

Montgomery County Board of Commissioners

Ordinance 2019 – 3

Amending Employee Handbook

Whereas, the Montgomery County Board of Commissioners (the “Board”), from time to time, reviews the provisions of the County Employee Handbook to ensure that the policies are consistent with County practices and policies, and are compliant with federal, state and local laws; and

Whereas, the Board reviewed the Employee Handbook and now finds that revisions should be made.

It is therefore ordained that the Montgomery County Employee Handbook is revised and will read as written in Exhibit A.

It is further ordained that all provisions of the Employee Handbook which are inconsistent with the employment policies contained in this ordinance are deleted and replaced by the language contained in this ordinance.

It is further ordained that this ordinance is effective upon adoption.

Adopted February 25, 2019.

**Montgomery County
Board of Commissioners:**

James D. Fulwider, President

John Frey, Vice President

Phil Bane, Member

Attest:

Jennifer Andel, Auditor

CHAPTER 34: COUNTY EMPLOYEES

Section

34.01	Employee Handbook
34.02	Pay period
34.03	Sick leave (deleted)
34.04	Personal business (deleted)
34.05	Payroll withholding
34.06	Grievance procedure for certain employees
34.07	Sheriff's Department Deferred Compensation Plan
34.08	Credit Card Rules

Appendix A: Montgomery County Employees Personnel Policy Manual

§34.01 EMPLOYEE HANDBOOK

The personnel policy of the County is contained in the Employee Handbook. This handbook must be adopted by the Board of Commissioners regarding personnel matters and the County Council regarding compensation, job description, and job classification matters. The manual is attached to this Chapter as Appendix A. The Sheriff also has a Personnel Policy Manual for employees of his Department. This Manual is attached to this Chapter as Appendix B.

§34.02 PAY PERIOD

The pay period for all County employees shall be biweekly, ending every other Wednesday.

(Am. Commissioners Ord. 2008-1, passed 2-25-08; Am. Commissioners Ord. 2009-8, passed 10-26-09; Am. Commissioners Ord. 2009-09)

§34.03 SICK LEAVE

[Deleted by Council Ord. 2006-8, passed 12-11-06; Commissioners Ord. 2006-18, passed 10-24-06]

§34.04 PERSONAL BUSINESS

[Deleted by Council Ord. 2006-8, passed 12-11-06; Commissioners Ord. 2006-18, passed 10-24-06]

§34.05 PAYROLL WITHHOLDING

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

DISPOSABLE EARNINGS means that part of the earnings of a County employee, including wages or salary, remaining after the deduction from those earnings of amounts required by law to be withheld, including without limitation the following: (i) Federal Insurance Contributions Act (FICA) or income taxes required to be withheld; (ii) amounts withheld pursuant to compulsory retirement, health insurance or similar plans imposed by law; and (iii) amounts withheld because of a Support Withholding or Garnishment order.

GARNISHMENT means any legal or equitable proceedings through which the earnings of an individual are required to be withheld by a garnishee, by the individual debtor, or by any other person for the payment of a judgment.

SUPPORT WITHHOLDING means that part of the earning that are withheld from an individual for child support in accordance with the laws of this state.

(B) *Withholding for Delinquent Taxes.* The auditor shall withhold from the wages and salaries of any employee who has been certified by the Treasurer as owing delinquent property taxes, penalties, or interest to the County. The amount withheld from any employee's wages or salary for any bi-weekly pay period may not exceed:

(1) twenty-five percent (25%) of the employee's Disposable Earnings for that bi-weekly pay period; or

(2) the amount by which the employee's Disposable Earnings for that bi-weekly pay period exceed sixty (60) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time such wages or salary are payable; whichever is less.

(C) *Prepaid Legal Services.* The Auditor is authorized to withhold from the wages and salaries of employees who execute written authorizations which provide for payment for per-paid legal services through Pre-Paid Legal Services.

(Ord. 2006-02, passed 1-10-06; Am. Commissioners Ord. 2008-2, passed 2-25-08)

§34.06 GRIEVANCE PROCEDURE FOR CERTAIN EMPLOYEES

(A) *Employees Covered.* Any employee of Highway Department, Building Department, and Building Maintenance Department shall have the right to file with the

County Commissioners a grievance concerning their discipline, demotion, reprimand or other adverse job action taken by the Department Head.

(B) *Definition.* For purposes of this section, the following definition shall apply unless the context early indicates or requires a different meaning.

ADVERSE JOB ACTION.

(a) Demotion;

(b) Failure to receive a promotion;

(c) Disciplinary action resulting in loss of pay or unpaid time off of work; or

(d) Termination.

(C) *Procedure.* Any employee filing a grievance must do so in writing by delivering the grievance to the Commissioners' administrative assistant within 30 days of the adverse job action. The grievance must be signed by the employee and must state the date of the adverse job action, the reasons for his or her disagreement with the adverse job action and his or her recommendation regarding the matter. Within ten days of receipt of this grievance, the Commissioners shall schedule a grievance hearing, which may be heard in executive session, and shall deliver a copy of the grievance to the Department Head.

(D) *Hearings.* At the grievance hearing, the employee shall have the opportunity to present to the Commissioners any and all relevant evidence regarding the adverse job action. The Department Head shall then have the opportunity to present evidence which supports the adverse job action.

(E) *Rulings.* Within ten days of the hearing, the Commissioners shall enter their decision to either affirm the adverse job action, overrule the adverse job action or modify the adverse job action. The decision shall be made in writing, be delivered to the employee and Department Head, and placed in the employee's file.

(F) *Finality of Rulings.* The decision of the Commissioners concerning a grievance is final. No right of appeal or rehearing exists.

(G) *Waiver.* If an employee fails to file a grievance within 30 days of an adverse job action, the employee is deemed to have waived his or her right to a hearing.

(H) *Exclusive Procedure.* The grievance procedure provided for in this section shall be the exclusive procedure for review of adverse job actions for employees covered by this procedure. The procedure does not create any contract or other rights of the employees in their employment other than the right to a hearing before the Commissioners as described in this section. (Ord. 2006-09, pass 5-9-06)

§34.07

SHERIFF'S DEPARTMENT DEFERRED COMPENSATION PLAN

- (A) *Establishment of Plan.* There is hereby established a Deferred Compensation Plan for the Montgomery County Sheriff's Department to allow for the voluntary participation of employees of such Department.
- (B) *Group Plan.* The Sheriff's Department will utilize the deferred compensation plan established by county sheriff's departments in Indiana known as the "Indiana Sheriff's 457(b) Plan" and participate in the group trust arrangement established by that deferred compensation plan. The Montgomery County Sheriff is authorized to sign the Adoption Agreement to participate in the Indiana Sheriffs 457(b) Plan.
- (C) *Voluntary Deductions.* The Montgomery County Auditor is authorized to make deductions from the pay of employees of the Montgomery County Sheriff's Department who voluntarily participate in the Indiana Sheriffs 457(b) Plan, and to deposit deferrals in the group trust of such Plan.
- (D) *Administrative Committee.* The Committee made up of the representatives of Sheriff's Departments participating in the Indiana Sheriffs 457(b) Plan (as determined by participating departments) to make such other arrangements as are necessary to implement such Plan, *provided, however*, that other than the incidental expenses related to collecting the employees' deferrals and other minor administrative matter, participation in the Plan shall be without cost to the County.
- (Commissioners Ord. 2008-16, passed 9-30-08)

§34.08

CREDIT CARD RULES

- (A) The issuance and use of credit cards by the various departments and other units of the County is hereby authorized and allowed.
- (B) As authorized by the County Commissioners, the Auditor shall negotiate with banks and other financial institutions and with suppliers and service providers to the County to obtain credit cards and purchasing cards (collectively "credit cards") for the use and benefit of any and all departments and other operating units of the County that may require them to operate efficiently. The Auditor is further authorized and empowered to apply for and execute on behalf of the County credit applications and any other documentation required to obtain those cards for those departments and operating units. The Auditor is further authorized to pay all annual fees assessed for the use of these credit cards. For purposes of this ordinance, the term "annual fees" includes, but is not limited to, membership fees, service fees, and renewal fees.
- (C) Unless a higher limit is authorized by the County Commissioners, the credit limit for such cards shall be \$5,000 per department.
- (D) The regulation and usage of credit cards shall be the responsibility of the director, chief, superintendent, or other department head of each of the various departments and

operating units of the County, and that person shall be the custodian and any departmental credit card(s).

(E) Departmental credit cards may be used only for lawful charges of expenses related to and necessary for the effective operation of that department. Such uses include but are not limited to:

- (1)** Purchasing of supplies and equipment for the use and benefit of the department;
- (2)** Travel and lodging expenses of departmental personnel while traveling on approved County business;
- (3)** Meal expenses of departmental personnel while traveling on approved County business, provided that any such expense may not exceed any authorized per diem for meals. Reasonable tips and/or gratuities are allowed as meal expenses if service is provided as part of the meal;
- (4)** Approved training and education costs for departmental personnel, and
- (5)** Any other use required for the efficient operation of the department when use of vouchers, checks, or other means of credit are not possible, provided that said use had been approved by the department head.

(F) When the purpose for which credit has been used is accomplished, the card must be returned to the authorized custodian of the card.

(G) The authorized custodian of any credit cards must maintain an accounting system concerning their use, which shall include the names of the individuals requesting and using the cards, their positions, the estimated amount and purpose of any charges, and the date and time the card is taken returned. The custodian shall also obtain and keep all charge receipts and other documentation supporting the charges.

(H) Within seven (7) days of use of a County credit card, the employee using the credit card shall deliver to the authorized custodian of the card the following documents:

- i a claim form for the charges made signed by the employee;
- ii original receipts and/or invoices for the charges; and
- iii any other documentation requested by the County which supports the claim.
- iv if the employee loses the original receipt and/or invoice, the employee shall provide a duplicate receipt and/or invoice or an affidavit of lost receipt.

(I) Within seven (7) days of receiving the required documentation, the authorized custodian shall deliver the documentation to the Auditor for processing.

(J) Any interest, late charges, or other fees resulting from the tardy submission of credit card receipts by any officer or employee shall be the personal responsibility of that officer or employee to pay.

(K) The credit cards may not be used for the following:

- i personal use;
- ii purchase of alcohol;
- iii any illegal purpose;
- iv to bypass, the County's accounting system or purchasing policies.

(Ord. 2011-___, passed 11-28-11)

**APPENDIX A: MONTGOMERY COUNTY EMPLOYEES PERSONNEL
POLICY MANUAL**

(Amended Commissioners Ord. 2010-5, adopted 12-30-10; amended by Ord. 2018-13;
2018-12)

MONTGOMERY COUNTY EMPLOYEES' PERSONNEL POLICY MANUAL

Adopted By: Montgomery County Board of Commissioners

December 30, 2010

And

Montgomery County Council

October 24, 2006

Original effective: January 1, 2007

Amended: January 1, 2011

Amended: May 9, 2016

Amended: December 5, 2016

Amended: August 21, 2018

IMPORTANT NOTICE

The information contained in this handbook is designed to provide employees with an overview of the employment policies for Montgomery County. The contents of this handbook apply to employees of Montgomery County. Certain provisions of the handbook apply only to employees of the County who are not regular members of the County Police Department, and these provisions are delineated in the handbook. The County Police Department has Standard Operating Procedures and other General Orders and Rules which apply to its officers. For these Officers, the provisions of this handbook and all procedures, orders and rules of the Police Department apply. Where special rules apply to members of the Police Department, these provisions are noted. Employees of the Montgomery County Courts are also subject to a handbook which applies to them, and therefore certain provision of this handbook do not apply to them. All statements are intended as general in nature.

The Board Commissioners reserves the right to make changes, additions or deletions to the handbook at any time, with or without notice. Accordingly, nothing in this handbook should be construed as a promise or guarantee of employment or specific treatment in a specific situation.

This handbook is not an employment agreement or contract for employment. With the exception of uniformed officers who are subject to Merit Board rules and procedures regarding promotion and disciplinary matters, all other County employees are employees at will and may be terminated by Montgomery County at any time, with or without notice. No County official, officer, representative or employee, except for the Board of Commissioners has the authority to enter into any agreement or make any representations contrary to these employment-at-will terms.

The policies contained herein have been adopted with the intent to fully comply with all applicable laws governing employment practices and procedures. Nonetheless, if any policy contained in this handbook conflicts in any way with a federal, state, or local law, it is Montgomery County's intent to fully comply with the applicable law.

You should read, understand, and comply with all of the provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Montgomery County to benefit employees. Question about this handbook may be directed to your supervisor or to the Board of Commissioners.

USE OF THIS HANDBOOK

Montgomery County is committed to the establishment of sound personnel practices. As a result, this Employee Handbook has been developed to explain employee responsibilities, employee benefits, and policies and procedures for the County. It shall be the purpose of this Employee Handbook to promote the efficiency and economy of government, the morale and well-being of employees, and equal employment opportunity for all County employees and candidates.

The Board of Commissioners shall adopt and amend the Employee Handbook. Department Heads and supervisors are responsible for administration and maintenance of the personnel rules and regulations in their respective Departments.

All previously issued rules and procedures governing County personnel policies are hereby rescinded and superseded by this Employee Handbook. County ordinances related to County employees are not rescinded and superseded unless expressly covered, by the adoption of this Employee Handbook.

Individual departments may adopt additional policies as needed to ensure the achievement of the County's commitment to service. These policies may not conflict with the provisions of this Employee Handbook, however, and shall be developed with the guidance and approval of the Board of Commissioners for the Administrative Department, the Judges for the Judicial Branch, and the Sheriff for the Police Department. Amendments to this Employee Handbook shall only be made by the Board of Commissioners and no department or office of the County may amend or alter this Employee Handbook.

The contents of this Employee Handbook summarize current County policies and programs and are intended as guidelines only. The Board of Commissioners retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of the published or unpublished policies or practices of the County, without advance notice, at its sole discretion without having to give cause or justification to any employee.

