to duty within a reasonable time after call.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Littering or otherwise contributing to unsanitary conditions on City of Linton property.
4. Neglect or carelessness in signing in or out.
5. Failure to cooperate with other employees as required by job duties.
6. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
7. Malicious mischief, horseplay, wrestling, or other undesirable conduct.
8. Unauthorized use of telephone, fax machines or mail for personal use.
9. Unsatisfactory work or failure to maintain required standard of performance.
10. Unauthorized breaks.

### **GROUP I DISCIPLINE**

First Offense  
Second Offense  
Third Offense  
Fourth Offense  
Fifth Offense

Oral warning  
Written reprimand  
Three (3) working days suspension without pay  
Ten (10) working days suspension without pay  
Discharge

## GROUP II OFFENSES

(Examples of, but not limited to the following:)

1. Leaving the job or work area during the regular working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligating the City of Linton for any expense, service, or performance without authorization.
4. Unauthorized sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Unauthorized use of City of Linton property or equipment.
7. Performing private work on City of Linton time, or with City of Linton property or equipment.
8. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
9. Making or publishing of false, vicious, or malicious statements concerning employees, supervisors, or the City of Linton and its operations. Making abusive or threatening remarks to supervisors, other employees, or the public.
10. Refusing to provide testimony in court during an accident investigation or during any type of public hearing.
11. Giving false testimony during a complaint, investigation, or hearing.
12. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
13. Distributing or posting written or printed matter of any description on City of Linton premises unless authorized.
14. Unauthorized presence on City of Linton property.
15. Disregard of department rules.
16. Discourteous treatment of the public.
17. Excessive absenteeism.
18. Failure to give medical certifications and/or physician's excuse in a timely manner.
19. Failure to notify authorized personnel not later than one-half (1/2) hour before regular work starting time when unable to report to duty.

## GROUP II DISCIPLINE

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay; or reduction in pay and position
Third Offense	Discharge

### GROUP III OFFENSES

(Examples of, but not limited to the following:)

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use, or custody of any City of Linton property or equipment. Stealing, abuse, or deliberate destruction in any manner of City of Linton property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards, time sheets, or unauthorized altering of own time card or sheet.
4. Falsifying testimony regarding accident investigations; falsifying or assisting in falsifying or destroying any City of Linton records, including work performance reports; or giving false information or withholding pertinent information in applying for employment.
5. Making false claims or misrepresentations in an attempt to obtain any City of Linton benefit.
6. Unlawful or negligent handling of public monies.
7. Using controlled substances without a prescription thereof or selling controlled substances.
8. Fighting or attempting to injure other employees, supervisors, or other persons.
9. Carrying or possession of firearms on City of Linton property at any time without proper authorization.
10. Knowingly exposing other employees or citizens to hazardous conditions, such as communicable diseases, which may pose a health or safety risk.
11. Misusing or removing City of Linton records or information without prior authorization.
12. Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the City of Linton's work stations.
13. Dishonesty or any dishonest action. Some examples of "dishonesty" or "dishonest action" are theft/pilfering/opening desks assigned to other employees without authorization; theft/pilfering through property of the City of Linton or other employees without authorization; and making false statements to justify an absence or tardiness. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."
14. Insubordination by refusing to perform assigned work or to comply with written or oral instruction of the supervisors.
15. An absence of more than one (1) work day without notification of absence.
16. Violating the City of Linton's sexual harassment policy.
17. Failure to report accidents, injury, or equipment damage.
18. Disclosure of confidential information.

19. Failure to disclose at time of employment the past conviction of a misdemeanor and/or felony.
20. Failure to submit to a blood test, urinalysis, or breathalyzer examination, or any other procedure pursuant to the Drug-Free Workplace Policy.
21. Failure to maintain required certifications required of the position.
22. Failure to follow safety regulations when safety of an employee or others is affected.
23. Refusal to take or failure to pass any examination required for the job.

### **GROUP III DISCIPLINE**

**First Offense:** Any discipline, up to and including discharge.



## **7. PROBLEM RESOLUTION**

When City of Linton employees are part of a collective bargaining agreement or union agreement with a grievance or problem resolution section, or when covered by specific State of Indiana statutes, the collective bargaining agreement, union agreement, and/or specific statutes shall prevail.