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1. THE EMPLOYMENT RELATIONSHIP

1.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of Montgomery County that there shall be equal employment opportunity for all employees and applicants without regard to race, color, religion, sex, sexual preference, national origin, age, disability, genetic information or ancestry. Montgomery County provides for fair treatment of employees. All employment and advancement opportunities will be based on merit, qualifications, and abilities. In addition, Montgomery County will make reasonable accommodations for qualified individuals with known disabilities unless doing so will result in an undue hardship. Montgomery County complies with all applicable federal, state, and local labor laws.

1.02 IMMIGRATION LAW COMPLIANCE

Montgomery County is committed to employing only United States citizens and aliens who are authorized to work in the United States. Montgomery County does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form, I-9, and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the County within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Board of Commissioners. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

1.03 HIRING PROCESS

1.03.1 New Hires: Montgomery County is committed to hiring only qualified applicants. Qualifications considered include education, training, experience, ability and skills. All hiring is conducted in accordance with the County's commitment to equal employment opportunity and in compliance with the Americans with Disabilities Act.

To be considered for employment with the County, all applicants must:

- Complete a County standard application for employment; and
- Provide proof of a valid Indiana Driver's License.

Once a candidate receives a conditional offer of employment, the candidate must:

- Complete Employment Eligibility Verification Form, I-9 and/or show proof of the right to work;
- Complete a Nepotism Affidavit;
- Complete all tests and other screening procedures relevant to the position. These screenings may include fingerprinting, testing, background investigation, driver's license check;
- Pass a physical examination for positions requiring certain physical abilities; and
- Complete and satisfy any other conditions of the offer.

1.03.2 Rehires – Former employees who seek reemployment with the County must apply and be processed as any other applicant. Applicants who are reemployed within 180 days of separation retain their original longevity, for purposes of years worked under the Employee Roster & Pay Schedule (ERPS) which was adopted by the County Council in 2018), and leave rights.

1.03.3 Police Officer Hiring – The hiring of police officers is governed by Indiana Merit Law, the Rules of Procedure of the Montgomery County Merit Commission, County Code, and the Standard Operating Procedures of the County Police Department.

1.04 EMPLOYMENT AT WILL

1.04.1 Administrative Employees --Employment with the County is entered into voluntarily, and the employee is free to resign at will at any time, with or without cause and with or without notice. Similarly, the County may terminate the employment relationship at will at any time, with or without cause and with or without notice.

1.04.2 Police Officers – The employment relationship of police officers and the County is governed by the Indiana Merit Law, the Rules of Procedure of the Montgomery County Merit Commission, County Code, and the Standard Operating Procedures of the Montgomery County Police Department.

1.05 EMPLOYEE CLASSIFICATIONS

1.05.1 Fair Labor Standard Act Classification: Each employee shall be categorized as exempt or non-exempt for purposes of overtime and compensatory time rules and such status shall be indicated on the employee's job description.

1.05.1.1 NON-EXEMPT – Non-exempt employees are eligible for overtime pay and/or compensatory time under the specific provisions of federal and state laws.

1.05.1.2 EXEMPT – Exempt employees are not eligible for overtime or compensatory time according to specific provisions of federal and state wage and hour laws. Exempt employees are typically paid on a salary basis and include executive, administrative and professional employees, and certain highly skilled computer employees. The Building Commissioner, Emergency Management Director, Central Communications

Director, Highway Director, Engineer, Health Department Administrator, Weights & Measures Officer and Veteran Service Officer are exempt by the nature of their positions. Other employees may also be exempt under Federal law. In general, in order to be exempt as an executive, the employee must:

- (a) be paid a salary;
- (b) of not less than \$455 per week;
- (c) have as a primary duty the management of the department;
- (d) regularly supervise two or more employees; and
- (e) either
 - (i) have the authority to hire or fire other employees; or
 - (ii) be in a position in which his or her suggestions and Recommendations as to the hiring, firing, advancement, Promotion, or any other change of status of other employees Is given particular weight.

There are other exempt tests under the Fair Labor Standards Act, and certain principles may not apply to law enforcement officers. Department Heads who are unsure of the classification of an employee should discuss the classification with the County Attorney.

1.05.1.3 NON-COVERED EMPLOYEES -- Elected Officials, their personal staff, policy-making appointees, legal advisors, legislative employees, bona fide volunteers, independent contractors, and certain trainees are not covered under the Fair Labor Standards Act. Therefore, elected officials, including the members of the Board of County Commissioners, members of the County Council, the Sheriff, the Recorder, the Auditor, the Assessor, the Treasurer, the Clerk, the Judges of the Courts, the Prosecutor, Coroner and the Surveyor are non-covered employees. In addition, the Chief Deputy Sheriff, Chief Deputy Auditor, Chief Deputy Recorder, Chief Deputy Assessor, Chief Deputy Treasurer, Chief Deputy Clerk and Chief Deputy Prosecutor are not-covered employees.

1.05.2 Other Classifications: In addition to the above categories, each employee will belong to one other employment category:

1.05.2.1 FULL TIME – Full time employees are those who regularly work thirty-seven and one-half (37.5) hours per week and who are employed on a year-round basis. Full time employees are eligible for County benefits subject to the terms, conditions and limitations of each benefit program.

1.05.2.2 PART TIME – Part time employees are those who are regularly scheduled to work less than thirty-seven and one-half (37.5) hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are not eligible for most County benefits, unless specifically provided for in the County's salary ordinance.

1.05.2.3 TEMPORARY/SEASONAL – Temporary/seasonal employees are those who are hired for a predetermined or limited period of time or for a project. Interns and summer employees are part of this group. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), temporary/seasonal employees are not eligible for most County benefits. Temporary/seasonal employees are not guaranteed re-employment at the end of the season or their temporary period of employment and must re-apply for employment.

1.05.2.4 ADMINISTRATIVE – All employees of the County who are not County police officers. This classification includes all employees, except County Police Officers, who report to elected and appointed officials and civilian employees of the County Police Department.

1.06 NEPOTISM

1.06.1 Definitions: The following definitions apply to the County's Nepotism Policy:

1.06.1.1 Direct Line of Supervision: The phrase "direct line of supervision" means 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 phrase does not include the responsibilities of the County Council to make decisions regarding salary ordinances, budgets or personnel policies of the County;

1.06.1.2 Employed: The term "employed" means an individual who is employed by the County on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the County;

1.06.1.3 Relative: The term "relative" means any of the following:

- (a) a spouse;
- (b) a parent or stepparent;
- (c) a child, an adopted child or stepchild;
- (d) a brother, sister, stepbrother, stepsister, or a brother or sister by the half blood;

- (e) a niece or nephew;
- (f) an aunt or uncle; and,
- (g) a daughter-in-law or son-in-law.

1.06.2 Nepotism Prohibited: The County may not employ individuals who are relatives, as defined in § 1.06.1, in a position that results in one relative being in the direct line of supervision of the other relative.

1.06.3 Application of Policy to Relatives of Elected Officials: Unless a specific exemption applies, this policy applies to an individual who is employed by the County on the date the individual's relative begins serving a term of an elected officer of the County. When the elected official begins serving a term of elected office, the relative employed by the County may remain employed by the County and maintain his or her position or rank. However, the relative of the elected official may not be promoted to a position that results in one relative being in the direct line of supervision of the other relative. For an individual who is a member of a merit police department, the individual may not be promoted to a position that is not within the merit ranks if the promotion would result in the individual being in the direct line of supervision of the other relative. This policy does not abrogate or affect an employment contract with the County that an individual is a party to and is in effect on the date the individual's relative begins serving a term of an elected office of the County.

1.06.4 Exceptions: The following exceptions apply to the County's Nepotism Policy:

1.06.4.1 Employees on July 1, 2012: an individual who is employed by the County on or before July 1, 2012 is not subject to the nepotism prohibition unless after July 1, 2012 the individual has a break in employment with the County. The following are not considered to be a break in employment with the County:

- (a) the individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave or worker's compensation;
- (b) the individual's employment with the County is terminated followed by the immediate reemployment with the County, without loss of payroll time;

1.06.4.2 Precinct Election Officers: the performance of duties of a precinct election officer, as defined by Indiana Code § 3-5-2-40.1, that are imposed by Title 3 is not considered employment by the County;

1.06.4.3 Volunteer Firefighters: the performance of duties of a

volunteer firefighter is not considered employment by the County;

1.06.5 Annual Reports: Each year, the following officials must file the following annual reports:

1.06.5.1 Annual Filing: The President of the Board of Commissioners will file with the annual report filed by the County with the State Board of Accounts under Indiana Code § 5-11-13-1 a statement that the County has implemented a Nepotism Policy under Indiana Code § 36-1-20.2 and § 36-1-21.

1.06.5.2 Annual Certification: Each elected official of the County will annually certify in writing, subject to the penalties of perjury, that the officer has not violated Indiana Code § 36-1-20.2. This certification will be submitted to the President of the Board of Commissioners not later than December 31 of each year;

1.06.6 Violation Reporting: Each member of the Board of Commissioners and County Council shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated Indiana Code § 36-1-21. This certification shall be submitted to the President of the Board of Commissioners not later than December 31 of each year.

1.06.7 Contracting With the County: The County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of a Board of Commissioners or a business entity that is wholly or partially owned by a Relative of a Board member only if the requirements of the County's Policy are satisfied and the Commissioner does not violate the Indiana Conflicts of Interest rules as contained in Indiana Code § 35-44-1-3.

1.06.7.1 Disclosure: The County may enter into a contract or renew a contract with an individual or business described in 1.06.7 if:

(a) The Commissioner files with the Auditor at a public meeting of the Board of Commissioners prior to final action on the contract or purchase a full disclosure which must:

(i) be in writing;

(ii) describe the contract or purchase to be made by the -County;

- (iii) describe the relationship that the Commissioner has to the individual or business entity that contracts or purchases;
 - (iv) be affirmed under the penalty for perjury;
 - (v) be filed, not later than fifteen (15) days after final action on the contract or purchase, with the State Board of Accounts and the Clerk of the Circuit Court of the County;
- (b) The appropriate County agency makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or makes a certified statement of the reasons why the vendor or contractor was selected;
 - (c) The Board of Commissioners accepts in a public meeting the disclosure prior to final action on the contract or purchase;
 - (d) The County satisfies any other requirements under the public purchasing and bidding laws contained in Indiana Code § 5-22 or § 36-1-12;
 - (e) The Commissioner must also comply with the disclosure laws of Indiana Code § 35-44-1-3, if applicable.

1.06.7.2 Existing Contracts: These rules do not affect the initial term of a contract in existence at the term of office of the Commissioner begins.

1.07 JOB DUTIES

Employees will receive an explanation of their job responsibilities and performance standards. Job responsibilities may change at any time during the course of employment and employees may be asked to work on special projects or to assist with other work necessary or important to the operation of the County. The County reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

1.08 PERFORMANCE MANAGEMENT

Employees, other than regular members of the Montgomery County Police Department, shall have a quarterly meeting with their supervisors to discuss the status of projects, address areas of concern and set goals for the next quarter. Employees shall also have an annual performance evaluation. Employees will be evaluated on factors including job

competence, work quality, attendance, initiative and attitude. Evaluations should assist employees in identifying areas of needed improvement and establishing objectives for future performance. Positive performance evaluations do not guarantee promotion or increases in compensation. After the annual performance evaluation, both the employee and the supervisor will be required to sign and date an evaluation report. Performance Management for regular members of the Montgomery County Police Department will be governed by the rules of the Police Department and applicable Indiana law. Police Officers receive two (2) evaluations each year, as provided for by Indiana Sheriff Merit Law.

2. COMPENSATION

2.01 HOURS OF WORK

2.01.1 General: Hours of work for County employees will be determined in accordance with the reasonable needs of County services and the reasonable needs of the public. The Board of Commissioners and Department Heads shall normally establish the hours of work for each employee under the Board or Department Head's supervision. Supervisors will normally establish the hours of work for each employee under his/her supervision.

2.01.2 Administrative Employees: Regular hours for non-police full-time employees is thirty-seven and one-half (37.5) hours per work week. The work week shall be from 12:00 a.m. on Monday through 11:59 p.m. on Sunday. County Offices will be open from 8:00 a.m. to 4:30 p.m. Monday through Friday. Supervisors shall ensure that there is adequate office coverage during these hours.

2.01.3 Police Officers: Regular hours for Police Officers will vary number of hours each week, but should not exceed 80 hours in a fourteen (14) day period. The Police Department is open at all times, but the office will be open from 8:00 a.m. to 4:30 p.m. Monday through Friday. The Sheriff will ensure that there is adequate coverage in the Police Department.

2.01.4 Breaks: Employees shall be entitled to a one (1) hour lunch break and two 15 minute breaks for each 7.5 hours of employment. Administrative employees are compensated for breaks but not entitled to compensation for lunch breaks. Non-exempt police officers are entitled to compensation for these breaks and lunch breaks since, because of the relatively small number of officers on duty at any time, they regularly answer calls for service during these periods. Breaks may not be used at the beginning or end of a shift or work day.

2.02 TIMEKEEPING REQUIREMENTS AND PAYDAYS

Accurate recording of time worked is the responsibility of every employee. All employees must accurately record time worked on a time sheet at the beginning and end of each work period. Employees also must record their time whenever they are not working for the County during their regular work period. Filling out another employee's timesheet, allowing another employee to fill out your timesheet, altering any timesheet, failing to comply with timekeeping rules or reporting will be grounds for discipline up to and including termination of employment. Any errors on a timesheet should be reported immediately to your supervisor, who will attempt to promptly correct the legitimate errors. Supervisors will review the timesheets of their employees and make corrections as required by law or County policy. The County pays its employees every other Friday. Each paycheck represents wages earned by the employee during the two-week period ending on the previous Sunday. Immediate supervisors should be notified of any errors in pay. The supervisor will in turn take steps to review the situation. A lost check should be reported immediately so that payment may be stopped at the bank and another check can be issued.

2.03 OVERTIME

2.03.1 Administrative Employees: The Department Head or Supervisor shall establish the hours of work for each employee under his/her supervision which shall be determined in accordance with the needs of the County services, and which shall take into account the reasonable needs of the public, who may be required to do business with various County departments. Supervisors shall establish the hours of work for each employee under his/her supervision. The work week consists of 37.5 hours from Monday through Sunday. Authorized work greater than 37.5 hours but less than 40 hours each week is known as "gap time." Non-exempt employees who work gap time will be paid at their normal hourly rate for the hours worked or awarded compensatory time equal to the number of hours worked. Authorized overtime for non-exempt employees is time worked over forty (40) hours in the work week and may be taken either in pay or compensatory time, subject to the election of employees as provided for in Subsection (C)(3) of this Section, as determined by the supervisors. The overtime compensation is determined by multiplying the hours exceeding forty (40) hours in the work week by 1.5. Overtime requests shall use the County overtime form. Neither Non-Covered employees nor exempt employees are not eligible for gap time compensation, overtime compensation or compensatory time.

2.03.2 Police Officers: The Sheriff shall establish the hours of work for each police officer. Authorized overtime for all non-exempt police officers is time worked in excess of 80 hours in a 14-day period and may be taken either in pay or compensatory

time, subject to the election of officers provided for in Subsection (C)(3) of this Section. The overtime rate is determined by multiplying the hours exceeding 80 hours in a 14-day period by 1.5.

2.03.3 Election by Employees to Decline Compensatory Time.

2.03.3.1 Administrative Employees: On or before January 1st of each year, the Board of Commissioners shall provide to all non-exempt administrative employees a Notice of Overtime Compensation (hereinafter the “Notice”). The Notice shall advise eligible employees that compensatory time will be provided for all authorized overtime in lieu of paid overtime. The Notice shall further advise eligible employees that their consent to receive compensatory time in lieu of paid overtime will be assumed, as a condition of employment, unless written notice of objection is received by the Board of Commissioners.

2.03.3.2 Police Officers: On or before January 1st of each year, the Sheriff shall provide to all non-exempt police officers a Notice of Overtime Compensation (hereinafter the “Notice”). The Notice shall advise eligible police officers that compensatory time will be provided for all authorized overtime in lieu of paid overtime. The Notice shall further advise eligible police officers who consent to receive compensatory time in lieu of paid overtime will be assumed, as a condition of employment, unless written notice of objection is received by the Sheriff.

2.03.4 Hours Counting Toward Overtime and Compensatory Time: For purposes of a determination of the number of hours worked when calculating eligibility for overtime or compensatory time, the following hours count as “hours worked:”

1. hours worked;
2. vacation leave;
3. sick leave;
4. bereavement leave;
5. jury duty leave;
6. holiday leave; and,
7. paid-time-off (beginning January 1, 2017).

The following hours do not count as “hours worked:”

1. compensatory time used;
2. Family Medical Act Leave; and,
3. military leave.

h For non-exempt police officers, the following additional rules apply:

2.03.4.1 Substitution Time: When an officer substitutes time with Another officer by mutual agreement, the time worked by the substitute counts;

2.03.4.2 On-Call Duty: Time spent on-call does not count. If the on-call officer is called to duty and works, the time actually worked counts;

2.03.4.3 Training: Time spent at the police academy in training or other training, and travel to and from such training, counts. Time spent by officers at the academy or other training which is outside of training or class, including but not limited to time sleeping or free time, does not count;

2.03.4.4 Travel to and from Work: Time spent traveling to and from an officer's home to the police station or duty area does not count unless the officer has marked on duty and is discharging his or her official duties. Officers may not mark on duty outside of the County limits unless they are engaged in law enforcement activities. If the officer is required to travel to places other than the police station or duty area for work, the travel time counts to the extent that it exceeds the officer's normal travel time from home to the police station or duty area.

2.03.5 Compensatory Time Limitation and Carry Forward: Accrued compensatory time may be accumulated up to 40 hours for administrative employees and 80 hours for police officers and employees of the Central Communications Center. Accrued compensatory time should be used by the end of each calendar year. If work demands prevent the use of accrued compensatory time by the end of the calendar year, employees may carry unused compensatory time to the next calendar year, but supervisors should schedule work in the following year in a manner to use the compensatory time carried over within the first six months of the next calendar year. All accrued compensatory time at the time of retirement, resignation, promotion to an exempt position or termination will be paid in the next payroll cycle.

2.03.6 Employee Roster & Pay Schedule (ERPS) System: In 2018, the County Council adopted the Employee Roster & Pay Schedule (ERPS) system for compensation. This system was used to determine the compensation of employees for 2019. The following rules apply to the implementation of the system:

2.03.6.1 ERPS Review Committee: The Board of Commissioners will appoint four (4) persons to serve on the ERPS Review Committee. The purpose of this Committee is to consider requests for changes in compensation and recommend action on such requests for the County Council, to recommend compensation to the Council for newly created positions, and to make recommendations to the Council and Board of Commissioners concerning compensation and benefit matters. The Committee will be comprised of one Commissioner, one member of the Council, and two department heads.

2.03.6.2 Requests for Review: Any department head may request that the compensation of an employee in his or her department be reviewed by the Committee. All requests must be made in writing and must include a copy of the employee's job description, reason for request, and any other information the department head considers relevant to the review request. Within 30 days of receiving a request, the Committee will conduct a conference with the department head regarding the request. Within ten days of the conference, the Committee will make a written recommendation to the Council for its consideration and provide a copy of the recommendation to the department head making the request.

2.03.6.3 Council Action: The Council will consider the recommendation of the Committee at its next regular meeting. The decision of the Council regarding the request is final.

2.03.6.4 Adoption of Compensation System: Consistent with Indiana law, the County Council has the authority to adopt compensation systems, rules for compensation, and rules for the implementation of such systems.

2.04 FLEXIBLE SCHEDULING

The County recognizes that the duties of some employees may necessitate work schedules different than the County's normal working hours. In those special cases, the Department Head, Supervisor or Sheriff may authorize flexible scheduling to the extent these changes are in the best interests of the County. As a result, the following procedures will be followed in the implementation of flexible time:

2.04.1. Approval of Flexible Scheduling: Each employee's flexible time work schedule must be approved in writing by the Department Head, Supervisor or Sheriff, or their designees. In situations where job responsibilities or emergency situations require an employee to work on a weekend or holiday, the Department Head, Supervisor or Sheriff, or their designees, may grant the employee corresponding time off at a time mutually agreeable to the employee and the Department Head, Supervisor or Sheriff.

2.04.2. Coverage: Adequate personnel, including supervisory personnel, must be available to carry out work activities without creating any loss in services to the public.

2.04.3. Abuse of Privilege: If it is determined that the flexible time option is hindering operations or is being abused, the Department Head, Supervisor or Sheriff may discontinue flexible time on an individual or work group basis at any time.

2.04.4. Permanent Changes: Permanent changes in the employee's work schedule require the prior approval of the Department Head, Supervisor or Sheriff.

2.05 DIRECT DEPOSIT

Employees will have their paychecks deposited into their personal bank account by making arrangements with the Auditor.

2.06 EMERGENCY DUTY PAY

The County Council may establish emergency duty pay in the Salary Ordinance.

2.07 LONGEVITY PAY

All full-time employees of all departments of the County may be paid a longevity bonus as established by the County Council.

2.08 PAYROLL DEDUCTIONS

Deductions will be made from each employee's pay for required withholding taxes and for certain other items for which the County has been specifically authorized to withhold.

The deductions are made as required by Federal, State and Local governments or for the convenience of both the employee and the employer in the administration of certain employee benefit plans made available by the employer.

It is the policy of the County that employees will not have improper deductions from their compensation. If an employee believes that an improper deduction has been made from his or her compensation, the employee must report the improper deduction to his or her supervisor and the Auditor within seven (7) days of becoming aware of the improper deduction. If the deduction the County makes is improper, the County will promptly reimburse the employee for the improper deduction.

2.09 COMPENSATION WHEN OFFICES CLOSED

If the Commissioners close County Offices because of inclement weather or other emergencies, employees will be compensated for the days of closing as if they worked. If County Offices are open but an employee cannot report to work because of road conditions, the employee will not be compensated.

3. EMPLOYEE BENEFITS

3.01 INTRODUCTION

The County has established a variety of employee benefit programs. The descriptions of benefits in this Employee Handbook are intended as summaries for informational purposes only. This Employee Handbook does not change or otherwise interpret the terms of the official plan documents. In the event any information contained in this Employee Handbook is inconsistent with official plan documents, the provisions of the official document will govern in all cases. If federal or state law, rules, orders or regulations require a change to the benefits provided by the Town to employees, changes will be made to the benefits provided, and the provisions of this handbook will be deemed to have changed in order to comply with such law, rule, order or regulation.

For more complete information regarding any of the benefit programs available, contact the Auditor's office for a copy of the applicable plan document.

3.02 INSURANCE

The County provides a comprehensive group insurance program that includes medical, dental, and other benefits. Employees seeking more information regarding these benefits may contact the Auditor.

In the event that two or more members of the same immediate family are employed by the County, all are eligible for coverage. If spouses are employed by the County, the insured will be based on the spouse whose birthday comes first in the calendar year.

3.03 RETIREMENT PLAN

3.03.1 Public Employees Retirement Fund (PERF): The County has elected to participate in PERF. The County will make the statutorily required contribution for its employees other than Police Officers who are covered by their own retirement plan.

3.03.2 Police Retirement Fund: Qualifying police officers may under Indiana law participate in the Police Retirement Fund. The County will make contributions required by law to the accounts of officers participating in the Police Retirement Fund.

3.04 SUPPLEMENTAL INSURANCE

Supplemental insurance policies such as disability, life and cancer insurance, and many others, may be offered to employees from agents who hold an open enrollment period each year for all County employees. These policies are personal and voluntary. The County will not pay any premium or other expense related to these supplemental insurance policies and payments shall be the sole responsibility of the individual employee choosing to purchase such a policy. Payment may be made through payroll deductions.

3.05 WORKERS COMPENSATION

In the event of a work-related injury or illness, the County has Worker's Compensation Insurance, which will pay the injured or sick employee at the rate of sixty-six and two-thirds percent (66 2/3%) of his average weekly wage in accordance with the Indiana Worker's Compensation Act. However, at no time shall the employee collect in excess of 100% of his or her weekly wage. Employees may use Paid-Time-Off (PTO) in order to supplement their income while receiving worker's compensation benefits. When PTO benefits are used to supplement worker's compensation benefits or disability benefits, they will be charged as outlined above.

All work-related injuries and illnesses must be reported to the injured employee's supervisor and the Board of Commissioners as soon as possible even though medical attention may not be needed at the time. If the severity of injury or illness prevents immediate notification of the employee's supervisor and/or Board of Commissioners, notification shall occur no later than 24 hours of the injury or illness. Employees will be required to complete a written statement of the injury or illness and to cooperate fully in the investigation of the matter. Employees who fail to promptly notify their supervisor and the Board of Commissioners or who fail to fully cooperate in the investigation may lose their rights to benefits under Indiana's Workers' Compensation laws and be subject to disciplinary action. Employees are expected to report promptly to management any apparent health or safety hazards.

Workers compensation benefits are not available for injuries, illnesses or death which arise from an employee's intentional self-inflicted acts, intoxication, horseplay, commission of a crime, willful failure or refusal to perform a statutory duty, and/or refusal to follow a plan of medical care as prescribed by law.

Under Indiana law, the County has the right to direct medical care and choose an employee's doctor for treatment of a work-related injury. If an employee refuses to comply with the doctor's treatment plan and requirements, or if he/she refuses to be

treated by the doctor selected by the County, that employee may lose the rights to benefits under Indiana's Worker's Compensation laws.

In order to protect all employees, an employee must present to his/her supervisor a physician's statement releasing that employee to return to work following any injury or illness for which three or more consecutive scheduled working days have been missed. This release must state whether the employee is able to work either (a) without limitation; or (b) with limitations, listing each limitation specifically.

3.06 OTHER BENEFITS

At the discretion of the Board of Commissioners and County Council, employees may be eligible for additional benefits.

4. POLICIES

4.01 CODE OF CONDUCT.

Employees of the County are employed to provide service to the citizens of the County and the public in general and are expected to conduct themselves in a manner that will reflect positively on the County government, public officials, fellow employees and themselves. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or failing to be impartial in conducting public business.

Employees shall not use or permit the use of any funds or property belonging to the County for private benefit including, but not limited to, office supplies, tools, machinery, office equipment, etc.

Employees may deal with plans, programs and information of significant public interest. Employees must not use this privileged information for their own financial advantage. If an employee finds that he/she has an outside financial interest which could be affected by County's plans or activities, he/she must immediately report the situation to his or her supervisor. Use of privileged information for private gain is just cause for disciplinary action up to and including termination of employment.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of unacceptable conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate use, removal or possession of property.
- Falsification or unauthorized tampering of County records or any records kept by the County.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating County vehicles or equipment and/or any violation of the County's Drug and Alcohol Abuse Policy and Rules.
- Fighting or threatening employees or others while on the job.
- Boisterous or disruptive activity in the workplace.
- Insubordination or other disrespectful conduct.
- Careless or inappropriate operation of County vehicles or other equipment which risks or results in injury or damage to the property of the County or others.
- Violation of federal, state or local safety or health rules.
- Smoking in prohibited areas.
- Sexual or other unlawful or unwelcome harassment.
- Possession of dangerous or unauthorized materials, such as explosives, in the workplace.
- Violation of County ordinances or of federal or state laws.
- Making false or base statements, written or verbal, about other employees or County officials.
- Gambling during work hours or on County property.
- Receipt of any gifts or compensation, other than that received from the County, for services rendered on behalf of the County or during scheduled working hours.
- Engaging in any election activities or political campaign-related functions while on duty or while wearing a uniform of the County.
- Excessive absenteeism or tardiness or absence without notice.
- Unauthorized use of County equipment.
- Violation of departmental policies
- Unsatisfactory performance or conduct.
- Representing oneself as a County employee in order to aid in committing or attempting to commit a felony or misdemeanor.
- Unauthorized disclosure of any confidential County information.
- Immoral or indecent conduct or use of abusive language while on the job.
- Violation of the County's security rules, orders, regulations and directives.