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues. This policy is provided for all employees.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that the City of Linton's policies have been violated, or who believes that he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan or City of Linton policy. This section does not apply to disciplinary actions.

When a complaint arises, it should be heard and resolved at the lowest organizational level. The employee has four alternatives available:

### **STEP 1: Department Head (Oral complaint)**

If an employee has a complaint, it should be first discussed with the department head. The employee should schedule a time to discuss the situation with the supervisor. Every effort should be expended to resolve the issue satisfactorily at this meeting.

### **STEP 2: Department Head (Written complaint)**

If the complaint cannot be solved satisfactorily by the employee and department head through discussion, or if the decision is not satisfactory, the employee may reduce the complaint to writing. The employee may take or send the written complaint to the department head. The department head is encouraged to give a written response to the complaint within five (5) days.

### **STEP 3: Board of Works**

The Board of Works may conduct an investigation into the matter, meet the interested parties, and make a decision.

**STEP 4: Mayor**

If a satisfactory solution is not reached with the supervisor, a complaint may be referred to the Mayor, who will conduct an investigation into the matter, meet the interested parties, and make a final decision.

## **SEVERABILITY**

The policies and procedures contained in this handbook are subject to all applicable federal and states laws, rules and regulations and shall be interpreted wherever possible so as to comply fully with such laws, provisions or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal or competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The City of Linton reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

## **INDEMNIFICATION**

In the event that a department head, elected official, or any other City employee becomes a defendant, either in his/her representative capacity, or individually in any litigation arising out of the administration to this policy, the City and/or its insurers, shall defend the employee of that action, and pay any judgment entered in the action provided by the City, so long as the elected official, department head, or City employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

## **ENABLING EXECUTIVE ORDER**

This employee handbook shall be approved by the Mayor by Executive Order. The terms and conditions of this handbook may be incorporated by reference in the annual Salary Ordinance approved annually by the Linton City Council and the terms and conditions set out herein shall be deemed a conditions of compensation under that Ordinance.

## **AMENDMENTS**

This handbook may be amended from time to time in substantially the same form as it is approved. Any amendments shall be distributed to each department of the City of Linton and shall be conspicuously posted for at least ninety (90) days throughout the offices of the City of Linton after their passage.

# Index

## -A-

ACCESS TO PERSONNEL FILES.....	8
AMERICANS WITH DISABILITIES ACT (ADA).....	31
AMENDMENTS .....	60
APPEARANCE OF WORK AREAS .....	33
APPLICANT TESTING.....	5
ATTENDANCE AND PUNCTUALITY .....	45

## -B-

BENEFITS CONTINUATION (COBRA).....	29
BEREAVEMENT LEAVE .....	23
BLOODBORNE PATHOGENS .....	43
BUSINESS ETHICS/CONFLICT OF INTEREST .....	46
BUSINESS TRAVEL .....	44

## -C-

"CITY OF LINTON" DEFINED.....	1
COMPENSATION.....	14
COMPENSATORY TIME.....	12

## -D-

DEFERRED COMPENSATION.....	24
DRUG-FREE WORKPLACE .....	38

-E-

EMERGENCY CLOSING.....	17
EMPLOYEE ACKNOWLEDGMENT FORM.....	61
EMPLOYEE CONDUCT.....	53
EMPLOYEE INSURANCE.....	24
EMPLOYMENT APPLICATIONS.....	5
EMPLOYMENT CATEGORIES.....	7
EMPLOYMENT REFERENCE AND BACKGROUND CHECKS.....	6
EMPLOYMENT TERMINATION.....	15
ENABLING EXECUTIVE ORDER.....	60
EQUAL EMPLOYMENT OPPORTUNITY.....	3
EXCEPTIONS AND SPECIAL CONDITIONS.....	1