Police officers are subject to additional rules of conduct which are contained in the Police Department's Standard Operating Procedures, rules and general orders.

4.02 PRINCIPLES OF EMPLOYMENT.

The job performance and personal conduct of each employee directly impacts the public's trust and the County's ability to achieve its mission of service to the community. Therefore, the following guidelines and principles have been adopted on a county-wide basis.

- Personnel actions, including recruitment, selection and advancement of employees shall be made on the basis of an individual's relative knowledge, skills and abilities.
- Employees are expected to render their best service to the County by reporting for work on time with the necessary equipment and by being properly attired to conduct their business.
- Employees are expected to notify their supervisors of conditions that would affect the performance of their duties. Employees who are unable to report to work as scheduled should contact their supervisor prior to the start of their work period. If employees must leave the work area during working hours, prior authorization should be obtained from their supervisor. Employees must receive permission from their supervisor before working overtime.
- While on the job, at the work site or while on County property or in a County vehicle, employees may not drink alcohol, possess an open alcohol container, be under the influence of alcohol, smoke a tobacco product, or use, possess or test positive for a non-prescribed controlled substance. Using any other substance that inhibits the satisfactory performance of essential job functions should be brought to the supervisor's attention immediately.
- Employees are expected to be productive in the performance of their duties. They must demonstrate the ability and willingness to perform those duties in a satisfactory manner that conforms to the established standards, County policies and reasonable supervisory orders.
- Employees are expected to safeguard County equipment, facilities, records, supplies and funds against misuse, abuse, loss, damage, destruction or unauthorized use. Incurring a liability or expense in the name of the County without proper authorization is unacceptable.
- Employees of the County shall not use influence or position for the private advantage or personal gain of employee. Furthermore, employees shall not use physical County property or information for personal gain.
- Employees are protected against coercion for partisan political purposes and are free to exercise their rights as citizens. Employee shall refrain from participation

in the management, affairs, or political campaign of any candidate for political office during work hours.

- Supervisors are expected to provide a positive work environment for employees. Supervisors should guide and direct employees in a manner that complies with established work standards and County policies. They are expected to take prompt corrective action when they observe improper performance or conduct.
- Public service and community expectations require compliance with federal, state, and local laws and regulations during both working and non-working hours. Non-compliance can damage the reputation of the County and have other serious consequences and will not be accepted.
- Employees must protect the security of confidential County information while conforming to public record laws. When questions arise, employees should ask their supervisor for assistance. Only the appointed spokesperson for the County should release information to the media.
- Employees shall not submit letters of endorsement for vendors doing business with the County.
- Employees are responsible for thoroughly acquainting themselves with the provisions of the Employee Handbook. Employees are expected to conduct themselves at all times in a way so as to effectively and efficiently carry out their responsibilities to the County and to the public.

Police officers are subject to additional rules regarding their employment that are contained the Police Department's Standard Operating Procedures, rules and general orders.

4.03 CONFIDENTIAL NATURE OF WORK.

It is the responsibility of all County employees to safeguard confidential County information. Continued employment with the County is contingent upon compliance with this policy. Confidential information is defined as, but not limited to, trade secrets or confidential information relating to processes, customers, designs, drawings, marketing data, accounting, employee records, salary information, business plans and strategies, negotiations and contracts. No County employee may disclose confidential information or remove such information from the municipal building without written permission of the Board of Commissioners.

Unless otherwise identified by management, all employees shall assume that such information is confidential. Employees who are unsure about the confidential nature of any particular record or information should ask the Board of Commissioners for clarification. Employees will be subject to appropriate disciplinary action, up to and

including termination, for knowingly or unknowingly divulging or releasing information or records of a confidential nature.

Police officers are subject to the rules of confidentiality contained in the Police Department's Standard Operating Procedures, rules and general orders.

4.04 CONFLICTS OF INTEREST AND GRATUITIES

The County's successful operation and reputation is built upon the principles of fair dealing and ethical conduct of employees. The County's reputation for integrity and excellence requires careful observation of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. Thus, employees owe a duty to the County and to the general public to act in a way that will merit trust and confidence. The following examples are considered to involve a conflict of interest that violates this policy:

1. Serving as an employee, officer, director, consultant or hold an elected office for any supplier of materials or services.
2. Soliciting or accepting anything of value, including a gift, loan, reward, promise of future employment, favor or service that is based upon any understanding that the action or judgment by the employee would be included.
3. Disclosing or using information not available to the general public, and gained by reason of an employee's official position or benefit, for the personal gain of any other person or business entity.
4. Using or attempting to use an employee's official position or any property or resource which may be within his or her trust, or perform his or her official duties to secure a special privilege, benefit, or exemption for himself or herself or others.
5. Accepting any compensation, payment, or thing of value when the Employee knows or should have known that it was given to influence the action in which the employee was expected to participate in her or her official capacity. This includes items given to family members as well.
6. Accepting gifts, entertainment, or anything of value from any customer, or supplier of materials or services other than minor holiday gifts of a nominal nature. (Acceptance of nominal gifts in keeping with special occasions such as marriages, retirement, illness, unsolicited advertising or promotional materials or social courtesies which promote good public relations is permitted.)
7. Engaging in any business other than his or her regular County Duties during working hours.
8. Supervisors must avoid placing themselves in a position which could Interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates, other than those of nominal value for special occasions, and no supervisor shall borrow money or accept favors from subordinates.

It is important to avoid not only any situation that is an obvious conflict of interest such as those above, but also any situation that might give the appearance of being a conflict of interest. If a situation arises in which it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor, and if necessary, with the Board of Commissioners, Department Head, Supervisor or Sheriff for advice and consultation.

Compliance with the expected level of ethics and conduct is the responsibility of every employee. Disregarding or failing to comply with this standard could lead to disciplinary action, up to and including possible termination of employment.

Police officers are subject to additional rules regarding their employment that are contained the Police Department's Standard Operating Procedures, rules and general orders.

4.05 ATTENDANCE

To maintain a safe and productive work environment, Administrative employees are expected to be reliable and punctual in reporting to work. Absenteeism and tardiness place a burden on other employees and the County. An employee must fill in his or her own attendance records/time sheets when work starts and ends. Anyone attempting to sign any sheet or card other than his or her own may be subject to disciplinary action, up to and including termination. An employee who is absent without proper notification may be subject to disciplinary action. An employee is expected to be in his or her work area and be ready to work at the designated time. Chronic lateness will not be tolerated and may result in disciplinary action, up to and including termination. In any unavoidable delay in reporting to work the employee shall call his or her supervisor or designee prior to the start of work. Punctuality is a critical part of performance and an employee who is late may be subject to disciplinary action up to and including termination. Supervisors are responsible for the attendance of all persons in their departments in accordance with the provisions of these Rules and Regulations. Attendance reports and time cards shall be submitted to the Department Head for Administrative Employees and to the Sheriff for employees of the Police Department for each party period. The Department Heads and Sheriff shall maintain complete attendance records for all employees and provide a copy to the Auditor for payroll purposes.

Police Officers are subject to attendance rules contained in the Police Department's Standard Operating Procedures, rules and general orders.

4.06 APPEARANCE, DRESS CODE/UNIFORM, DEMEANOR AND PERSON PROPERTY

4.06.1 Administrative Employees:

4.06.1.1 General Guidelines: Appearance is a reflection of professionalism. The public responds positively to a professional presence. Acceptable personal appearance is an ongoing requirement of employment. Discretion in style of dress and behavior is essential to the efficient operation of County government. Employees should conduct themselves at all times in a way that best represents them and the County. Professional dress is expected at all times. Employees that report to work improperly dressed may be instructed to return home to change. Time spent traveling to and from home to change clothing will be unpaid.

4.06.1.2 Uniforms: Employees in certain departments of the County are furnished with uniforms which must be worn at all times during the employee's normal work day. It is the responsibility of the employee to make sure that the uniform is kept clean and neat. An employee may not wear a uniform off-duty except when directly traveling to and from work. When in uniform, employees shall not enter bars, lounges, taverns, casinos or other places where alcoholic beverages are served. Employees shall wear identification badges when working outside the office. Employees shall wear safety vests, per OSHA, when working in the right of way.

4.06.1.3 Hair: Hair must be neat and combed in a natural style that is appropriate in the work environment. Unconventional or extreme colors of hair and/or styles are not acceptable. Beards and mustaches must be neat and trimmed.

4.06.1.4 Accommodations: When brought to the attention of the Department Head or Sheriff, reasonable accommodations will be made for those employees whose religious beliefs or medical conditions require deviations from this policy.

4.06.1.5 Safety Rule Reservation: The County reserves the right to adopt safety rules regarding jewelry and hair.

4.06.1.6 Personal Hygiene: Employees must follow all reasonable personal grooming standards, including regular bathing and use of deodorant. Employees failing to adhere to these standards may be subject to disciplinary action, up to and including termination.

4.06.1.7 Personal Property: Employees are responsible for his/her personal property. The County is not responsible for personal property.

4.06.2 Police Rules: Police officers are subject to the rules regarding appearance and uniforms that are contained in the Department's Standard Operating Procedures, rules and general orders.

4.07 EMPLOYEE RECORDS

The Department Heads and the Sheriff maintain the official record file for each employee under their respective supervision. This file contains information needed to conduct County business, comply with legal requirements and adhere to governmental regulations.

The following provisions apply with respect to the County's standards for establishing, maintaining and handling employee personnel files:

- A. All official records concerning an employee will be kept up to date insofar as possible, and all employees shall promptly report all pertinent personal information and data changes to the Department Head or Sheriff, and to the Auditor's office. All information in the employee personnel files is considered confidential, with any disclosure to third parties made as required by law. This information will only be available to the Department Heads, Sheriff and Auditor, the employee, and the employee's direct supervisor.
- B. The above-named individuals will be permitted to review the personnel files as permitted by applicable laws in the presence of their supervisor, Department Head or Sheriff. Employees may submit their request in writing to the Department Head, Sheriff or Auditor.
- C. Information regarding the medical condition or history of an employee will be maintained in accordance with applicable federal and state laws and will be maintained in a separate file under the supervision of the Auditor.
- D. The personnel file of a terminated employee will be maintained in accordance with applicable state and federal laws.

4.08 CHANGES TO PERSONAL INFORMATION

The County maintains records of each employee's home address, contact telephone numbers and emergency contact information. This information needs to be accurate for insurance, pay, and tax purposes, for emergencies and to ensure that the employee received important notices sent to his or her home address. Therefore, it is very important that an employee notify his or her supervisor of any change in this information so that the County's records can be kept up to date. Supervisors should forward such information to the offices of the Department Head, Sheriff and Auditor.

4.09 HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA) POLICY

The County will comply with all applicable portions of the Health Insurance Portability & Accountability Act (HIPAA). In order to do so, the County will take all steps necessary to reasonably safeguard protected health information from any intentional or unintentional use or disclosure that is in violation of the standards of HIPAA. The County has implemented a plan to reasonably safeguard protected health information. Employees who have complaints regarding the County's policies or procedures or conduct regarding its duties under HIPAA should submit a written complaint to his or her department head and to the Board of Commissioners. Upon receipt of the complaint, the department head will notify the County Attorney. The County will properly document its receipt of the complaint and then respond to any such complaint within ten (10) days. The County's response will be in writing and will be delivered to the employee filing the complaint. Employees violating the County's policies, procedures and/or HIPAA will be subject to discipline for such violation. To the extent that the County discovers a harmful effect of its policies and/or procedure, the County will take all necessary action to mitigate such effects. The County will not retaliate or intimidate any employee who exercises his or her rights under the County's policies, procedures of HIPAA. The County will not require an employee to waive his or her rights under HIPAA as a condition of the provision of treatment, payment, enrollment in a health plan or eligibility for benefits. In order to ensure that no waiver of rights is required under the County's health insurance plan, the County will review all enrollment materials.

4.10 DRIVING RELATED EXPENSE – MILEAGE & CDL – REIMBURSEMENT, COUNTY VEHICLES

4.10.1 Administrative Employees: The County pays the expenses of employees required to obtain a Commercial Driver's License. In the event an employee of the County is required to use his or her personal vehicle for County business, the employee shall be reimbursed for mileage at a rate equal of the State of Indiana approved rate upon completion of proper documentation. Employees shall receive authorization from his/her supervisor prior to using their personal vehicle for County business. Employees shall use County vehicles for County business whenever possible.

4.10.2 Police Department. The Sheriff allows police officers to take their police vehicles home. Officers are subject to the take-home car policy contained in the Police Department's Standard Operating procedures, rules and general orders.

4.11 USE OF COUNTY PROPERTY

It is expected that all employees use common sense and sound judgment when utilizing County-owned equipment. Equipment includes, but is not limited to, office and cellular telephones, computers, laptops, pagers, facsimile, vehicles, trimmers, mowers, power tools, chain saws, digging equipment, etc.

Duplication of any software or any other use that would violate software licenses is prohibited. Employees are prohibited from using or allowing the use of County property of any kind for other than official duties. All employees guilty of violating this policy may be subject to disciplinary action up to and including discharge.

4.12 INTERNET USAGE AND ELECTRONIC MESSAGING

The County encourages the use of electronic mail, internet and messaging programs as a tool to help accomplish the County's legitimate business objectives by enhancing the quality and efficiency of communication. Employees are expressly prohibited from sending any messages or materials containing obscene, profane, lewd, derogatory, or otherwise potentially offensive language or images. The use of material containing racial, sexual or similar comments or jokes is forbidden. Users should respect the rights and sensitivities of recipients or potential recipients or viewers and should ensure that all messages reflect the professional image that the County wishes to portray. Employees, however, may not text while driving County vehicles.