-F-

FAMILY AND MEDICAL LEAVE POLICY.....	29
FIRE DEPARTMENT LONGEVITY.....	18

-G-

GIFTS OR GRATUITIES.....	46
--------------------------	----

-H-

HIPAA.....	10
HOLIDAYS.....	22

-I-

IMMIGRATION LAW COMPLIANCE.....	3
INDEMNIFICATION.....	60

-J-

JOB DESCRIPTIONS/CLASSIFICATIONS .....13  
JURY DUTY .....27

-L-

LAYOFFS AND RECALL .....17  
LEAVE OF ABSENCE WITHOUT PAY .....25

-M-

MANAGEMENT RIGHTS .....2  
MEDICAL EXAMINATIONS .....6  
MILITARY LEAVE .....25  
MULTIPLE POSITIONS .....14

-N-

NEPOTISM .....4  
NORMAL WORK WEEK .....11

-O-

ORIENTATION .....6  
OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST .....9  
OVERTIME .....11

-P-

PAY CORRECTIONS.....	14
PAY DEDUCTIONS/GARNISHMENTS.....	14
PERFORMANCE EVALUATION.....	9
PERSONAL INFORMATION CHANGES.....	9
PERSONAL LEAVE.....	21
PERSONNEL FILES.....	7
PRE-EMPLOYMENT INTERVIEWS.....	6
PROBATIONARY PERIOD.....	15
PROBLEM RESOLUTION.....	58
PRODUCTIVE WORK ENVIRONMENT.....	33
PUBLIC EMPLOYEES' RETIREMENT FUND (PERF).....	25

-R-

RECRUITMENT.....	4
RESIGNATION AND RETIREMENT.....	16
RETURN OF PROPERTY.....	17
ROUNDING.....	14

-S-

SAFETY.....	33
SEVERABILITY.....	60
SEXUAL HARASSMENT.....	47
SMOKING.....	44

-T-

TIMEKEEPING.....	11
------------------	----

-U-

USE AND REVISION OF PERSONNEL POLICIES HANDBOOK.....	1
USE OF CELLULAR/MOBILE PHONES AND PAGERS .....	34
USE OF COMPUTERS .....	34
USE OF ELECTRONIC MAIL (E-MAIL).....	35
USE OF EQUIPMENT AND VEHICLES .....	37
USE OF TELEPHONES, FAX MACHINES, AND CITY MAIL.....	33
USE OF THE INTERNET .....	36