Accordingly, employees are strictly prohibited from using the County's email system or Internet access for any of the following purposes:

- Personal gain, including the solicitation of or engagement in any non-County business.
- Viewing, transmitting, retrieving or storing material that may in any way be considered obscene or offensive.
- Transmitting any messages containing derogatory, harassing, or inflammatory remarks about an individual or group's race, color, religion, national origin, age, disability or other characteristic or attribute not related to their job performance.
- Transmitting any abusive, profane, or offensive language.
- Transmitting any information which the employee knows or has reason to believe may be false, misleading or libelous.
- Sending or posting chain letters, jokes, solicitations or advertisements, not directly related to some business purpose or activity or for any other purposes which are legal, may damage the County's reputation or is otherwise contrary to the County's best interest.
- Using the County's email system or Internet access for any political or religious causes or activities.
- Posting to non-County sponsored blogs or other Internet websites.

Employees may respond to personal email during their lunch break or other breaks during the day.

Personal cell phone calls should be limited. Employees should not allow private phone calls to interfere with the performance of work.

Users should be aware that messaging systems and networks cannot be considered private and may be monitored by the County. Such messages also may be subject to public records

requests and disclosure to third parties, such as courts or law enforcement agencies. Employees should always ensure that the business information contained in Internet electronic mail messages and other transmissions are accurate, appropriate, ethical, and lawful.

All equipment, services and technologies provided to employees as part of the County's computer system constitute the exclusive property of the County. Similarly, all information composed, transmitted, received or stored via the County's computer system is also considered the property of the County. The County reserves the right to monitor Internet traffic and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Copyrighted materials belonging to entities other than the County, including software, publications, articles, graphics or other proprietary information may not be transmitted on the County's email system or via the County's Internet access.

Violators of this policy will be subject to appropriate disciplinary action up to and including termination of employment. Any known or suspected violations of the policy should be reported immediately to management.

4.13 CRIMINALLY CHARGED EMPLOYEES

An employee who is charged with a criminal offense or who is under criminal investigation is required to immediately report the matter to his or her supervisor and Department Head. The existence of the criminal charge or investigation involving an employee will not in and of itself result in a corrective measure against the employee. However, the County must be informed so that it may independently address the allegations and determine the appropriate response, including but not limited to suspension or termination. The employee shall notify his or her supervisor about any charges in the criminal charges and about the resolution of any charges. Criminal charges may be grounds for immediate termination and failure to notify the County of the pending charges may be grounds for immediate dismissal.

4.14 POLITICAL ACTIVITIES

The County recognizes the right of employees to engage in political activities and participate in community, state, and national programs provided that such participation does not prevent the full discharge of the employee's job responsibilities. Employees covered under this handbook shall not:

- Participate in the management, affairs, or political campaign of any candidate for political office during work hours.
- Solicit any assessments, contributions or service for any political party during work hours.

- Use official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office.

4.15 OUTSIDE EMPLOYMENT

Circumstances may arise in which a County employee desires employment in addition to County employment. The County allows employees to be employed outside of their employment with the County as long as the employee adheres to the following guidelines:

- The hours of outside employment do not coincide or conflict with scheduled hours of work for the County in a normal work week.
- The outside employment does not conflict with the County job responsibilities and/or affect the ability to satisfactorily perform the County job in the normal work week.
- The outside employment does not cause an employee to arrive late or leave early from scheduled work hours of the County job.
- The outside employment does not constitute a conflict with County interests;
- If outside employment is affecting the employee's ability to perform his/her duties or if a conflict arises from the outside employment, the Department Head will instruct the employee to discontinue the outside employment. Failure to discontinue the outside employment as directed may lead to corrective action, up to and including termination.
- All exempt employees must have approval of the Department Head or Sheriff before taking secondary employment. Special rules apply to outside employment for Police Officers, and all Officers seeking outside employment must follow these rules.

4.16 NO SOLICITATION/DISTRIBUTION POLICY

Posting or distributing notices or other written materials on County property at any time, without prior approval from the Board of Commissioners is strictly prohibited.

Employees are further prohibited from soliciting other employees or non-employees on County property during the working time of either the soliciting employee or the employees being solicited.

The only exception that may apply to this policy is when an employee is engaging in distribution or solicitation related to a County sponsored event or activity.

Persons not employed by the County are at all times prohibited from selling, soliciting, distributing or posting written materials on County premises.

4.17 NON-DISCRIMINATION ON BASIS OF DISABILITIES

It is the policy of the County to employ, advance and otherwise treat qualified individuals without regard to their disability in all employment practices. In accordance with the provisions of the Americans with Disabilities Act (ADA), no program or activity administered by the County shall exclude from participation, deny benefits to or subject to discrimination any individual solely by reason of his or her recognized disability.

The County is committed to ensuring that there is no discrimination under any terms, conditions or privileges of employment and to making reasonable accommodations for qualified employees with physical or mental disabilities. The County will afford reasonable accommodation to qualified applicants and employees with a known disability in order to enable them to perform the essential functions of their jobs in a safe and efficient manner, provided that the accommodations will not cause undue hardship to the County. Applicants may inform the Board of Commissioners and employees may inform their supervisor of the disability and may suggest, on a confidential basis, how the County may reasonably accommodate such individual.

4.18 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

The County does not accept, condone or tolerate actions of harassment on the basis of any personal characteristic, including but not limited to, race, color, religion, sex, sexual preference, national origin, age, disability, genetic information or ancestry or any other classification protected by federal, state or local law. Harassment includes unwelcome conduct, whether verbal, physical or visual.

4.18.1 Sexual harassment defined: Sexual harassment prohibited by this policy includes any unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- (a) Submission to or rejection of such conduct is used as a basis for employment decisions affecting the employee; or
- (b) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

4.18.2 Examples of harassing conduct include:

- Unwanted physical contact or conduct, sexual flirtations, touching, advances or propositions.
- Verbal harassment of a sexual nature, lewd comments, sexual jokes or references, offensive personal references or degrading or slang terms.

- Demeaning, insulting, intimidating or sexually suggestive comments about an individual's personal appearance.
- Insulting or degrading jokes, comments or references to a person's mental or physical capabilities whether work related or personal.
- Insulting or degrading jokes, comments or references to a person's sex, race, religion, or ethnic background.
- Displaying of demeaning, insulting, intimidating or sexually suggestive objects, messages, pictures or photographs.
- Creating or forwarding demeaning, insulting, intimidating or sexually suggestive written, recorded, or electronically transmitted messages, including screensavers.
- Making or threatening retaliation after a negative response to sexual advances.

It is the policy of the County that sexual harassment can occur between employees of the same sex. It is unlawful for a male to sexually harass either females or males or for a female to sexually harass either males or females.

Procedures for Handling Occurrences of Discrimination or Harassment. Employees with questions or concerns about discrimination or harassment in the workplace should bring these issues to the attention of his or her supervisor. Any employee uncomfortable reporting an incident to his or her supervisor should report harassment or concerns to the Department Head or Board of Commissioners for administrative employees or Sheriff for employees of the Police Department. Under no circumstances shall an employee be required to make a report of discrimination or harassment to the person he/she is accusing of the discrimination or harassment.

Any employee who receives a complaint of discrimination or harassment or who becomes aware of an incident of discrimination or harassment must report the matter to his or her supervisor. Supervisors who receive a complaint of discrimination or harassment or who become aware of an incident of discrimination or harassment must report the matter to the Department Head and Board of Commissioners immediately. The failure to make such any report may subject the employee or supervisor to discipline. Anyone found to be engaging in unlawful discrimination or harassment will be subject to disciplinary action, including possible termination of employment.

The Department Head shall conduct an investigation into any report of discrimination or may request another outside entity to conduct the investigation. If the claim is against the Department Head, reports shall be made with the Board of Commissioners. In that event, an alternate discrimination investigator (ADI), shall investigate the claim. The investigation shall include a preliminary report within 3 business days.

Either the Department Head or, in the event of the appointment of an ADI, the ADI, will immediately take steps to separate the complainant and person accused of harassment. Separation may include temporary relocation of office to another location where the individuals cannot interact or paid time off for the accused until the preliminary investigation is complete.

Discipline

Appropriate action will be taken against any employee found to have engaged in prohibited harassment to ensure that the conduct will not reoccur. Appropriate action will be taken against any employee who makes any report of harassment in bad faith. Any employee found in violation of this policy may be subject to corrective action up to and including termination of employment. The type of corrective action taken will depend on the severity of the conduct as well as any other factors presented.

All attempts are made to protect the privacy of the parties involved. The County treats allegation of discrimination and harassment seriously and with confidentiality. All employees are expected to do the same. Complaints are treated in strict confidence and only those people with a 'need to know' will be involved in the investigation. Under no circumstances will the County permit retaliation in any fashion against the complaining employee or others for raising or confirming the accusation of harassment. Employees, including supervisors, may be held personally liable for actions that violate this policy.

4.19 TRAVEL POLICY

4.19.1 Business Travel: The County is responsible for authorizing employee business travel and reimbursement of reasonable travel expenses including overnight lodging, parking, meals and other travel expenses. All employees must obtain authorization from their direct supervisor before business travel. In order to be reimbursed for travel expenses, employees must provide to the Auditor a claim form, original receipts and any other documents necessary to properly document the claim within seven (7) days of the employee's return. The Board of Commissioners is vested with authority to approve or disapprove of any such claims for reimbursement, and the Commissioners may adopt rules governing the determination of whether a travel expense is reasonable and/or prohibited.

4.19.2 Prohibited Expenses. Certain travel related and business expenses are prohibited, and the County will not reimburse employees for such expenses. Prohibited expenses include the following:

- (1) personal expenses;
- (2) purchase of alcohol;
- (3) any illegal purpose;
- (4) purchases made to bypass the County's accounting system or purchasing policies.

5. HEALTH AND SAFETY POLICIES

5.01 SAFETY PROGRAMS

The County will continue to make reasonable provisions for the safety and health of its employees at its facilities during the hours of their employment. Protective devices and other equipment necessary to protect employees from injury will be provided by the County in accordance with applicable laws and safety needs. All employees are required to use equipment properly, and are responsible for safety and other equipment issued to them. Equipment will be replaced only upon return of the item that needs to be replaced. All employees are responsible for following safety procedures as established by County policy.

On-the-job accidents, injuries, and illnesses, regardless of how minor, must be reported to a supervisor and Board of Commissioners immediately. Employees that witness a failure to follow the safety rules shall report the incident to his or her supervisor. Failure to do so may disqualify an employee from receiving worker's compensation benefits or an excused absence and may result in disciplinary action.

Drivers of County vehicles must not use alcohol or drugs when performing safety-sensitive functions or perform safety-sensitive functions within four (4) hours after using alcohol. Safety-sensitive functions are defined as:

- All time spent at a facility or on any public property, waiting to be dispatched, unless the employee/driver has been relieved from duty by the County.
- All time spent inspecting equipment or otherwise inspecting, servicing or conditioning any motor vehicle at any time.
- All time spent at the driving controls of a motor vehicle either while in operation or not in operation.
- All time loading and unloading a motor vehicle, supervising or assisting in the loading, attending a vehicle, being loaded or unloaded or remaining in readiness to operate the vehicle.
- All time spent performing the driver requirements relating to an accident.
- All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

5.02 DRUG, ALCOHOL AND SMOKE FREE WORKPLACE

The County is committed to providing a safe working environment and, likewise, expects its employees to report to their jobs physically and mentally fit for work. Furthermore, the County is committed to assuring its continued representation as a quality enterprise. This policy is intended to ensure a drug-free work environment for the benefit of employees and customers in the County. It is also this County's policy to assist

employees who have a problem with drug and alcohol abuse. Our goal is to eliminate the abuse, not the abuser. Our goal is to help, not apprehend. No one will be disciplined for requesting assistance.

Reporting to work or being at work under the influence of alcohol or non-prescription drugs is absolutely prohibited. The County reserves the right as a condition of initial or continued employment to administer a physical examination, alcohol or drug test to applicants or employees.

The County Code forbids smoking of tobacco on County property except in designated areas.

5.02.1 POLICY REQUIREMENTS

5.02.1.1. The use, possession, sale, or transfer of an illegal drug by any employee on County premises, in the performance of County business, or at County-sponsored events, is strictly prohibited.

5.02.1.2. The use of any legally obtained drug by any employee while performing County business or while on County premises is prohibited to the extent that such use may adversely affect the safety of the employee or others, the employee's job performance, or the County's regard or reputation in the community. Employees who have been informed or have discovered that the use of a legal drug may adversely affect job performance or behavior are to report such drug use and possible side effects to management.

5.02.1.3. The unauthorized use, possession, sale or transfer of alcohol on County premises is prohibited. The use of alcohol by employees while conducting County business, attending County-sponsored business or social functions, or otherwise representing the County off County premises is permitted only to the extent that it is not unlawful and does not adversely affect the safety of the employee or others, the employee's job performance, or the County's regard or reputation in the community.

5.02.1.4. The presence of any illegal drug or alcohol in an employee's system while on County premises or while otherwise performing County business is prohibited.

5.02.2 TESTING:

The County may require an employee to submit to any one of four drug and/or alcohol tests depending on various circumstances as defined in this policy.

1. POST ACCIDENT: This section applies to all employees who are involved in an accident while driving a County owned vehicle or the employee's vehicle while engaged in county business.

- A. When a driver is involved in an accident where a fatality is involved, the driver shall submit to a post-accident drug and alcohol screening.
- B. When a driver is involved in a recordable accident and receives a citation for a moving violation the driver must submit to a drug and alcohol screening.
- C. When a driver is involved in a recordable accident, if either vehicle involved requires towing away from the scene or if any person involved requires medical treatment, the driver must submit to a drug and alcohol screening.
- D. In the event a driver is so seriously injured that he or she is unable to provide a urine or breath specimen at the time of the accident, the driver must provide the necessary authorization for the Town to obtain hospital records or other documentation that would indicate whether there were controlled substances or alcohol in the driver's system at the time of the accident.
- E. Any employee involved in an on the job accident requiring medical treatment, may be asked to submit to a post-accident drug and alcohol screening.

All sworn personnel are subject to the Standard Operating Procedures of the Police Department.

2. REASONABLE SUSPICION TESTING: Reasonable suspicion to screen an employee exists when an employee manifests symptoms or reactions commonly attributed to the use of a controlled substance or alcohol.

3. RETURN TO DUTY FOLLOW-UP: A drug and alcohol screen may be required when an employee has violated this policy and has received disciplinary action resulting in a suspension from duty. The employee's supervisor may require the employee to submit to a drug and alcohol screen prior to the employee being reinstated.

4. RANDOM TESTS: Employees in the County Police Department and Highway Department are subject to random drug testing at any time with or without cause or suspicion in order to assure compliance with federal, state and county policies, rules and laws.

5.02.3 REFUSAL TO TEST – Refusal to submit to drug and alcohol screens may be grounds for termination of an existing employee. A refusal to test may be defined as conduct that would obstruct the proper administration of a test and may constitute a failure. A delay in providing a sample may also constitute an obstruction in the proper administration of a screen and may constitute a failure.

5.02.4 TESTING AGENCY – All testing shall be done by a qualified testing agency of the County's choosing and at the County's expense. The only exception is that the County will only pay for one Return to Duty Follow-up test. An employee who fails the initial Return to Duty Follow-up test must bear the cost of each subsequent test until the employee passes and is reinstated.

5.02.5 CONSEQUENCES FOR POLICY VIOLATION – Any employee who violates this policy will be subject to disciplinary action up to and including termination.

1. **Disciplinary Action:** Depending upon the seriousness of the offense, any violation of the policy requirements of this policy will result in discipline up to and including termination.
2. The failure or refusal to complete the necessary paperwork or to submit to a drug test or to undergo treatment pursuant to this policy will be grounds for immediate termination.
3. All performance shortcomings, prohibited conduct, and attendance problems will result in discipline pursuant to the County's policies independently of any drug or alcohol implications or causes.
4. If an employee is aggrieved by the disciplinary process under this policy, he or she may appeal the action to the Board of Commissioners by submitting the appeal in writing within ten days to the Auditor. The Auditor shall notify the Board of Commissioners, and the Board will schedule a meeting within 20 days of the written appeal. The Board shall issue a written finding of fact. The employee may appeal the Board's decision to the Circuit Court of Montgomery County.

EMPLOYEE ACKNOWLEDGMENT

certify that I have received a copy of, and have read the above policy on drugs and alcohol testing procedures. I understand that as a condition of employment, I must comply with these guidelines. If I develop a problem with drugs and/or alcohol abuse during my employment with the County, I will seek assistance through the current drug and alcohol testing program administrator.

Employee signature

Date

5.03 PREVENTION OF VIOLENCE IN THE WORKPLACE

The County is committed to preventing violence in the workplace and maintaining a safe working environment. Given the increasing violence in society, the County has adopted the following guidelines to deal with intimidation, harassment or other threats of violence that may occur on its premises.

The County will not tolerate any conduct that threatens, intimidates or coerces an employee, customer or member of the public at any time, including off-duty periods. Additionally, firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on the premises of the County without proper authorization.

All suspicious individuals or activities, including actual violence or threats of violence, both direct and indirect, should be reported immediately to an employee's supervisor, a member of management or to the Sheriff. This includes threats by employees, as well as threats by customers, vendors, solicitors or members of the public. Employees should not attempt to intercede or otherwise become involved with any actual or potentially intimidating, harassing or violent situation.

Any employee determined to have participated in any threatened or actual violence, or other conduct that violates these guidelines will be subject to disciplinary action, up to and including termination of employment.

5.04 WEAPONS

The County strictly prohibits employees, other than police officers, from possessing any weapon in or on County property or while on duty unless authorized by the Sheriff to carry the weapon. For purpose of this policy, a weapon is broadly defined to include a firearm, knife, baseball bat or any item as otherwise provided by the criminal code.

5.05 SECURITY

The County has adopted various rules, orders, regulations and directives relating to promoting the security of County facilities and a safe workplace for employees and elected officials. The rules, orders, regulations and directives, including but not limited to, access to County buildings, reporting of security violations, responding to emergency and security circumstances, are a condition of employment, and employees may be required to show identification, subject themselves to screening or searches, and otherwise submit to various security measures. Employees may also be required to participate in security training, to assume certain responsibilities for implementation of such policies, and otherwise assist in the furtherance of the County's security plan. Employees failing to comply with these rules, orders, regulations and directives will be subject to discipline or termination.

6. LEAVE POLICIES

6.01 VACATION LEAVE

Until December 31, 2016, employees will receive paid vacation leave as follows:

Length of Employment	Paid Hours of Vacation
0 to 6 months	0
6 months to 1 year	37.5 hours
1 year to 10 years	75.0 hours
10 years to 20 years	112.5 hours
20 + years	150 hours

After December 31, 2016 employees will receive Paid-Time-Off (PTO), as provided in Section 6.03. Employees should take their vacation each year. If scheduling difficulties prevent the employee from using all his/her accrued vacation time, the employee may carry over to 2017 up to 37.5 hours of unused 2016 vacation pay. If an employee's employment is terminated for any reason in 2016, the County will pay the employee all of the unused and accrued vacation time.

6.02 HOLIDAYS

6.02.1 Determination of County Holidays: Holidays are determined by the Board of Commissioners on a yearly basis. Full-time employees will receive compensation for the County holidays equal to the normal number of hours an employee would normally work. Part-time, temporary, and seasonal employees do not receive compensation for holidays unless they work on the holiday. As defined in Section 1.05.2.2, part-time employees are employees who are regularly scheduled to work less than 37.5 hours per week. As defined in Section 1.05.2.3, temporary employees and seasons employees are employees who are hired for a predetermined or limited period of time or for a project. Interns and summer employees are temporary or seasonal employees.

6.02.2 Administrative Employees: Administrative employees may request to work on a scheduled holiday and exchange it for another paid day off. The Department Head may approve or disapprove any such request in his or her discretion. All approvals must be in writing. If approved, this day must be used by the end of the year and it cannot be turned into PTO. Holidays are equal to the scheduled hours which would have been worked if not for the holiday. Department Heads who maintain offices in the courthouse must verify the availability of Courthouse Security prior to allowing work on a holiday.

6.02.3 Police Officers: Police officers who work on a County holiday will receive compensation at their normal rate and a paid day of holiday leave that can be used

at any time during the calendar year of the award of the substitute holiday leave. The number of hours of such substitute holiday leave will be equal to number of hours actually worked on the scheduled work day that was a County holiday.

6.02.4 Termination Prior To Use of Substitute Time: If the employee earning substitute holiday leave has his or her employment terminated prior to using the substitute holiday leave, the employee will be compensated for this unused substitute holiday.

6.02.5 No Holiday Leave Earned: Employees on FMLA leave, medical leave, disability leave or suspension do not earn holiday leave.

6.03 PAID TIME OFF (PTO)

6.03.1 Accrual of PTO: Beginning January 1, 2017, Beginning January 1, 2017, full-time County employees will receive Paid Time Off (PTO) rather than paid vacation and sick leave. Part-time, temporary, and seasonal employees do not receive PTO, vacation or sick leave. As defined in Section 1.05.2.2, part-time employees are employees who are regularly scheduled to work less than 37.5 hours per week. As defined in Section 1.05.2.3, temporary employees and seasons employees are employees who are hired for a predetermined or limited period of time or for a project. Interns and summer employees are temporary or seasonal employees.

A Paid Time Off (PTO) Bank will be created for each full-time employee. The amount of PTO will vary depending upon whether the full-time employee regularly works a 37.5-hour work week or a 40-hour week. Beginning January 1, 2017, each full-time employee will receive the following PTO:

Years of Employment	Annual PTO for 37.5-hour work week	Annual PTO for 40-hour work week
0-1	75	80
2-5	109	116
6-10	128	137
11-15	147	157
16-20	165	176
20+	184	196

As used in this section, the phrase “regularly works” means the regularly scheduled work week for employees of the department. For example, employees of the Highway Department currently are scheduled to work a 40-hour work week, and all other

administrative employees are scheduled to work a 37.5-hour work week. The phrase does not mean the actual number of hours worked.

For existing full-time employees, PTO will be awarded on January 1, 2017, with each employee's years of service rounded to the next year. Thereafter, PTO will be awarded on January 1st of each year.

For new full-time employees, PTO will be awarded on a pro-rata basis, as follows:

Month of Hire	PTO Hours Awarded – 37.5-hour work week	PTO Hours Awarded – 40-hour work week
January	68.75	73.33
February	62.50	66.67
March	56.25	60.00
April	50.00	53.33
May	43.75	46.67
June	37.50	40.00
July	31.25	33.33
August	25.00	26.67
September	18.75	20.00
October	12.50	13.33
November	6.25	6.67

On January 1 of the year following hiring, the new full-time employee will be treated as having two years of service and will be awarded 109 hours of PTO if the employee regularly works a 37.5-hour work week and 116 hours of PTO if the employee regularly works a 40-hour work week.

Although PTO will be awarded on January 1, or for a new employee on the date of hiring, PTO for all full-time employees accrues on the first day of each month in an amount equal to 1/12th of the annual amount shown above. Therefore, if an employee leaves his or her employment, due to resignation, termination, death or any other reason, he or she will receive payment for accrued PTO which has not been used. If the employee has used more PTO than has been accrued, the Auditor will withhold from the employee's final paycheck an amount equal to the number of hours used in excess of accrual multiplied times the employee's normal hourly rate of pay. Employees on medical leave, disability, FMLA leave, or suspension do not accrue PTO during the period of leave or suspension.

Full-time Employees of the Sheriff's Department will receive PTO rather than paid vacation and sick leave pursuant to a leave plan approved by the Sheriff and the Board of Commissioners. This leave plan will be contained in the Standard Operating Procedures of the Sheriff's Office.

6.03.2 Use and Approval of PTO: PTO hours may be used/scheduled for any reason and requests to use PTO hours must be approved by the employee's supervisor on the PTO form prior to use. Supervisors may require employees to use PTO hours. In the event that County operations prevent an employee from using PTO, their Department Head may approve the carryover of up to 40 hours of PTO to the next year. Employees may use PTO leave in increments of less than a full work day. The minimum increment of leave is one hour. If an employee uses leave for a full day, the employee will be charged with the number of hours the employee was scheduled to work on the day of leave.

6.03.3 Termination of Employment: If an employee terminates his or her employment before the end of the year, his or her PTO balance will not be paid out except for what has been earned. All PTO that is used before it is earned prior to termination will be deducted from employee's final paycheck. Unused PTO shall be paid out upon termination within 30 days of separation. Payment shall be in a separate check.

6.04 SICK LEAVE

6.04.1 Sick Leave: In 2016, all full-time employees will receive 90 hours of paid sick leave each year, with 7.5 hours accruing each calendar month worked. Part-time, temporary, and seasonal employees do not receive paid sick leave. As defined in Section 1.05.2.2, part-time employees are employees who are regularly scheduled to work less than 37.5 hours per week. As defined in Section 1.05.2.3, temporary employees and seasons employees are employees who are hired for a predetermined or limited period of time or for a project. Interns and summer employees are temporary or seasonal employees.

Consistent with the County's current policy, employees using a sick day in any given month do not accrue a sick for that month.

6.04.1.1 Accrued Sick Leave: Employees may not accumulate more Than 157.5 hours of sick time. This limitation will not apply after December 31, 2016.

6.04.1.2 Documentation for Sick Leave: If an employee uses more than 15 hours of sick time in consecutive days, he or she will provide to his or her Department Head written documentation from a physician supporting the leave.

6.04.1.3 Termination of Employment: Upon termination of employment, no compensation will be paid to the employee for accrued, unused sick time.

6.04.2 Sick Bank: Beginning January 1, 2017, full-time employees with unused, accrued sick time as of December 31, 2016, will be allowed to retain all of those hours

and use them for sick leave in addition to PTO. The limitation of accrued sick time contained in 6.04.1.1 does not apply in 2017 and later years. Full-time employees may carry forward to 2017 all unused sick time which existed on December 31, 2016. Full-time employees may donate unused sick leave or PTO to the Employee Sick Bank. The hours donated to this bank by employees are available to full-time County employees who need more sick leave than the County's policy allows. Sick Bank Leave may be used for the illness of the full-time employee or of the employee's spouse, child, stepchild, grandchild, step-grandchild, parent, mother-in-law or father-in-law. Any full-time employee may apply for sick leave by making a written application with the Sick Bank Committee, in care of the Commissioners' Administrative Assistant. The Sick Bank Committee consists of three (3) employees or elected officials appointed by the Board of County Commissioners. The Committee will review all applications and make awards of sick leave from the sick bank as the Committee, in its discretion, deems appropriate. Awards of sick leave from the sick leave bank will be reported to the employee applying for the benefit, to the employee's department head, and to the Auditor. Donations of sick time to the Sick Bank will be reported by the Committee to the employee's Department Head and to the Auditor.

6.04.3 Implementation of PTO: Beginning January 1, 2017, no sick leave will be granted. However, full-time employees will be able to use any and all unused sick time which existed on December 31, 2016 as provided for in the Sick Bank provisions contained in 6.04.2.

6.05 LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT (FMLA)

The County recognizes an employee's rights and obligations under FMLA. This section shall be in supplement to all other benefit policies of the County and shall be referred to as the "Family and Medical Leave Policy."

For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SERIOUS HEALTH CONDITION" The Department of Labor has defined a "serious health condition" as involving any illness, injury, or physical or mental condition that involves:

- In-patient care in a medical facility; or
- Incapacity requiring three (3) days' absence from work, school, or other daily activities; and, supervision or continuing treatment by a health care provider; or
- A chronic, long-term, or incurable condition which is under the care, supervision, or treatment of a health care provider and if untreated would result in at least three (3) days' incapacity from work or other daily activities.

The County allows up to twelve (12) work weeks of unpaid leave during any twelve (12) -month period to an employee who requests the leave:

- To care for a newborn child, or a child who is newly placed in the employee's custody through adoption or foster care;
- To care for a spouse, child, stepchild, foster child or parent (but not a parent-in-law) who has a "serious health condition," or
- Because the employee has a "serious health condition," that makes the employee unable to perform his/her job.