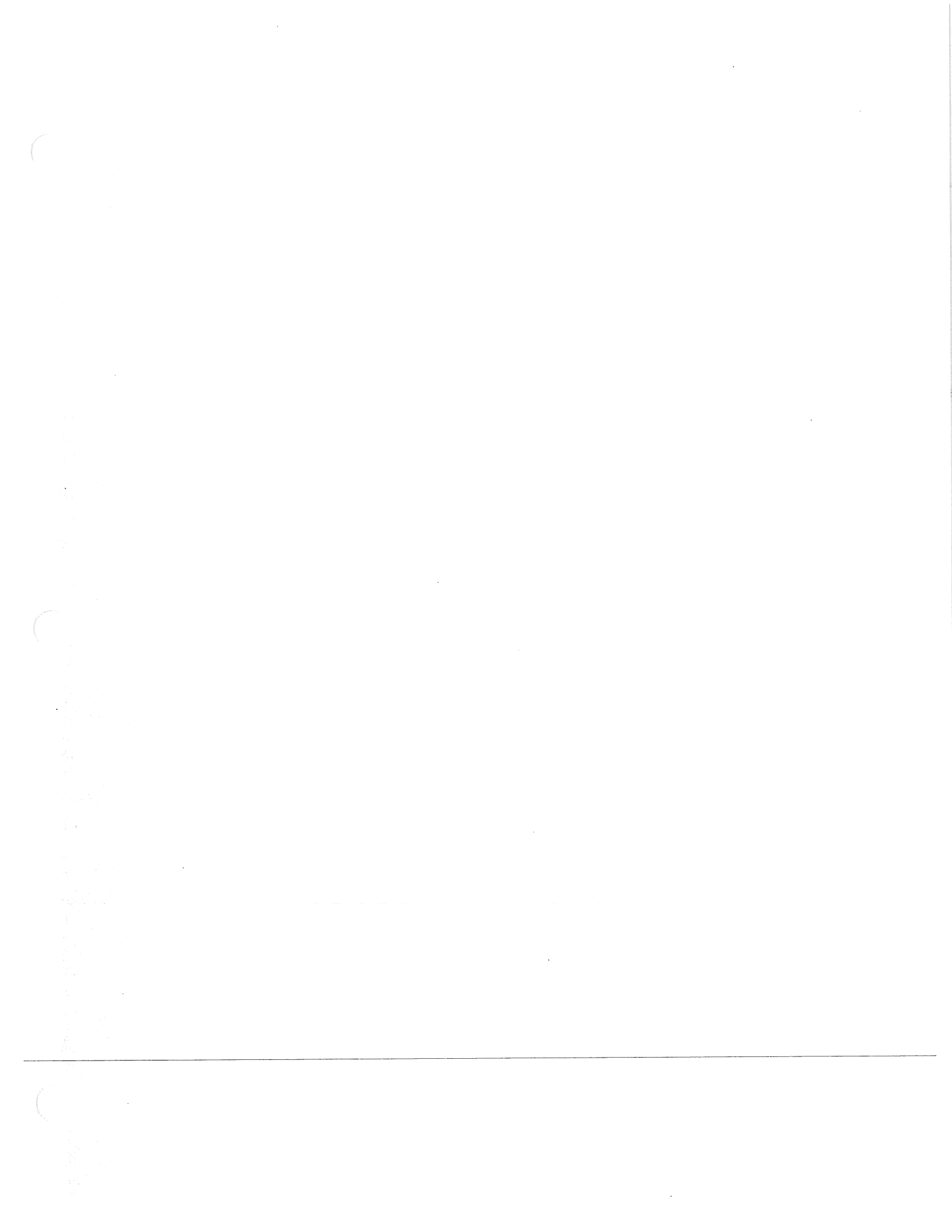
-V-

VACATION BENEFITS.....	19
------------------------	----

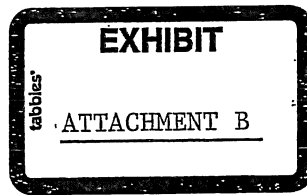
-W-

WAGE POLICY.....	13
WORKER'S COMPENSATION .....	27
WORK HOURS.....	11
WORKPLACE VIOLENCE.....	52
WORK TIME RESTRICTED.....	12









## **2.20 NEPOTISM**

In accordance with Indiana Code 36-1-20.2, relatives may not be employed by the City in positions that result in one relative being in the direct line of supervision of the other relative; provided, however, an employee who is employed by the City as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with this City in the future.

The term "direct line of supervision" shall mean an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

The term "relative" shall mean spouse, parent, step-parent, child, step-child, brother, sister, step-brother, step-sister, niece, nephew, aunt, uncle, daughter-in-law, son-in-law, adopted child, or a brother or sister by half blood.

The Clerk-Treasurer and each City Department Head annually shall certify in writing that the office or department is in compliance with this policy and with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the Mayor not later than December 31 of each year.

An elected official or department head who provides an inaccurate certification may be subject to penalties for perjury, which is a Class D felony with up to three years prison sentence.

## **2.21 ELECTIVE OFFICER AND CITY EMPLOYMENT RESTRICTED**

Effective January 1, 2013, a City employee shall be deemed to have resigned from employment with the City if the employee assumes the elected executive office of the City or becomes an elected member of the City's legislative or fiscal body.

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the City if the City receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded from this prohibition. An employee or volunteer who assumes or holds an elected office on January 1, 2013, may continue to hold the office and be employed by the City or serve as a volunteer firefighter until the expiration of the term of office.

## **2.22 CONTRACTING WITH THE CITY**

The City may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an elected official or; (2) a business entity that is wholly or partially

owned by a relative of an elected official only if the elected official files a full disclosure that:

- is in writing;
- describes the contract or purchase;
- describes the relationship of the official to the business;
- is affirmed under penalty of perjury;
- is submitted to the legislative body prior to final action; and
- is filed within 15 days of final action with the State Board of Accounts and the County Clerk.

If a contract is entered into with a relative, the appropriate agency of the City shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012, are excepted from this requirement.

An elected official who violates this policy may be subject to penalties for perjury, which is a Class D felony with up to three years prison sentence.