The County allows up to twenty-six (26) work weeks of leave during any twelve-month period to an employee who requests the leave to be a military caregiver.

The twelve-month period starts the first day that the employee takes the leave. The provisions of this policy shall not apply to any employee of the County who has been employed for less than twelve (12) months or who has worked less than one thousand two hundred and fifty (1,250) hours during the preceding twelve (12) -month period. Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's annual FMLA leave entitlement.

An employee who seeks to obtain leave pursuant to this policy shall give at least 30 calendar days' notice of the leave, if possible. He or she shall also schedule medical treatment to cause as little disruption to his or her employment as possible.

6.05.1 Compensation for FMLA Leave

Employees will be required to first use any PTO leave before taking unpaid family leave. An eligible employee shall take any accrued PTO prior to taking unpaid leave under the FMLA. Such paid leave will be counted toward the employee's 12 work weeks of FMLA leave granted per leave year. For example, if an employee has one (1) week of PTO that can be applied toward the twelve (12) work weeks leave, then only eleven (11) work weeks unpaid leave needs to be provided.

6.05.2 Intermittent or Reduced Hours Leave

Under normal circumstances, any leave obtained pursuant to this policy shall be taken in consecutive days unless the Department Head and the employee agree to another arrangement. In the case of leave taken to care for a seriously ill spouse, child, or parent, or due to the employee's own serious health condition, an employee may take leave intermittently (i.e., periodically) or on a reduced hours schedule (i.e., reduced number of working hours per day or per week) only when such leave is medically necessary, as certified by the employee's or family member's health-care provider. Otherwise, such leave is not permitted except at the sole discretion of the County. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave.

When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the employee may take such leave for any period of a day, but the minimum period of leave is one hour. However, the employee will not be charged FMLA leave for periods of

time during which the employee is working. In accounting for FMLA leave taken, the County will charge the time taken on such leave based upon the actual work week of the employee. For example, if the employee has a 40-hour 5-day regular work week, and takes off one day (eight hours), the employee will be charged with using one-fifth (1/5th) of a week. If the employee works a part-time 30-hour week and takes off 10 hours of FMLA leave, the employee will be charged with using one-third (1/3rd) of a week. If the employee's work week varies from week to week to such an extent that the County is unable to determine with any certainty how many hours the employee would otherwise have worked (but for taking the FMLA leave), the County will use a weekly average of hours scheduled to work over a 12 month period prior to the beginning of the leave period (including any hours for which the employee took leave of any type) in order to calculate the employee's leave entitlement. If the employee would normally be required to work overtime but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the hours which the employee would have been required to work will be counted against the FMLA entitlement. For example, if the employee would normally be required to work 48 hours in a particular week but is only able to work 40 hours, the employee would be charged with using one-sixth (1/6th) of a week of FMLA leave. Voluntary overtime will not be counted against the FMLA entitlement.

6.05.3 Health Care Provider Authorization

In cases of leave to be taken to care for a seriously ill family member or due to the employee's own serious health condition, an eligible employee must provide the County with a completed and signed health care provider certification indicating that the employee requires FMLA leave. This certification must be returned to the County within 15 days after the employee gives notice of his or her intent to take FMLA leave, and must contain the following information:

- The date on which the eligible event commenced.
- The probable duration of the condition.
- The treatment regimen prescribed.
- Any appropriate medical facts within the health-care provider's knowledge regarding the condition.
- If applicable, a statement that the employee is needed to provide care for his or her spouse, child, or parent and an estimated duration of such need.
- If applicable, a statement regarding the medical necessity of intermittent or reduced hours schedule leaves.

Failure to return this certification in a timely manner may result in delays in securing authorization for leave, and failure to return the certification at all will preclude the employee from taking leave.

The County may also require, at its own expense, a second and third health care provider opinion if there is a question as to the validity of the certification provided by the employee.

An eligible employee also may be asked to furnish the County with subsequent health care provider certifications on a reasonable basis during the employee's leave period. An eligible employee's failure to furnish subsequent certifications may result in termination of the employee's right to leave.

An eligible employee on FMLA leave must submit to the County a medical release (i.e., fitness-for-duty certification) indicating that the employee is able to return to work. Failure to submit such a release will preclude the employee from being restored to his or her employment with the County.

6.05.4 Job and Benefits Security

An eligible employee who takes leave under the FMLA and who returns to work before his or her annual FMLA entitlement has expired, will be restored to the position he or she held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other terms and condition of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any unused employment benefits that had accrued to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave.

6.05.5 Continuation of Group Health Plan Coverage

Group health plan coverage will be maintained by the County during an eligible employee's period of FMLA leave to the extent and under the same circumstances as it ordinarily is furnished to that employee. The employee's portion of premium payments should be paid by the employee to the Auditor's office on the 1st and 15th of each month. The Auditor's office will notify eligible employees concerning the amount of each premium payment. Failure to pay such premiums during leave will result in the loss of health coverage. An eligible employee who fails to return to work after the expiration of the FMLA leave period for reasons that are not beyond his or her control will be expected to reimburse the County for health-care premiums paid by the County during the leave period. Insurance coverage provided as required herein during the course of a leave is not to be counted as COBRA coverage.

NON-DISCRIMINATION/NON-RETALIATION POLICY STATEMENT

The County will not (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or (3) discharge or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA.

6.06 MILITARY LEAVE

6.06.1 Military Leave

Military leave is granted in accordance with federal and state laws. Employees who are called to active duty or drafted into military service of the United States shall receive compensation from the County during active duty period of service based on the following formula:

$$\text{Compensation} = \text{County salary} (-) \text{military pay}$$

If the military pay meets or exceeds the County salary, the County will not pay compensation to the employee while on military leave.

6.06.2 Retirement Contributions

The County shall continue to contribute retirement benefits during the active duty period of service.

6.06.3 Health Insurance

If the employee has family or spouse health insurance benefits, those benefits shall continue for his or her family members during the period of service unless the County's contract for health insurance prohibits such continuation.

6.06.4 Exceptions

This paid military leave shall not apply to a period of re-enlistment that occurs during the involuntary service period.

6.06.5 Condition for Benefits

This payment of salary, pension contributions and health insurance contributions is conditioned upon three conditions:

1. The employee's return to work within 14 days or within the time prescribed by the Uniformed Services Employment and Re-employment Act of 1994, whichever period is greater;
2. The employee's honorable discharge from the military service or a regular de-activation status; and
3. The employee being able to perform the essential functions of his or her position with the County.

6.06.6 Definitions

“Uniformed Services” means the Armed Forces of the United States, a ready reserve component of the Armed Forces, Indiana National Guard Units, the commissioned core of the public health service, and any other service designated by the President of the United States in time of war or emergency.

6.06.7 Right to Reinstatement

Employees absent from their respective positions because of service in the uniformed services are, if honorably discharged, entitled to reinstatement, provided that the period of absence does not exceed five (5) years. If an absence exceeds five (5) years, reinstatement shall be available only under the exceptions set forth in 38 U.S.C. §4312(c). An employee is entitled to reinstatement only if the employee had, prior to the time of commencing uniformed service, given notice to the County of the anticipated service, and has at the conclusion of the military service reported for work, or made application for reinstatement as follows:

- if the uniformed service period is for thirty (30) days or less, the employee must report to work by the next regularly scheduled workday after allowing sixteen (16) hours for travel.
- if uniformed service is for more than thirty (30) days but less than 181 days, the employee must submit an application for reinstatement not later than 14 days after completion of uniformed service;
- if uniformed service is for more than 180 days, the employee must submit an application for reinstatement within the ninety (90) day period following completion of uniformed service.

Exceptions to these reinstatement time periods will be made when, because of a disability or hospitalization caused by uniformed service, or because of events beyond the control of the employee, the employee was unable to report to make application within the prescribed period of time.

Reinstatement shall be to the position last held by the employee, unless such position no longer exists, or the requirements of such position has so substantially changed that reasonable training will not qualify the employee for such position. In such circumstances, reinstatement shall be to a position similar in pay and duties. Reinstatement shall not be available, if during the period of military service, the employee would have been laid off from such position had the employee remained in public employment, and recall has not yet occurred.

6.06.8 Other Benefits

Benefit accruals, such as vacation, PTO, or holiday benefits will be suspended during the leave and will resume upon the employee's return to active employment.

6.06.9 Rights of Employees Related to Military Personnel

If an employee is the spouse, grandparent or sibling of a person who is ordered to active duty in the United States armed forces or the National Guard, they are eligible for up to ten (10) days of an unpaid leave of absence each year. These days can include anywhere from thirty (30) days prior to active duty, during the time of active duty, or thirty (30) days after active duty. Employees will be required to provide written notice and a copy of the active duty orders, if available, before taking the leave. Employees who have vacation or PTO will be required to use those days prior to taking unpaid leave. Upon return from the leave, employees will be restored to their position. Employees will continue to participate in all benefit plans during the period of absence.

6.07 JURY DUTY

It is the policy of the County to support our employee's civic responsibility to serve for jury duty. Employees who present a copy of the subpoena for jury duty to their supervisor are excused from their work schedule on the days required for participation in jury duty. Employees that are called to jury duty shall be paid their regular salary or wage, less any jury duty pay, during jury duty days that would normally be a work day.

6.08 MATERNITY LEAVE

An employee who is unable to work because of pregnancy, child delivery, or other pregnancy-related causes, shall be treated for purposes of sick leave, vacation leave, leaves of absence, and other benefits as any other employee with a medical disability.

6.09 NURSING MOTHERS

Employees who are nursing mothers of children up to one (1) year old will be provided with reasonable breaks to express breast milk as frequently as needed. Employees will be provided a place for the break, other than a bathroom, that is shielded from view and free from intrusion. Employees who wish to express breast milk during the workday must notify their department supervisor/manager, either before or after returning to work following their maternity leave. Breaks taken by employees in order to express their breast milk will be paid.

Employees are responsible for providing their own breast pump. Employees may use refrigerators on the premises to store breast milk during work if such refrigerators are available. If no such refrigerators are available, employees will be responsible for their own storage of breast milk. Employees are also responsible for cleaning up the area

provided for the expression of breast milk and to take reasonable efforts to keep the area free from contamination and illness transmission.

6.10 VOLUNTARY FIREFIGHTERS

If an employee of the County also serves as a volunteer firefighter for any entity or serves as a volunteer member of any fire department, such employee shall notify the County in writing of his/her volunteer status by completing the Notice of Volunteer Firefighting Services (Appendix A-3). Such Notice shall be provided to the employee's supervisors.

No employee who has provided the Notice of Volunteer Firefighting Services to his/her supervisor shall be subject to discipline for the following actions:

- 1) For performing his/her volunteer firefighting duties in response to a fire or emergency call when the employee receives notice of such fire or emergency call prior to the time in which he/she is required to report to his services as a County employee.
- 2) For temporarily leaving his/her place of employment with the County during his/her working hours in order to respond to and/or provide volunteer firefighting services in response to a fire or emergency call provided the supervisor of such employee has provided approval to the request to leave his/her place of employment.

In addition, no employee who has provided the Notice of Volunteer Firefighting Services to his/her supervisor shall be subject to discipline for an injury or for an absence from his/her employment with the County as the result of an injury when such injury occurs as the result of the employee performing emergency duties as a volunteer firefighter provided the following has occurred:

- 1) The absence from the employee's place of employment with the County does not exceed six (6) months from the date of injury; and
- 2) The employee provides his/her County supervisor with written statement from the fire chief, other officer in charge of the volunteer fire department or other officer in charge of the volunteer emergency medical services association. This statement should indicate that the employee was injured while performing duties as a volunteer firefighter in response to emergency firefighting or another emergency activity; and
- 3) The employee further provides his/her County supervisor with a written statement from a physician or other medical care provider which shows the injury incurred is related to the employee's emergency firefighting or other emergency response activities and which indicates the type of treatment received for such injury. Any information obtained by the County as the result of this requirement shall be kept by the County in a separate medical file for such employee and treated as a confidential medical record.

7. DISCIPLINE POLICIES

7.01 DISCIPLINARY POLICY

7.01.1 Administrative Employees: The discipline policy for inappropriate behavior, performance shortcomings, or attendance problems is generally progressive. That is, minor offenses or performance issues will generally be handled through the following progressive steps: oral warning, written warning, suspension without pay, and termination; however, depending on the seriousness of the offense, one or more of the progressive steps may be bypassed. Certain violations of County Policies or protocol may be so severe or egregious as to compel termination of employment even for the first offense. Additionally, there may be situations where transfer or demotion is used in lieu of suspension or termination.

A supervisor may discipline an employee who violates work rules including provisions of this handbook and may impose any of the following disciplinary actions without a hearing:

1. Verbal warning
2. Written reprimand
3. Suspension from work (with or without pay)
4. Discharge.

Supervisors shall meet with his or her employee to discuss the disciplinary measure. Email communications shall not be used for this purpose.

All disciplinary actions shall be documented on the Notice of Discipline Form. The employee and supervisor shall sign and date the Form and a copy shall be placed in the employee's personnel file.

These offenses are illustrative and not all-inclusive.

- Willful neglect in the performance of the duties of the position to which the employee is assigned.
- Disregard of or failure to report violations of County ordinances, policies and regulations, including safety rules.
- Willful misuse, misappropriation, negligence or destruction of County property or conversion of County property for personal use or gain.
- Tardiness or absence from duty without prior approval from the supervisor.
- Violation of any official order, refusal to carry out lawful directions given by his or her supervisor, or other acts of insubordination.
- The use of alcoholic beverages, narcotics, drugs, or other controlled substances either while on duty or use that causes interference with job performance or efficiency of County service.
- Criminal, dishonest, or other conduct which interferes with job performance or has an effect on the efficiency of County service.

- Unauthorized release of privileged or confidential information or its use for private gain.
- Incompetent or unsatisfactory performance of duties.
- Conviction of a crime, including but not limited to charges such as DWI, Public Intoxication, and Reckless Driving.
- Knowingly giving false statements to supervisors or other officials.
- Any conduct, on or off-duty, that reflects unfavorably on the County as an employer.
- Membership in any organization which advocates the overthrow of the government of the United States by force or violence.
- Making of a false statement in an application or in any other document used to obtain employment which had not been previously discovered.
- Acceptance of gratuities in violation of County policy.
- Refusal to be examined by a designated physician when so directed by proper authority.
- The loss or suspension, inability to obtain, or restrictions upon an Indiana Operator or CDL License which prohibits or limits the employee's ability to operate a County motor vehicle or otherwise interferes with an employee's job performance.
- Failure to wear the designated uniform provided by the County.
- Any other conduct or action of such seriousness that disciplinary action is considered warranted.

7.01.2 Police Officers: Police officers are subject to the disciplinary rules required by Indiana Merit Law and the Department's Standard Operating Procedures, rules and general orders.

7.02 IMMEDIATE DISMISSAL/MISCONDUCT

7.02.1 Administrative Employees: Any employee whose conduct, actions or performance violates or conflicts with the County's policies may be terminated immediately and without warning.

The following are some examples of grounds for immediate dismissal of an employee:

- Breach of trust or dishonesty
- Conviction of a felony
- Willful violation of an established policy or rule
- Falsification of County records
- Gross negligence
- Insubordination
- Recordkeeping falsifications
- Undue or unauthorized absence from duty
- Deliberate non-performance of work

- Larceny or unauthorized possession of, or use of, property belonging to the County, a co-worker, visitor, or customer of the County
- Possession of dangerous weapons on County property
- Excessive absenteeism or lateness
- Marring, defacing or other willful destruction of supplied, equipment or property of the County
- Fighting or serious breach of acceptable behavior
- Violation of the alcohol or drug policy
- Violation of the Smoke Free Ordinance pertaining to municipal property
- Theft
- Violation of the County's conflict of interest/outside employment policy and or confidentiality policy
- Leaving work premises without authorization during working hours
- Sleeping on duty

This list is intended to be representative of the types of activities that may result in disciplinary action. It is not exhaustive, and is not intended to be comprehensive and does not change the employment-at-will relationship between the County and its employees.

In the event of dismissal for misconduct, all benefits end effective the day of dismissal. COBRA may not be available to anyone dismissed for gross misconduct.

7.02.2 Police Officers: Police officers are subject to the disciplinary rules required by Indiana Merit Law and the Department's Standard Operating Procedures, rules and general orders.

8. SEPARATION POLICIES

8.01 TERMINATION OF EMPLOYMENT

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Department Heads will schedule exit interviews for their employees at the time of employment termination. The supervisor shall conduct an exit interview on the approved exit interview form

8.02 VOLUNTARY RESIGNATION

An employee should provide his or her supervisor with two weeks written notice if choosing to resign from employment with the County.

8.03 REDUCTION IN FORCE

An employee may lose employment as a result of a reduction in force action taken by the County.

8.04 RETURN OF COUNTY PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. An employee must return all County property to his or her supervisor on or before the last day of work. County property may include, but is not limited to:

- County identification and/or security access cards
- County issued uniforms
- Keys to County properties or equipment
- County provided vehicles, equipment, radios, cellular phones, computers, tools, etc.
- Any additional County-owned or issued property
- For police officers, all badges, seals of the County, and patches that identify the officer as a sworn officer of the County must be returned to the Sheriff or his designee, subject to the Department's Standard Operating Procedures, rules and general orders.

8.05 COMPENSATION UPON TERMINATION

Employees who terminate their employment from the County will be paid for all time worked and compensatory time, less appropriate deductions on the next regular pay day according to the applicable federal and state laws. The amount of unused compensatory time will be calculated at the average regular rate received by such employee during the last three years of the employee's employment or at the final regular rate received by such employment, whichever is higher.

8.06 IMPACT ON BENEFITS

When an employee separates from employment with the County and when enrolled in the County medical, dental and/or life insurance plans, the employee's participation in these plans will end on the last day of active employment. The separating employee may be eligible to continue health care coverage after leaving. A notice summarizing the right to elect continued health care coverage (COBRA) and a summary of the cost will be sent to the employee's home a short time after coverage ends. Updated mailing information should be given to the Auditor.

8.07 BENEFITS UPON SEPARATION OF EMPLOYMENT: CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 (COBRA)

8.07.1 COBRA Coverage

Employer sponsored group health plans may be continued at the expense of the insured for qualified persons under certain circumstances as provided by COBRA or applicable state laws when coverage might otherwise be terminated.

8.07.2 COBRA Qualifying Events

The qualifying events under COBRA are as follows:

- Termination of employment (except for gross misconduct) or reduction in the covered employee's scheduled work hours if it results in loss of coverage;
- Death of a covered employee;
- Divorce or legal separation of the covered employee from the employee's spouse;
- The employee's eligibility for Medicare benefits (the employee's qualified beneficiaries are then entitled to continuation of coverage, not the employee); or
- Bankruptcy of the employer on or after July 1, 1986, with respect to a covered employee who has retired at any time. Loss of coverage includes a substantial elimination of coverage within one year before or after the date of commencement of bankruptcy proceedings.

The employee must notify the Auditor's office within three (3) days of a qualifying event.

9. REPEALER

9.01. EFFECT OF ADOPTION OF RULES

Upon adoption by the Board of Commissioners and County Council, these rules shall govern the employees of the County. Employees of the Police Department shall also be subject to the General Orders, Standard Operating Procedure and rules of the Police Department. All terms of the handbook are effective January 1, 2019, except as otherwise noted.

Form A-1
EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

**(PLEASE COMPLETE THIS FORM, REMOVE THIS PAGE AND RETURN IT
TO THE AUDITOR'S OFFICE).**

This Employee Handbook summarizes the County's policies, procedures, and benefits for its employees. The Police Department may also have additional policies outlined in the Standard Operating Procedure Manual. It is not intended to cover everything, nor is it a contract of employment. From time to time, changes may be needed and the County reserves the right to make such changes and communicate those changes to employees.

By signing below, I acknowledge that I have received a copy of the County Employee Handbook, revised _____, 2019. I agree that, as an employee, it is my responsibility to read this manual, to ask questions of my supervisor if I need additional information regarding items covered in this manual, and to abide by and observe any and all of the information, policies, and procedures explained in this manual. I also understand that the County may periodically change policies, benefits and procedures and that I will be responsible to abide by and observe such changes.

Civilian Employees

_____ I have entered into my employment relationship with the County voluntarily and acknowledge that there is no specific length of employment. Accordingly, either the County or I can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Police Officers

_____ I have entered into my employment relationship with the County voluntarily and acknowledge that The Sheriff Merit Board is responsible for hiring, firing and disciplinary measures for Police Officers.

Employee Signature

Date Signed

Printed Name

Department

Division

Form A-2

AUTOMATIC ENROLLMENT NOTICE

All full-time employees are automatically enrolled in a comprehensive group insurance program that includes medical, dental, life, and accidental death and dismemberment. Automatic enrollment may be subject to a waiting period.

If you wish to opt out of enrollment in comprehensive group insurance, please sign below and return this form immediately for processing. If you opt out of the comprehensive group insurance program, you are required to provide proof of alternative coverage.

Notice of Opt-Out:

I opt-out of being automatically enrolled in the County's comprehensive group insurance program. I understand that I am required to provide proof of alternative coverage and that by opting-out of the County's insurance coverage; I may be subject to tax penalties if I do not have alternative coverage.

Employee

Date

Form A-3
NOTICE OF VOLUNTEER
FIREFIGHTING SERVICES

I hereby affirm that I am a volunteer firefighter for or a volunteer member of the _____ Fire Department.

As required by the terms and provisions of the County Employee Handbook, I hereby agree to provide prompt notice to the County of all such circumstances in which my services as a volunteer with the above-named Department shall impact any obligations or duties I have as an employee of the County, including but not limited to any time in which I may be absent from my employment as a County employee as the result of such volunteer services.

Date: _____

Printed: _____

Received by _____ on _____, 20__.

Sick Bank Donation Form

I hereby donate _____ hours of my unused sick time or unused PTO (circle one) to the Montgomery County Sick Bank.

1. Acknowledgement: I am a full-time employee of Montgomery County, and I understand that under Section 6.04.2 of the Employee Handbook, I have the right to donate my unused sick time which existed on December 31, 2016 or my unused Paid Time Off (PTO) to the Employee Sick Bank. I understand that any hours donated by me and other employees will then become available for other employees of Montgomery County who need sick time because of the employee's illness or the illness of the employee's spouse, child, stepchild, grandchild, step-grandchild, parent, mother-in-law or father-in-law.

2. Irrevocable Donation: I understand that once I donate these hours, I cannot get them back.

3. Applying for Sick Bank Time: I understand that any full-time employee may apply for sick leave from the Sick Bank by making a written application for sick bank hours. This application must be submitted to the Administrative Assistant of the County Commissioners.

4. Award of Sick Bank Leave: The Sick Bank Committee consists of 3 employees or elected officials appointed by the County Commissioners. The Committee reviews all applications and makes awards from the hours in the sick bank. The Committee will decide to reject or grant sick bank leave as it, in its discretion, believes is appropriate. All decisions of the Committee are final.

5. Reporting of Sick Bank Awards: The Sick Bank Committee will report all decisions regarding applications to the applicant, the applicant's department head, and to the Auditor.

6. Reporting of Donations: The Sick Bank Committee will confirm all donations with the employee, the employee's department head and the Auditor.

I acknowledge the receipt of the information contained in this form and do hereby make my donation this _____ day of _____, 2019.

Employee

Received this _____ day of _____, 2019.

Lori Dossett, Administration Assistant
Montgomery County Commissioners

Action by Administrative Assistant:

_____ 1. Confirmation sent to employee: _____ (date).

_____ 2. Notice of Donation sent to department head: _____ (date)

_____ 3. Notice of Donation sent to Auditor: _____ (date)

Sick Bank Application Form

I hereby request _____ hours from the Montgomery County Sick Bank.

1. Purpose of Request: I am requesting sick leave from the sick bank because:

- ☐ a. I am in need of additional sick leave for an illness or injury;
- ☐ b. I am in need of additional sick time because of the illness or injury of my:
 - ☐ i. spouse
 - ☐ ii. Child
 - ☐ iii. Stepchild
 - ☐ iv. Grandchild
 - ☐ v. Step-grandchild
 - ☐ vi. Parent
 - ☐ vii. Mother-in-law
 - ☐ viii. Father-in law

2. Status of my Leave Rights: I currently have available to me the following leave rights:

- ☐ a. _____ hours of unused sick leave (from December 31, 2016); and
- ☐ b. _____ hours of unused Paid Time Off (PTO)

3. Describe circumstances which make this additional sick leave necessary:

4. State any of facts you would like the committee to consider:

Acknowledgments

1. Acknowledgement: I am a full-time employee of Montgomery County, and I understand that under Section 6.04.2 of the Employee Handbook, I have the right to request additional sick leave from the Montgomery County Sick Bank. I understand that this request may be granted or denied by the Sick Bank Committee. I understand that I have no right to the additional sick leave for which I am applying and that the Committee has the discretion to grant or reject my request as it deems appropriate. I also understand that the decision of the Committee is final.

2. Use of Sick Bank Leave: I understand that in order to be eligible for sick bank leave, I must need the leave for myself because of the illness or because of the illness of my spouse, child, stepchild, grandchild, step-grandchild, parent, mother-in-law or father-in-law.

3. Applying for Sick Bank Time: I understand that any full-time employee may apply for sick leave from the Sick Bank by making a written application for sick bank hours. This application must be submitted to the Administrative Assistant of the County Commissioners.

4. Award of Sick Bank Leave: The Sick Bank Committee consists of 3 employees or elected officials appointed by the County Commissioners. The Committee reviews all applications and makes awards from the hours in the sick bank. The Committee will decide to reject or grant sick bank leave as it, in its discretion, believes is appropriate. All decisions of the Committee are final.

5. Reporting of Sick Bank Awards: The Sick Bank Committee will report all decisions regarding applications to the applicant. If the request is granted, the approval will also be reported to your department head and the Auditor.

6. HIPPA Waiver: I understand that my personal health information is private. I also understand that in making this application I may be providing personal health information regarding myself or others. I also understand that Montgomery County has a policy in place to protect my personal health information and that the information I provide to the Committee will be treated as personal health information and protected from disclosure to any persons not on the Committee. A copy of my rights under HIPPA are attached.

I acknowledge the receipt of the information contained in this form and do hereby make my application this _____ day of _____, 2019.

Employee

Received this _____ day of _____, 2019.

Lori Dossett, Administration Assistant
Montgomery County Commissioners

Action by Administrative Assistant:

- _____ 1. Confirmation sent to employee: _____ (date).
- _____ 2. Application copied on green paper and delivered to Committee: _____ (date)
- _____ 3. Committee Meeting scheduled: _____ (date)
- _____ 4. Notice of Decision mailed to Employee: _____ (date)
- _____ 5. If granted, notice sent to Department Head and Auditor: _____ (date)

HIPAA Bill of Rights

Employees have the right to

- A. Receive a copy of the employer's notice of privacy practice (in handbook)
- B. Receive notice of requests for access
- C. Receive a copy of their records
- D. Make requests for corrections of their records
- E. File complaints with employer, healthcare providers and Department of Health and Human Services
- F. Receive Notice of a breach of their unsecure PHI

Grievance Procedure

1. Employers must provide a grievance procedure for employees.
2. Complaint to department head or, if the Department Head is the alleged violator, then to County Commissioners.
3. Department head or Commissioners notifies Grievance Committee and County Attorney
4. Grievance Committee investigates complaint and makes findings within 10 days
5. Employees violating HIPAA policy will be subject to discipline
6. County must mitigate the effects of any violation
7. County may not retaliate or intimidate any employee who exercises his/her rights
8. County cannot require employee to waive his/her rights
9. County must ensure that health plan does not require waiver